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CONGRESSIONAL RECORD AND APPENDIX,

FIFTY-SIXTH CONGRESS, SECOND SESSION.

Mr. ALLEN. Is not that a conclusive argument against this amendment?

Mr. MORGAN. If the Senator knows of any argument that is conclusive against the other side I wish he would state it. I do not know of any, when they came up solidly to-day on the point of order, and as they will come up solidly for this amendment without batting eyes or making wry faces. But there is one tribunal, and I am getting a good deal shaky about it, and that is the Supreme Court of the United States.

Mr. ALLEN. Does the Senator mean to say that the other side of the Chamber would override a plain provision of the Constitution?

Mr. MORGAN. No, sir; they never override it; they always dig under it. They are not bold enough to come out and override it and say, "We defy this instrument." They will slip around it; they will mine under it; they will go under it.

Mr. BUTLER. Will the Senator, since he has broken the chain of his argument, allow an interruption? The Senator refers to the fact that this provision gives the President the power to dispose of all these lands to other persons whom we will appoint. I should like to ask the Senator if the President has not that power now?

Mr. MORGAN. No; and I want to show why.

Mr. BUTLER. Has he not that power without the enactment of this provision?

Mr. MORGAN. The Spanish law prohibited the sale of land or the gift of land except by the Crown. The President is not the Crown because he is administering the Spanish law.

Mr. BUTLER. May not the President in exercising his authority as Commander in Chief of the Army under the military occupation have such power and capacity as will allow him to dispose of the land?

Mr. MORGAN. He could not, because the Constitution of the United States says that no title of nobility shall be conferred upon any man, and it is in virtue of a title of nobility or royalty, the royal prerogative of the Crown, that the lands can be disposed of. I argued, as you will remember, in the opening of my remarks to-night, that the Constitution of the United States had shorn the President of all possible claim to the shadow of prerogative—that is, the prerogative right of the Crown. The President of the United States can not have a prerogative right. He can not inherit it any more than he can inherit a scepter from another government. So that settles that point.

The object is to get rid of these laws. It is to open a door for the disposal of these lands. Here is Judge Taft, who is a very able lawyer, and I have no doubt at all a man of very high character. That is his reputation, and I firmly believe he is entitled to it. He says that the lands can not be disposed of without an act of Congress, but the act of Congress that he proposes is to vest that right, first, in the President, and make him the conduit to vest it in some person he will designate, and then have the lands disposed of according to his direction. That is the way to get them out. This whole arrangement in regard to the lands is for the purpose of escaping from the strictures that Spanish law puts upon the lands and prohibits them from being sold by anybody. Any sovereign could grant them and does grant them and did grant them, a free gift, in thousands and millions of cases.

Mr. BUTLER. The President has almost imperial power there now, but this is one important point, then, in which this amendment would clothe the President with power that he does not now have.

Mr. MORGAN. Mr. President, the Senator has used the word "imperial." Mr. Jefferson also used it, and Mr. Madison, and so have others used it in respect of this Republic, and called it an imperial Republic. The imperialism that has been suggested against the movement and principles that control the Republican party has been misnamed, I think. The right name is absoluteism—absolute, despotic, irresponsible power. It may belong to an empire or it may belong to a county; it may belong to a city government; it is absolute.

The powers that the Republicans have asserted, that the Democrats called imperialistic, are such as some emperors or autocrats have used, but absolute power is the thing that the despot, the autocrat, the tyrant, in whatever form he may exist and employ his powers, wants to have. That is the power that is in this proposed act. It is absolute power, the power of disposal without responsibility and without hindrance.

Now, just there, if you will allow me, I can characterize this thing still more pointedly by another feature of the amendment, which is a very important one and a very striking one. There is in the Government of the United States a peculiarity of our Constitution, somewhat resembling the British constitution, but not exactly. A much better establishment ours is. It is that the sovereign power of the Government, which we call the legislative, executive, and judicial, the triune power, is each vested in a separate department.

I have shown to-night how in regard to the legislative, the executive, and the judicial powers they are vested by the Constitution in departments to be constituted by act of Congress. This bill agglomerates these powers. These departments are run into one and placed in the hands of one man, the executive, legislative, and judicial powers. That is undeniable. If there was no other objection to this provision that is sufficient—the vesting of power in one man in order that he may vest it in other people, and in that investure of power the three departments that distinguish this Government from other governments of the world are run together in the hands of one man, and it disrupts the Government down to its foundation.

You might just as well tell me that you can invest the Committee on the Inaugural Arrangements, of which the distinguished Senator from Ohio [Mr. HANNA] is chairman, with the executive, judicial, and legislative powers of the District of Columbia, over which Congress has unquestionable paramount power and jurisdiction, and enable him to exercise all of these powers, as to invest Mr. McKinley as President of the United States with the executive, legislative, and judicial powers; and for a very much better reason the Senator from Ohio would be entitled to it, because he does not now hold any office except that of Senator.

He is entitled to a share in the legislative power as a member of the National Legislature, but if you can do what is proposed by this amendment in the Philippine Islands, where Congress has full, unlimited power, as it is contended and as I concede, short of the violation of the Constitution, you can take the District of Columbia and unite the executive, the judicial, and the legislative powers in the hands of any one man or any one committee or any one tribunal, and nobody in the world can question it, if you will admit the power of Congress to transfer the powers and authority of one of the constitutional departments of the Government into the hand of another.

Establish the doctrine that Congress has the right to pass this bill and to invest these powers in the hands of one man, the President or not, and then transfer it into the District of Columbia, where Congress has supreme and unquestioned constitutional power, and let us pass a law here that one man shall be the executive and the judge and the legislature, and you have got just as much right to do it for the District of Columbia under those conditions as you have for the Philippine Islands. The breach of right, the breach of constitutional duty, depends upon the fact that you violate the Constitution in blending the powers of these departments in the hands of one man. There is where it is.

I do not think there is any laughing matter about that in this bill. If I understand the Constitution in the slightest particular at all; if I have any conception of it, that is a gross, inexcusable violation of it, and one that will break it down whenever it strikes the judgment of a court that has got authority to question it.

This measure—ominous and dangerous—if enacted, will become an instrumentality of evil and excessive power, but when it comes to its final end it will sink out of sight in a second, and the sword of justice will strike it in the name of the Constitution, and it will go down, never to revive. It is a thoroughly unconstitutional measure.

In regard to the powers that are to be exercised in the Philippines there is another which I will dwell upon to some little extent, although I am satisfied in doing so I shall strengthen the measure with the Republican side of the Chamber. I refer to the power to enact laws for the collection of customs duties in the Philippines. Amongst all the opportunities that are presented by this measure, the inducements, the enticements, and the temptations, there is none that strikes the attention of the Republican leaders of this country so forcibly as the opportunity to convert the Philippines into a kitchen garden of the United States and to work it for all it is worth. The symptoms of this trouble broke out in Porto Rico, and that which was in the President's mind a plain duty became so clouded under the inducements and the persuasions and arguments of his friends that he turned against it and kicked it off like an old slipper.

It was the tariff question, it was the power to hold dependent islands and colonies that you could tax at pleasure and that you could compel to go into the channels of trade that would carry all the cream of traffic into the pockets of a few men in the United States. It was, in other words, that organic trouble of the Republican party, which has appeared in every prominent act of legislation in this country since the organization of that party, whether relating to finance, relating to the tariff, or relating to the distribution of the revenues of the country into channels that would make men rich, including the national-bank system, etc., and breaking down the State-bank issues by taxation—it was the abuse of the power of taxation.

That is the strong card of the Republican party; it has been and it will be; and it is in this bill; it is in the Porto Rican bill; it is in the Cuban suggestions that are to be put as a wing to this bill—the opportunity to grow rich by the abuse of the power of taxation.

What is the power of taxation in the United States as to the sum that may be levied or the extent of it? Suppose you levy a

direct tax upon a piece of property or a license tax, or any other form of taxation, an impost, a customs duty, upon any piece of property or any class of property, what amount would you put on? Any amount that you please. There is no limit to the amount.

In order to have the Supreme Court sustain your tax you have nothing to do except what was done in the act taxing the State banks—profess in your bill that it is a revenue measure and that that is your purpose in levying the tax. It does not make any difference how infamous and black a cause may be proven by surrounding circumstances, the Supreme Court can not look outside of the four corners of your act, and they say, "Inasmuch as Congress says that this is a revenue measure, that is all we can make of it; we accept that on their statement," and you can raise your tax to absolute prohibition, so that not one dollar will come into the Treasury and so that the industries upon which it is levied will be absolutely extinguished.

But if you stand there and lie like gentlemen and say, "That bill is a tax bill for revenue, because the bill so expresses it," the Supreme Court will say, "Well done; that is your right, and we sustain the law;" whereas if you express in the bill the real purpose of it, the court would not sustain it. Therefore, the power of taxation, both as to the subjects of taxation and the amount that can be levied, is entirely beyond the control of the courts of this country.

There never was a despot, there never was a usurper, who undertook to march at the head of armies for the conquest of the liberties of people, his own people or those of other countries that he might choose to visit, who did not begin by the abuse of the power of taxation. He filled his coffers by wringing the money from the people through that abuse. That has been the chief, startling, uniform abuse of Bourbon Spanish power in Cuba, in Porto Rico, in the Philippines, and in all countries subject to their jurisdiction, particularly of their colonial dependencies.

What else but that was it that provoked the Cubans into war? What but that caused the Tagalogs to become skillful and brave and powerful in battle through two centuries of resistance? The Spanish Government took the church and the friars and made the friars the assessors and the collectors of taxes on the people and gave them power to confiscate estates to pay the taxes; and they so oppressed those people that once in a while they would fly out in a spasm of despair and anger and make an assault upon that great power. That is the history of Spanish rule in the Philippines, and that is the root of the matter.

When we come to answer the question why is it that the Filipino hates every white man in the world, it is because the white men, the Spaniards, have been their oppressors in this form of taxation.

I have the statement here of Mr. Edwards, the great grandson of Jonathan Edwards, who delivered the statement to me after having lived in Manila, in the Philippine Islands, for more than twenty-five years, one of the most elegant gentlemen I ever met, a large wholesale merchant and importer and exporter there. He said he had seen a friar meet a Filipino in the street, with an assessment in his pocket, which he had made up as to the amount of taxes that man was to pay, and he would go and demand of him the money in the street. The man would say, "I have not got the money with me." "Never mind, sir; walk off to jail," and, according to the Spanish custom, whenever a man is put in prison upon any accusation of disobedience to governmental authority, he is required to make a deposit, as you all know. That money is deposited to cover all the expenses of his living and all the probabilities of cost that could be inflicted upon him before he is allowed to come out of incommunicado or even employ counsel. This man was incarcerated, and while he was thus incarcerated his friends came and made the deposit for him, whereupon he had the right to employ counsel for his defense; but in the meantime, before his counsel could come to the court and enter his plea, his property had been confiscated.

Here were two brothers by the name of Cortez, who came here with a claim of a million dollars that had been wrested out of them by the Spanish Government in this same way—by confiscation of their property for refusal, as it was alleged, to pay taxes. The Government seized the property and sold it; but they got the money just in the nick of time, so that when our troops entered Manila they found the money on deposit and it could be identified; and they came here and asked to have it restored to them. After a long effort made with the Secretary of War he became finally satisfied with the facts and restored the money to these two gentlemen. I saw them frequently while they were here. They were seeking my advice and assistance in getting their money back.

Mr. President, the Spanish régime in these islands brought upon Spain and is now entailing upon us all of these troubles of insurrection, murder, death, and rapine growing out of the fact of the abuse of the power of taxation by Spain. I could not give you a better illustration, nor one more true.

This bill is to be and is the root of the power which will result in the abuse of taxation. How? We have a very great amount of sugar in consumption, and our friends of the beet sugar persuasion and some of our friends along down on the coast—I do not know whether they are in Florida or not—are insisting upon the maintenance of a pretty high sugar tax, notwithstanding the opportunity it may afford to the trust to fix the price.

The production of the Philippine Islands must not be admitted into the United States like the sugar production of Louisiana is admitted into Mississippi and Texas. That will not do. They must be held in such a way as that, being in the Union, they are out from under the protection of the Constitution, and are the subjects of taxation unlimited; and this bill is of a piece precisely with the Porto Rican act.

Upon the subject of the tariff it is animated by the same purpose of abuse; its execution will be upon the same lines; and if it is possible to make it work through the decision of the Supreme Court now about to be made, or through their failure, as was announced to-day was probable, to decide the question, here is a great field for working this kitchen garden of the United States through taxation, discriminative taxation. Hawaii got in before they formed their plans.

I had the honor of being in that commission with my friend the senior Senator from Illinois [Mr. CULLOM], and we brought Hawaii in so as to enjoy fully and perfectly the same rights that New Mexico, Arizona, and Oklahoma enjoy, as a Territory of the United States, without any discrimination against her sugar, and yet she produces enormous amounts of it. She makes more to an acre than any other country in the world every made, or, I suppose, ever will make. Eleven tons of beautiful, bright, brown, sugar to an acre of ground I think must be the maximum of sugar production, and yet I have been on three plantations in Hawaii where that was the production for the whole crop, running to over 1,500 to 3,000 acres of land on a plantation.

The Philippines must be kept so that certain classes of men in this country can reap harvests of riches through the abuse of the power of taxation; and if you will put them under this bill in the hands of the President of the United States and allow him to control the destiny of that country and to manage these taxes to suit his friends, they will make out of it all that they want before the Government and people of the United States can ever undo it again and get their rights.

Not that alone, but various other markets will be held in the United States, not for the enrichment of the Philippine people, not for the enrichment of the great body of the consumers, the people of this country who consume things, but for the enrichment of the men who have got the capital to make the trust combinations and control the profits of the business. That is where it is going to.

Mr. President, I set my face against that one proposition whenever and wherever I meet it, and against any measure, it makes no difference who may advocate it, which contains any symptom of this enormous outrage against the people of this country—the abuse of the power of taxation.

Another temptation, which has been spoken of by Judge Taft in terms of commendation and hopefulness as to its great outcome, is the introduction into the Philippine Islands of corporate combinations. He invites them; he pleads that they shall be brought there; and he says that they will be great instrumentalities in developing that country. Mr. President, I have been in the sound of that siren note since I was a child, and in trying to come to the real truth of the situation, I find, in my judgment, the man who does the work well, faithfully, and skillfully is the man who develops a country, not the man who lends the money to do it and gets his percentage out of the wages of the laborer.

What we want to do in the Philippines for the benefit of those people after we have introduced Christian ideas among them—and yet they are all Christians in a certain sense—is to educate, to lift them up, to inspire them with confidence through the cultivation of their faith in our honesty and our good intentions, and stimulate them to industry by making at least a fair deal between them and the people of the United States. That is what we want to do to lift them up. We can not lift those people up by covering up that country with corporate power and putting all its rich resources into the hands of monopolies and trusts. Disaster will come to the common, miserable, poor people, ignorant and untrained, if the benefit of being employed at day's wages or upon their own lands and working for themselves is denied to them, and the profit of their labor is to go to the trusts, if ever they get in the grasp of these great combinations.

Mr. President, I have been an expansionist, and I am now, but I have never thought of expansion as a means of injuring the people over whom our authority should extend. God knows that if I had detected or could have detected or now were to detect in a movement for expansion a purpose to lift up these men who have usurped all the great industries of the United States and put them in the grasp of trusts, and fasten them upon those people in the Philippines, in Porto Rico, or elsewhere, I should be in favor of getting rid of those islands in order to drive those men off. I would

not give the islands back to Spain, but I would make some other provision. I would save them from a fate of that sort.

By taking those people into the jurisdiction of the United States I believe, Mr. President, we have conferred blessings upon them that are indescribable in their greatness, in their variety, and in their far-reaching effect. This is not the proper place or a necessary occasion for a man to express views upon the actual guiding hand that has developed these great powers, but I can refer here to some facts in connection with them that you will not deny the importance of, and which, I think, you are prepared to admit.

One of the troubles, and perhaps the most important and serious trouble under which these people have labored from Porto Rico to the island of Sulu, has been the union of church and state, the church being used as an arm and instrumentality of civil government, and the state living off the division of tax spoils of the church, which have been wrung out of the people of that country. When Thomas Jefferson, in the house of burgesses in Virginia, first proclaimed, as he did, in the midst of tumult and scorn and hissing, that great and universal doctrine which lies at the very foundation of republican institutions—the divorce of church and state—he inaugurated the soul and spirit of the movement that to-day witnesses its consummation in the assemblage of this august body within this great Chamber.

When the blow was struck which gave Porto Rico American liberty, the liberty of the United States—to Cuba the promise of it when she has the wisdom to exercise it, and to Porto Rico the right to it, which she now in some sense repudiates; but I am glad to see she is coming around—when that blow was struck it severed a cord, never to be reunited, which bound those islands fatally to despotism and depravity.

That blow severed the relations between church and state; and from thence forward the divorce was consummated. Never will they be united again. Through that principle operating amongst those people, as the same principle operated in the American colonies, there will come light, freedom, liberty, conscience, self-reliance, justice, and aspirations, and these men will feel that in fact and in deed they are men, and not the mere puppets of power. That has been accomplished.

In connection with that, there is one fact in our history which stands out preeminent above all other facts of the recent past to show the wisdom—whether it was Divine or human makes no difference—of our having established ourselves by the treaty of Paris upon the islands of the Philippine Archipelago. When this same union of church and state in China opposed itself to treaties guaranteeing the right of Christian denominations to go there and disseminate truth among a populace who had a double prejudice—one against Christianity and the other against foreigners and all friends of foreigners in China—there came an outbreak such as no nation in this world ever witnessed, certainly not in modern times.

Mr. President, if we had been in a state of profound peace in this country, without any drilled and hardened soldiers in the field, or if we had been without such officers to lead them as Chaffee, who came up from the ranks to a major-generalship, or if we had been without the preparations that were attendant upon the recent war with Spain, in which glories of military renown were won that have not been paralleled in the best battles Napoleon ever fought—if we had been without these troops in the Philippine Islands and those offenses came we would have been buffeting about through this country for volunteers or soldiers, and before we could have reached Pekin to the relief of our beleaguered legation, they, too, would have fallen like the German ambassador, a prey to the brutality of the pagan Chinamen.

It was the fact that our flag floated in the Philippines, that our ships were there and our splendid soldiery were there, that enabled us to go immediately upon that continent and to lead the van for the relief of the legations.

Suppose the first two hundred men we sent there had not got into Pekin, what would have become of those men, women, and children, those splendid people who were there under the protection of our treaties? They would have been lost.

Perhaps not a tear would have watered the eye of Senators upon that account, because the world has become so hard-hearted of late that it is scarcely to be expected that human sympathy will be expressed in political circles beyond the ordinary proprieties. But as to those sensibilities which belong to high character as well as to common people, there would have been a loss among men, women, and children whom we know that would have afflicted the hearts of this country very seriously.

Then have we had no advantage in a military point of view and in the protection of the rights of the people of the United States in consequence of the fact that some hidden hand, unled by human thought, had placed our feet upon the islands of the Philippines? Do we forget these things? Do we ignore the fact in our desire to be called a world power—in which I confess I have not any remarkable degree of pride, for we have always been a world power since we were first created—but do we forget the fact that these grand events that have clustered into our history with such brilliancy of renown in the latter days are due to the circumstances that we were in the van, pressing to the front, and were led and controlled in a way that we knew not? Do we forget that?

The slightest reflection ought to satisfy any sensible man, it seems to me, or any reflective person, or any person who is responsive to the high calls of duty, that in what we have done in China and have been compelled to do in defense of the treaty rights of our people in that pagan land we have triumphed signally, splendidly, and without just cause for any criticism upon anybody, civil or military, for the course we have pursued in that curious and great event in China. The end is not yet.

We do not see it, but we know one thing—we are within 500 miles of the coast of China, with a very strong fleet, with a seasoned army, with proved, experienced, skilled, and courageous officers, and that the world understands it all. We know that when we lift our hand in protestation in the face of the powers of Europe in China they pause and say, "We will consider what the United States has to say about this."

As far as it has been possible to do so we have saved life and averted famine and death in that pagan land. We know that. These facts have come to us, not by our contrivance, perhaps, for there is not a man in this Chamber who three years ago imagined the first step would be taken in that direction; but yet it has come, and there is much else behind it—much else.

The divorce of church and state in China is just as complete as it is in the Philippines. It is a different church and a different state, but the divorce of church and state in China is absolutely essential to the progress of civilization, trade, and commerce, and to the acceptance by those people of that light which has illumined Europe until it is the center light of the earth, except America, where we have the new-born star that excels them all in its brilliancy.

Mr. President, we ought not to ignore things like this. We ought to think them over maturely, and certainly when the opportunity comes—I do not care how it comes or through whose hands it comes, so that they are not our own bloody hands or so that we have not contrived it in fraud for our own advantage—the people of the United States ought to stand ready to receive it, to act upon it, and to realize its blessings, which will come also upon China. The United States is to-day by far the largest producing country on the face of the earth, and is one of two countries alone that are receiving population now from the balance of the world—the Argentina and the United States. We have resources here that no human mind would undertake to calculate, and are supported by 45 sovereign and independent States, any one of which is the equal of almost any state in the world in defensive power.

If we ourselves respect our own institutions and our own laws and cultivate amongst ourselves a feeling of faith that justice will come from the administration of this Government and that the people in all quarters of this country will receive from this Government with equity its benefits and its blessings, there is no reason why we should not accomplish dreams of prosperity, greatness, and glory that have not yet been dreamed. We will accomplish far more than we expect to accomplish or that has ever yet been expected of us if we obey that grand organic law that has kept us together and united us as a power that the world can not break down. Separated, divided, and given up to spoils, indulging ourselves in the enjoyment of what we can wring out of each other, we will soon become weak and powerless, and our prestige will be gone, our glory will have faded.

I trust, Mr. President, that through a proper, patient, honorable, just, wise, and an established policy recognized by all, we shall not on this occasion or on any other occasion enter upon doubtful ground for the purpose of gaining privileges that may at the moment of time promise to be rich in our favor. I trust we will not, and yet I feel persuaded that I am speaking to-day to gentlemen in this presence who will not be in the slightest degree influenced by what I have to say. But, Mr. President, I am to-night addressing myself to the people of the United States, and I have not uttered one questionable word when we come to compare it with the Constitution of the United States and a just and a wise policy for this Government.

I do not believe that the positions I have taken here to-night will be controverted seriously by anybody. To-morrow, if I am permitted to do so, I want to take up the question of delegated power and compare it with three decisions of the Supreme Court of the United States and the act for Hawaii and the three acts of the Eighth Congress in the third volume of the Statutes at Large, and to show that in that respect the Congress of the United States has no constitutional right to abdicate its powers in favor of anybody—the President or anybody else—and that this bill is only an abdication of that power.

Then I propose to take up the other wing of this question which has been thrust upon us at a time and in a way that are extremely

unusual, to say the least, and that is the amendment which anticipates the disposal of Cuba—a question big enough to engage the Senate, if we had the liberty of speech upon it and were not compelled to smother our remarks in order to pass a bill of appropriations for the Army of the United States, seriously and soberly and at the best of its bent for at least a month.

Mr. PETTUS. I ask my colleague to yield to me in order to make a motion.

Mr. MORGAN. Certainly.

Mr. CULLOM. Before the Senator from Alabama makes his motion, will he permit me to make a motion?

Mr. PETTUS. Certainly.

KATHARINE J. GILMAN.

Mr. CULLOM. I move to reconsider the votes by which the bill (S. 5912) granting an increase of pension to Katharine J. Gilman was ordered to a third reading and passed, a similar bill having passed both Houses.

The motion to reconsider was agreed to.

Mr. CULLOM. I move that the bill be indefinitely postponed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 1293) for the relief of Francisco V. De Coster;

A bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes;

A bill (S. 6050) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes;

A joint resolution (S. R. 157) authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa; and

A joint resolution (S. R. 159) extending the time within which certain street railroads within the District of Columbia may be constructed.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes; recedes from its amendment numbered 88; further insists upon its amendments numbered 3, 7, 8, 9, 10, 23, 25, 26, 39, 40, 42, 60, 61, 65, 67, 79, 80, 81, 82, 84, 85, 86, and 89; agrees to a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS managers at the conference on the part of the House.

The message further announced that the House had agreed to the concurrent resolution of the Senate to correct an error in the enrollment of the bill (S. 1203) granting an increase of pension to Lewis S. Horsey.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. PUGH, and Mr. MCRAE managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution providing that during the remainder of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, be suspended, and that the same may be written by hand; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 5,000 copies of the Fourth Report on the Agricultural Investigations in Alaska, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1899, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 6,000 copies of the Report on the Work and Expenditures of the Agricultural Experiment Stations for the Year ended June 30, 1900, etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print 5,000 copies of House Document No. 171, Fifty-sixth Congress, second session, entitled Agricultural Resources and Capabilities of Porto Rico, etc.; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 5912) granting an increase of pension to Katharine J. Gilman.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 879) for the relief of Levi Stoltz;

A bill (S. 2946) for the relief of William H. Wanamaker;

A bill (S. 3270) for the relief of Nathan S. Jarvis;

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 2473) granting a pension to Mary J. Foutz;

A bill (H. R. 2506) granting an increase of pension to Joseph Kemper;

A bill (H. R. 3233) granting an increase of pension to Nicholas B. Ireland;

A bill (H. R. 3754) granting an increase of pension to Solomon Delzell;

A bill (H. R. 3820) granting an increase of pension to Edgar Hill;

A bill (H. R. 3883) granting an increase of pension to William H. Ransom;

A bill (H. R. 4232) granting an increase of pension to Philip Volkner;

A bill (H. R. 5553) to correct the military record of William T. Pratt;

A bill (H. R. 5639) granting a pension to Harlin Keeling;

A bill (H. R. 6417) granting a pension to Eliza C. Johnson;

A bill (H. R. 6503) granting an increase of pension to William Gross;

A bill (H. R. 8380) granting an increase of pension to Reamus G. Morris;

A bill (H. R. 8577) granting an increase of pension to Levi C. Hare;

A bill (H. R. 9526) granting a pension to N. Marietta Chapman;

A bill (H. R. 9584) granting an increase of pension to Samuel F. Bell;

A bill (H. R. 10046) granting a pension to Rosa Cox;

A bill (H. R. 10331) granting an increase of pension to Sylvanus A. Gifford;

A bill (H. R. 10382) granting an increase of pension to James Mason;

A bill (H. R. 10689) granting an increase of pension to Michael Falkoner;

A bill (H. R. 10694) granting an increase of pension to Katharine J. Gilman;

A bill (H. R. 10718) granting an increase of pension to James Gatton;

A bill (H. R. 10745) granting an increase of pension to Julius Sporleder;

A bill (H. R. 10978) granting an increase of pension to Augustus L. Chetlain;

A bill (H. R. 10995) granting a pension to William Mitchell;

A bill (H. R. 11085) granting a pension to Mary M. Sprandel;

A bill (H. R. 11529) granting an increase of pension to Don Farrington;

A bill (H. R. 11618) granting an increase of pension to John Burns;

A bill (H. R. 11798) granting an increase of pension to Lealdes F. Laverty;

A bill (H. R. 11807) granting an increase of pension to John H. Bliss;

A bill (H. R. 12121) granting a pension to Caroline H. Wright;

A bill (H. R. 12180) granting an increase of pension to Gilbert L. Price;

A bill (H. R. 12304) granting a pension to Mary B. Whiteley;

A bill (H. R. 12434) granting a pension to Marie Barton Greene;

A bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia, as to the Metropolitan police, and for other purposes;

A bill (H. R. 12686) granting a pension to John W. Conely;

A bill (H. R. 12775) granting a pension to Sarah Miller;

A bill (H. R. 12860) for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin;

A bill (H. R. 12883) granting an increase of pension to Condy Menalis;

A bill (H. R. 12997) granting an increase of pension to Thomas J. Young;

A bill (H. R. 13088) granting an increase of pension to Peter Brunette;

A bill (H. R. 13160) granting a pension to Sarah M. Lowell;

A bill (H. R. 13214) granting an increase of pension to Jacob C. Hansel;

A bill (H. R. 13447) granting an increase of pension to Benjamin Eason; and

A bill (H. R. 13567) granting a pension to Martha M. Stephens.

AGREEMENT WITH MUSCOGEE OR CREEK INDIANS.

Mr. THURSTON. Will the Senator from Alabama yield to me for a moment?

Mr. PETTUS. Certainly.

Mr. THURSTON. I present a conference report and ask that it may be printed in the RECORD. I do not care to call it up for action to-night.

The PRESIDENT pro tempore. The Senator from Nebraska submits a conference report, which he asks may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate's first amendment on page 8, line 20, of the bill;

Also from the Senate's second amendment on page 8, line 20, of the bill;

Also from Senate amendment on pages 9 and 10 of the bill, striking out all of paragraph 11;

Also from Senate amendment on page 10 of the bill, striking out all of paragraph 12;

Also from Senate amendment on page 11, line 7, of the bill;

Also from Senate amendment on page 12, line 12, of the bill;

Also from Senate amendment on page 13, line 16, of the bill;

Also from Senate amendment on page 13, line 20, of the bill.

That the House recede from its disagreement to the Senate's third amendment on page 8, line 20, and down to and including line 22, page 9, of the bill, and agree to the same with an amendment as follows: At the end of the Senate amendment insert: ", which said provisions are as follows:

"That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of 200 or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns.

"The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section 29 of the act of June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory.'

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

"The Secretary of the Interior may, for good cause, remove any member of any town-site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

"It shall not be required that the town-site limits established in the course of the platting and disposing of town lots, and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

"*Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a town-site commissioner for any town or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate on pages 29, 30, 31, 32, and 33, striking out all of paragraph 50 of the bill, and agree to the same with an amendment as follows:

On page 7, line 19, strike out the words "1st day of July, 1900," and insert in lieu thereof "ratification of this agreement."

Also on page 20, line 22, strike out the words "1st day of July, 1900," and insert "ratification of this agreement."

And the Senate agree to the same.

(Sections to be numbered consecutively.)

JOHN M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

AGREEMENT WITH CHEROKEE INDIANS.

Mr. THURSTON. I submit a conference report. I ask that its reading may be waived, and that it may be printed in the RECORD, as I shall not call it up this evening.

The PRESIDENT pro tempore. The Senator from Nebraska submits a conference report which he asks may be printed in the RECORD. Is there any objection? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate first amendment on page 9, line 6, of the bill;

Also to the Senate second amendment on page 9, line 6, of the bill;

Also to the Senate amendment on pages 9 and 10 of the bill, striking out all of paragraph 16;

Also from Senate amendment on page 10 of the bill, striking out all of paragraph 17;

Also from Senate amendment on pages 10 and 11 of the bill, striking out all of paragraph 18;

Also from Senate amendment on page 12, line 4, of the bill;

Also from Senate amendment on page 12, line 14, of the bill;

Also from Senate amendment on page 15, line 10, of the bill;

Also from Senate amendment on page 16, line 5, of the bill;

Also from Senate amendment on page 31, line 12, of the bill.

That the House recede from its disagreement to the Senate third amendment on page 9, line 7, and down to and including line 23, and agree to the same with an amendment, as follows:

At the end of the Senate amendment insert:

"Which said provisions are as follows:

"That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages, in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns.

"The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site, which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section 29 of the act of June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory.'

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of

said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

"The Secretary of the Interior may, for good cause, remove any member of any town-site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

"It shall not be required that the town-site limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time.

"Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

"*Provided*, That hereafter the Secretary of the Interior may, whenever the chief executive or principal chief of said nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive or principal chief of said nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate on pages 34, 35, 36, and 37, striking out all of paragraph 82, and agree to the same with an amendment as follows:

"That nothing in this act contained shall be held or construed to change, alter, modify, or impair any existing coal or oil rights heretofore acquired by lease, location, development, or otherwise, or to ratify, confirm, recognize, or validate any such rights."

Also, on page 3, line 3, strike out "January" and insert "July."

Also, on page 5, line 6, strike out "January" and insert "July."

And the Senate agree to the same.

(Sections to be numbered consecutively.)

JOHN M. THURSTON,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

AGRICULTURAL INVESTIGATIONS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 335, Fifty-sixth Congress, second session, entitled "Fourth Report on the Agricultural Investigations in Alaska," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture, the quality of paper and style of binding to be the same as in the original edition of the publication.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House of Representatives Document No. 336, Fifty-sixth Congress, second session, entitled "A Report on the Work and Expenditures of the Agricultural Experiment Stations for the year ended June 30, 1900;" of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

REPORT OF DIRECTOR OF THE MINT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the Calendar Year 1899, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

And be it further resolved, That there also be printed 8,000 additional copies of the Report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1900, to be bound in cloth and wrapped, 2,000 copies for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,000 for the use of the Director of the Mint.

AGRICULTURAL RESOURCES OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 171, Fifty-sixth Congress, second session, entitled Agricultural Resources and Capabilities of Porto Rico, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture, the quality of paper and style of binding to be the same as in the original edition of the publication.

ENGROSSING OF BILLS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended and said bills and joint resolutions may be written by hand.

Mr. GALLINGER. I ask that the concurrent resolution may be adopted at this time.

The concurrent resolution was considered by unanimous consent and agreed to.

PROPOSED ADJOURNMENT.

Mr. PETTUS. I move that the Senate adjourn.

Mr. SHOUP. I hope the Senator from Alabama will withhold that motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama that the Senate adjourn. [Putting the question.] By the sound the noes appear to have it.

Mr. PETTUS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I am paired with the Senator from Kansas [Mr. HARRIS], and in his absence I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. I transfer my pair to the Senator from New York [Mr. DEPEW] and will vote. I vote "nay."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I believe he is not in the Chamber. I will transfer my pair to the Senator from Kansas [Mr. BAKER] and will vote. I vote "nay."

The roll call was concluded,

Mr. NELSON (after having voted in the negative). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer my pair to the junior Senator from Colorado [Mr. WOLCOTT] and will allow my vote to stand.

Mr. ALLISON. I am paired with the senior Senator from Missouri [Mr. COCKRELL], who, I think, has been absent during the evening, and I will therefore withhold my vote. I would vote "nay" if he were here.

Mr. BUTLER. I suggest to the Senator from Iowa that we transfer our pairs, so that both of us may vote.

Mr. ALLISON. I quite agree. I vote "nay."

Mr. BUTLER. I vote "yea."

Mr. PENROSE (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. KENNEY]. I observe that he has not voted. I will transfer my pair to my colleague [Mr. QUAY], so that the Senator from Alabama [Mr. MORGAN] can vote, if he chooses, and my vote can stand.

Mr. MORGAN. I do not care to vote.

Mr. PENROSE. I desired to have the arrangement made so that my vote can stand. I voted not observing that the Senator from Delaware [Mr. KENNEY] had not voted.

Mr. TURLEY. I wish to announce that my colleague [Mr. BATE] is paired with the junior Senator from Kentucky [Mr. DEBOE].

Mr. HEITFELD (after having voted in the affirmative). Has the senior Senator from New York [Mr. PLATT] voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. HEITFELD. I withdraw my vote, being paired with that Senator.

Mr. BURROWS I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

The result was announced—yeas 6, nays 43; as follows:

YEAS—6.

Allen,	Butler,	Turley,	Turner.
Berry,	Pettus,		

NAYS—43.

Aldrich,	Fairbanks,	Lodge,	Proctor,
Allison,	Foraker,	McCumber,	Quarles,
Bard,	Foster,	McMillan,	Rawlins
Beveridge,	Frye,	Mallory,	Shoup,
Carter,	Gallinger,	Martin,	Simon,
Chandler,	Hale,	Nelson,	Spooner,
Clapp,	Hanna,	Penrose,	Stewart,
Clay,	Hoar,	Perkins,	Teller,
Daniel,	Kean,	Pettigrew,	Thurston,
Dillingham,	Kearns,	Platt, Conn.	Warren.
Dolliver,	Lindsay,	Pritchard,	

NOT VOTING—39.

Bacon,	Deboe,	Kyle,	Scott,
Baker,	Depew,	McBride,	Sewell,
Bate,	Elkins,	McComas,	Sullivan,
Burrows,	Hansbrough,	McEnery,	Taliaferro,
Caffery,	Harris,	McLaurin,	Tillman,
Chilton,	Hawley,	Mason,	Vest,
Clark,	Heitfeld,	Money,	Wellington,
Cockrell,	Jones, Ark.	Morgan,	Wetmore,
Culberson,	Jones, Nev.	Platt, N. Y.	Wolcott.
Cullom,	Kenney,	Quay,	

So the Senate refused to adjourn.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. The Senator from California [Mr. PERKINS] has charge of this bill.

The PRESIDENT pro tempore. He was here a few moments ago. That is the reason why the Chair laid the action of the House of Representatives before the Senate.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN were appointed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

Mr. MORGAN. Mr. President, I congratulate the Senators on the other side of this Chamber for their zeal in support of their party measures. It is a good thing to be a party man and stand by the party organization, and it is the only thing that the Republicans can do. There is not on the other side of the Chamber, I think, a gentleman who can mark out and define the exact ground upon which this bill proceeds, even the Senator who is in charge of it.

Mr. HOAR. Will the Senator from Alabama allow me to correct what he said to this extent, that the only thing about which the party on this side of the Chamber is not divided is their great desire to hear the Senator from Alabama.

Mr. MORGAN. I am delighted that the Senator from Massachusetts is able to be in his seat, because I am never so encouraged as when I have the honor of attracting his attention in any way whatever. I had not observed the presence of the Senator from Massachusetts, or otherwise I would not have made my remark so general as I did in respect of the binding effect of party ties upon gentlemen to keep them here at late hours and to animate them with a zeal which is rather unusual, and has been so for months and months in the business of the Senate.

I now see that there is a determination to pass this bill, it makes no difference in what shape it may get, and that any shape that is sought to be given it on the other side of the Chamber will be that in which it will be passed by the Senate. I suppose that the arrangements are all necessarily made and prepared beforehand for the concurrence of the House under the cloture which obtains in that unfortunate body, which has been referred to very often as being no longer a deliberative body, and that this wonderfully important measure, affecting the only unsettled question to which the Government is related, so far as I know, will be dragooned through both Houses and will become the law of the land, till after while the Supreme Court of the United States can have a chance to pass upon its very peculiar, abnormal, and, as I conceive, desperately wrong principles and line of action.

I am not here, Mr. President, to hear myself talk or to compel Senators to sit by and listen to me talk. I am not here for the purpose of trying to delay the public business, and I think I have not said a word in the debate so far that is in the slightest degree irrelevant to the question. A man can scarcely say anything about this question or these questions which would be irrelevant if it relates at all to the public policy of the Government of the United States, which is, in my judgment, placed in a most perilous condition by this proposed act, so entirely unnecessary.

No one on this side of the Chamber has made any criticism upon the action of the Government of the United States in the Philippines. Some gentlemen on the other side of the Chamber have criticised the action of the Government as a Government in its dealing with this question, but I think the Senators on this side have not felt at liberty to criticise Mr. McKinley or the Secretary of War, Mr. Root, or Judge Taft or any member of his commission or General MacArthur for the method of administration with which they have conducted the government of the Philippine Islands, under great embarrassment with very remarkable success.

I am not in the habit, Mr. President, of giving advice, especially to my political opponents. I do not intrude my opinions upon them at all. But I have taken occasion with some of my personal friends to say, in respect to this measure, that I thought it was the most unfortunate demonstration that had ever been made at the most unfortunate people, not for the Government alone, but for the welfare of the party of great men who are united together and now have the helm in their hands and are controlling the ship of state in all of its courses.

I think that the Republican party of the United States, represented in the Presidential chair, and in the Senate and the House by a majority at this moment of time, is venturing upon the assertion of policies which are not justified by anything that I know or anything that they know. There has not yet been printed a portion, and a very important portion, of the report of the Taft Commission which came to us to-day after this subject had commenced to be investigated, and the Senator in charge of this bill, I dare say, does not know what is in that report.

He has never read it. I had never heard of it until it came into the Senate. I did not suppose that there were some ten or twelve legislative measures of the Taft Commission that had not as yet reached the President of the United States so as to be laid before the Senate. We are, in the midst of darkness and ignorance, legislating upon a question of which we have official information, but have not as yet had access to it so as even to hear it read.

Now, that argues a stress of political or some other kind of necessity that is at least very puzzling to me. I wish to make no accusation about it, to draw any inference, to indulge any innuendo about it; but I am astonished that these wise and venerable Senators, whom I have had the honor of knowing now for a quarter of a century, should at the heels of this Congress take up a question of this vast, indescribable importance and proceed by party cohesion and by party rule and party drill to pass upon it and force it upon Senators on this side of the Chamber or on the other side of the Chamber in ignorance of what we are doing.

We are ignorant of what we are doing, and when that remark can be honestly and justly made and proved by the record by a Senator in his place on this floor I am satisfied, Mr. President, that it is the first time in the history of this great body that it could be done. We are ignorant of what we are doing, and no man can deny it. For the purpose of wearing out an old man who is trying to serve his country, in the midnight hour, after days and weeks have been wasted in the Senate in idleness, here comes at this late hour, after an exhausting day's labor, beginning at 11 o'clock, the summons that I shall proceed until I leave the floor; and, Mr. President, I would rather leave it a dead man than to leave it a coward. I can not spend the balance of my days in a better way.

Mr. SPOONER. Will the Senator from Alabama allow me?

Mr. MORGAN. No, sir. I will not allow anybody to interrupt me.

Mr. SPOONER. I only wanted to ask the Senator if he preferred to go on to-morrow; that is all.

Mr. MORGAN. I have indicated sufficiently about that, and I do not choose to be interrupted.

The PRESIDING OFFICER (Mr. PENROSE in the chair). The Senator from Alabama declines to be interrupted.

Mr. SPOONER. Excuse me.

Mr. MORGAN. I have been through many scenes in this Chamber in the last twenty-four years and I do not think any Senator on the other side of this Chamber who has known me during that long period of time can impute to me a purpose to stop the wheels of Government or a purpose to shut off a man from an honest debate of a question in which he is most profoundly concerned. It may be it is folly to be so, but in this case, Mr. President, I feel that I should abandon the plainest duty that has ever presented itself to me for my consideration and performance if I skulked out of this debate because of my age or because of the lateness of the hour.

The decisions of the Supreme Court of the United States are still entitled to some respect in this body, and we can only dishonor

ourselves by stopping our ears to the plain, palpable, unquestionable decisions upon propositions of constitutional law for the purpose of reaching a result that those decisions absolutely bar.

I had reached, in the course of my remarks, the proposition that the Congress of the United States has no right, or power, or authority to delegate any of the powers that have been delegated to it. It is mere hornbook learning, which in the more temperate times of our lives nobody disputes, that the powers of the Congress of the United States are all of them delegated. There was no predecessor of government or of authority of any kind from which the Congress of the United States inherited any power.

The framers of the Constitution expressly cut off the idea that any of the powers of Congress were inherited from any country or government, from Great Britain or from the previous government of the confederation, or that the powers of Congress as defined in the Constitution were to be construed by reference to any other government that had ever existed as a precedent either for the line of its action or for the construction of its powers. These are all delegated powers that are in the Constitution, and unless the power is found there to do something Congress can not do it.

General grants of power, delegations of power from the people, are made in the Constitution, and under those general delegations there are inferential propositions which grow out of them and are necessary to the support of the general proposition. But when you come to the root of the matter the Constitution of the United States is one exclusively of delegated powers, and unless you can find in that Constitution some authority for doing what you wish to do your oath binds you, in my judgment, not to do it. It binds me, at all events, and that is what I am doing now. I am acting in obedience to my oath in trying to convince this body that there is a proposition in this amendment that we have got no right under the Constitution to enact.

This matter has been under consideration by the Supreme Court in so many cases that it would be a task of supererogation to undertake to bring them altogether to the attention of the Senate, and I will read from only a few of the leading ones. I wish to refer to the judicial powers that are conferred here. I have already shown from the decision of the Supreme Court that a state of war does not exist in the Philippines, and you can not admit that it does exist there without destroying your cause and your measure.

The war which exists in the Philippines in the nature of hostilities is only an insurrection, and it is an insurrection because we are the owners of that country, the sovereigns of it. Our power is over it, and that power is disputed by a faction which is, I am happy to say, rapidly passing out of existence. That is not a war, and a state of war does not exist there. So there is no excuse or reason for the employment of any civil power, judicial or otherwise, for the purpose of helping out or supporting a state of war or a state of hostilities incident to a state of war.

Then the question arises whether in the situation we are in in the Philippines the President of the United States has the right under the Constitution of the United States to establish courts of judicature—courts whose jurisdiction extends to all questions of life, liberty, and property. The President of the United States as the representative or the successor to the Spanish sovereignty there has not the right to establish those courts now.

They are already established; and the most he can do, and what he has the right to do and ought to do, is to avail himself of the power of the courts there, to fill them up with competent judges, if it is necessary to do so, to correct the procedure and the practice, if that is necessary and proper, and to see to the adjudication of the rights of the people under the code of laws that exists in the Philippines, which is the Spanish laws so far as they are not inconsistent with the Constitution of the United States or the general acts of Congress that prevail in respect of Territorial government. That is the legal situation in the Philippines.

I will read from page 515, in the case of Jecker against Montgomery, in 13 Howard (13 United States Supreme Court Reports), as it is marked here:

> All captures jure belli are for the benefit of the sovereign under whose authority they are made; and the validity of the seizure and the question of prize or no prize can be determined in his own courts only, upon which he has conferred jurisdiction to try the question. And under the Constitution of the United States the judicial power of the General Government is vested in one Supreme Court and in such inferior courts as Congress shall from time to time ordain and establish. Every court of the United States, therefore, must derive its jurisdiction and judicial authority from the Constitution or the laws of the United States. And neither the President nor any military officer can establish a court in a conquered country and authorize it to decide upon the rights of the United States or of individuals in prize cases, nor to administer the laws of nations.
>
> The courts, established or sanctioned in Mexico during the war by the commanders of the American forces, were nothing more than the agents of the military power, to assist it in preserving order in the conquered territory and to protect the inhabitants in their persons and property while it was occupied by the American arms. They were subject to the military power, and their decisions under its control, whenever the commanding officers thought proper to interfere. They were not courts of the United States, and had no right to adjudicate upon a question of prize or no prize. And the sentence of condemnation in the court at Monterey is a nullity, and can have no effect upon the rights of any party.

The President of the United States, while war was flagrant with Mexico, appointed a chaplain of the Army as a judge in prize causes, and he went on in California after the war had ceased and made an adjudication to condemn a prize. That adjudication was questioned collaterally in a subsequent lawsuit in the Federal courts of the United States, and the Supreme Court said that the action of the President was a nullity; that while it was valid as an assistant to the arm of military power at and during the time war was flagrant in Mexico and actually existing there, it was not continuing in authority and was not a part of the judicial establishment of the United States.

Now, Mr. President, we want to constitute a court of the United States in the Philippines. We will call it a court of high jurisdiction, either original or appellate, of the sort and character that we find in what we call Territorial governments here, or we will call it a United States court either with a limited term of commission for its judges, or we will call it a district court of the United States, or a circuit court of the United States, whose judges have an unlimited tenure during life.

In any one of these phases of the judicial establishment Congress, and Congress alone, can create that court. No Territorial legislature ever created a court of the United States. You can not delegate the power to a Territorial legislature to create a court of the United States within the meaning of that phrase in the Constitution. Congress only can do that, and it must do it directly. The jurisdiction of that court must be transferred under the Constitution to the court by an act of Congress, and it can not be conferred or transferred by an act of a legislature or by an act of a State government.

Congress, and only Congress, can do it. It is a power that can not be delegated. The Constitution itself requires that Congress shall create the court, not a Territorial legislature; and whoever undertakes to produce or rely upon or to enforce the jurisdiction of a court in any part of the United States, in the name of the United States, that does not receive its charter, its powers, through an act of Congress, from the Constitution, violates the Constitution of the United States, and his court is not worth a snap.

But this measure confers upon the President of the United States the right to establish a court. All the judicial power of the United States is transferred to the President through this measure, to be vested in courts to be created by him and not by Congress.

Mr. STEWART. Will the Senator give way to me a moment in this connection? I have an amendment which I do not know that I will press——

Mr. MORGAN. No; I do not give way to amendments now.

Mr. STEWART. I should like to have it read and go into the RECORD.

Mr. MORGAN. I notice that as fast as these points are developed in this bill, after it has been projected and perfected by two of the best lawyers in this body and kept a year on this Calendar in the shape it is, and as these points are suggested Senators on the other side rise with amendments. I do not know when we shall get through with this bill.

The PRESIDING OFFICER. Will the Senator from Alabama yield to the Senator from Nevada?

Mr. STEWART. No; he will not.

Mr. MORGAN. No; I will hear that to-morrow.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. MORGAN. I have got more to think of now than I can possibly get along with without having new ideas suggested to me as to what might possibly happen to this bill. Let the Senator from Nevada come out and attack the bill as it deserves to be attacked instead of trying to apologize for it and to perfect it by time-serving amendments.

Mr. President, whoever will attend one of our executive sessions and mark the anxious scrutiny with which we watch the exercise of the President's power of appointment will probably understand the value which the Senate places upon the participation it has under the Constitution in that matter. In this measure no office is described except by the most general words that can be used. The nearest approximation that you can get to the description of an office in this act is that it is judicial or legislative or executive.

How many officers may be appointed nobody knows. What salaries they may receive nobody knows. From what treasury they are to be paid nobody knows. What the tenure of office is is entirely unknown. And yet we are creating them. We are here erecting a hotbed for the creation of judicial establishments which are not defined in any way in the world except that they are courts, that they are judicial establishments. Take the proposed act and read it through and ask yourself the question. What are the courts? What are their powers? Are they courts of the first instance? Are they nisi prius courts? Are they appellate tribunals

or are they tribunals from which appeals can be taken? Does Congress concern itself to put any limitation at all upon these judicial establishments and the officers who are to fill them or their qualifications? Not the slightest.

In a spirit of generosity toward the President of the United States that marks this Senate as being willing to surrender every power that it possesses on the demand of party requirements, we go ahead and we empower the President to establish courts by vesting in him the whole judicial power in the Philippine Islands, to be given to such persons as he may choose in such measure and number as he may choose, with such jurisdiction as he may choose, their powers to be exercised under his direction according to the express provisions of this amendment.

I think, Mr. President, that any American who can call that a court in the American sense must have forgotten all that he ever knew or felt about the independence of the judiciary or about the necessity of having it free from the direction and the control of any superior authority. And in that particular our blindness is voluntary. It is not like that which has been forced upon us here by the withholding of papers or the nonproduction of papers such as were sent to us to-day.

We blindfold ourselves voluntarily and take this tremendous power to affect 10,000,000 of human beings. Whether they are citizens or whether they are not citizens of the United States, we bundle it up into a compact package and deliver it into the hands of the President and say to him, "Take this power and distribute it according to your own will and purposes, and let the men who exercise it understand that they exercise all of this power subject to your direction."

What provision is in the bill requiring or allowing the Senate of the United States to give its advice and consent to these appointments or to any other appointments, and who dares to violate the rights of the Senate of the United States by saying that great officers who have the control of all the material and important interests of mankind amongst 10,000,000 of population shall be appointed, confirmed, and commissioned by the President without the advice and consent of the Senate?

Do I offend you, Senators, at this late hour of the night, by calling your attention to this simple surrender on your part of the most important constitutional functions that you have—functions in which neither the House of Representatives nor any other department of the Government can participate, and which are conferred by the express terms of the Constitution of the United States?

You are not to be notified of these appointments; you are not to be informed under this act of the constituent elements of the court or the powers, whether appellate or original, that they are to exercise; you are to have no concern whatever, either as legislators or as a part of the executive power, on the question of confirmation in respect of this exercise of delegated power to the President of the United States. If, after the weary hours of this day's work, you can go home and put your head upon your pillows and sleep with a consciousness of innocence in respect of the Constitution of the United States, I do not envy you your hardihood.

In all of these functions of government that are conferred in this way upon different people we hear nothing at all about the advice and consent of the Senate. Even the civil governor of the Philippines is to be chosen and designated and confirmed by the President of the United States without the advice and consent of the Senate, and so on down. Why, the most insignificant of the Territories we have in the country is not abandoned to a fate like that.

Those governments that have not any representation that can voice their wishes in either House are not neglected and abandoned under the Constitution of the United States by the Senate in this untimely and unseemly way, and I challenge the Senate of the United States that it stultifies itself when it thus marches off from its constitutional duty and abdicates its constitutional powers.

All this and much more was attempted to be done under the authority of an act of Congress in the Eighth Congress, which was unfortunate enough to receive the signature of Thomas Jefferson, and if this had been signed by such a man as I could name amongst our Presidential incumbents of past times, it would be reckoned among the most defensible of all the public exhibitions that were ever made by a President of the United States, provided it is subject to the construction that is put upon it by the Senator from Wisconsin. But it is not. That is a construction which is entirely without warrant, entirely outside the record, and it would do infinite injustice to Mr. Jefferson, to his great fame and name, which is great not only in this country but great throughout the world amongst political economists.

I must enter here into a definition to which I will invite your attention by asking you a question. Is there no difference between an act of Congress that expires at a certain time by its own limitation and becomes functus officio and an act of Congress that requires another act of Congress to repeal and get rid of it? Can you see no difference between those methods of legislation?

Where an act of Congress is passed during a session of Congress to expire with that session, or upon some event occurring before that session has passed out under the laws of the land, it has no sort of relevance as a precedent or a right rule of construction to an act of Congress signed by the President of the United States which can not be afterwards removed except by repeal.

If there should be a grant of power, for instance, or a delegation of power in an act which contains the terms of its own destruction, which contains the measure of its own life, it would necessarily follow that that delegation—if you call it a delegation—was for some temporary purpose and was not to stand as a final surrender of the power delegated into the hands of the agent selected. That was the nature of the act which was signed by Thomas Jefferson on the 31st day of October, 1803:

That until the expiration of the present session of Congress—

When that act would die—

unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers—

What officers?—

of the existing government.

Not granted by the President to any officer, but—

all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. DANIEL. Will the Senator from Alabama yield to me for a motion to adjourn?

Mr. MORGAN. Yes, in a moment. If the Senator wants to go to sleep, I am willing to yield.

Mr. DANIEL. I would very much prefer to listen to the Senator, of course.

Mr. MORGAN. The man who wants to counterfeit a silver dollar is very apt to use the imprimatur or the stamp that is on that dollar and imitate it just as closely as he possibly can; and without the fraudulent purpose of counterfeiting the authors of this bill have given it as much of the appearance of the act of 1803 as possible to make it go current, and they have nothing in the world on which to defend the bill they now have but a partial resemblance—not a full resemblance, but a partial resemblance—to the act of 1803, under different circumstances and different conditions for different purposes, containing what this bill does not contain—the lapse of the power of attorney of the party to whom the authority is delegated at the expiration of that session of Congress.

Mr. President, the Senate of the United States has often authorized men, committees and otherwise, to act in its name pending a session of Congress, to do certain things that the Senate might as well have done by a joint resolution or a concurrent resolution. They have delegated powers to these gentlemen to go and act for the Senate, not to extend into the vacation of Congress at all.

What authority has an attorney to whom such power is delegated to act for the Senate? It is the power of the Senate, not power delegated to him to be exercised at his discretion when no Senate is present, but it is the power of the Senate, and the Senate continually supplies him with authority, and he is continually under its control, and that power can be withdrawn at any moment. It does not create an office. You can not refer to a word or a line in this proposed amendment to the Army appropriation bill that creates an office.

What is an office created by law? It is something that is recognized in the Constitution of the United States; it is a certain representation of official authority committed to somebody, some individual or individuals, who are confined to what is therein permitted in their representation of the Government of the United States. It is something to which a man may be appointed as soon as the bill is signed by the President of the United States, with a full knowledge of what his powers are, a full knowledge of his official duties and responsibilities, and of his pay.

I think it would be rather a laughable incident if someone should call upon the honorable Senator from Iowa [Mr. ALLISON], who has so long conducted the financial affairs and appropriations of this Senate, and ask him to devise an appropriation of a sum of money to pay some officer under this law. How would that Senator go about it? This bill contains no appropriation; it does not even designate the source from which the appropriation is to be made; it creates no office; it defines the limits of no office; it does not designate the number of offices that are to be created, legislative, executive, or judicial; and if the Senator from Iowa were called upon to make an appropriation to carry this act into effect out of the Treasury of the United States, or out of the treasury of the Philippine Islands, he would come to a dead standstill, and could not move one hair's breadth.

It is not until after this act has been signed and the President has created the office, has measured its rights, duties, and responsibilities, its tenure, and the amount of money that is to be paid under it, that anybody can make an appropriation for it or could ever get a dollar out of any treasury under the control of the United States Government.

Under such circumstances am I wrong in saying that if this power is capable of being delegated at all it can not be delegated in this general and universal way? The act is void on its face, unless it is true that we can concenter and combine all the powers that belong to Congress in one act, confer them upon one man, and give to him the discretionary right to distribute them amongst the men he shall select to assist him in performing his functions of government under that law. I am astounded, Mr. President, that old legislators and Senators can sit here and take this kind of stuff as lawful legislation.

The act of 1803 applied to a government then existing. Does this act apply to a government now existing? It is to a government to be hereafter established. It is not a government existing in the Philippines; it is one that the President has the power to create under this act—legislative, executive, and judicial, going through the whole business. He may recognize the government that is there as a fit part of the machinery of carrying out his intentions and purposes, which nobody has a right to question once you give him the authority; but there is no government there to which this money is made applicable by this act.

Possibly if this act had said the government of the Philippines, now headed by Judge Taft and the officers created by him or tolerated as coming over from the Spanish Government, it might be possible that we could delegate to the President the power to fill up those offices by appointment; and it would be possible, no doubt, if the right had been reserved under the Constitution that the Senate of the United States should give its advice and consent; but without that, it is not possible. But under the act of 1803 there was a government which had officers.

All the military, civil, and judicial powers, exercised—

Legislative powers are not mentioned in that act at all, because they had a governor there who had been appointed. That is the reason of it. Governor Claiborne was there then, and, as Mr. Jefferson said in his message, which was read by the Senator from Utah [Mr. RAWLINS] to-day, Governor Claiborne was there in possession of the gubernatorial office; and hence it is omitted from that act—

All the military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons—

Mere appointments to offices already existing, the duties of which were then being exercised by the officers of the existing government, which made that act nothing more nor less than the appointment to fill these offices by the President of the United States.

and shall be exercised in such manner—

As has always been the case, prescribing the duties and making the regulations—

as the President of the United States shall direct for maintaining, etc.

You pass an internal-revenue act and you enable the Commissioner of Internal Revenue to make regulation for the enforcement of that law, and prescribe the manner in which the law shall be enforced by the subordinates of his department. Our statutes, our rules, our decisions of the Supreme Court give to those regulations the force and effect of law. The statute prescribes it. There was the case in this act, which we have perceived from that time to this, in enabling the head of a Department to adopt regulations for the execution of the law, where it was impossible at the time of its enactment to foretell all of the exigencies that might arise, and the different circumstances to which different regulations ought to apply, for the sake of having the law well and properly administered. That is all there is in it.

Now, what authority has a lawyer to borrow from that act this universal proposition to create a government and to create the offices and fill them? Why was that made a temporary arrangement to terminate at the end of that Congress? It was because the offices themselves were to be temporary, the appointments were to be temporary, and those holding them were not officers within the meaning of the Constitution, but mere employees. Hence it was not necessary to bring them before the Senate for confirmation.

In that same Congress a law was passed organizing two Territorial governments out of the great territory of Louisiana, the government of the Territory of Orleans and the Territory of Louisiana. Before that session expired Congress did that, and provided officers for that Territorial government in accordance with the Constitution of the United States, who were to pass through the ordeal of confirmation by the Senate. These temporary employees, these mere clerks, who filled these official positions for the occasion only, passed out, and a government was instituted in that same Congress—a regular formal government of the two Territories into which that area of country was divided.

In the concluding part of the act organizing that Territorial government there was this provision, which evidently is one of convenience:

The act passed on the 31st day of October, 1803, entitled: "An act to enable the President of the United States to take possession of the territories ceded by France to the United States by the treaty concluded at Paris on the 30th of April last, and for the temporary government thereof, shall continue in force—

The act shall continue in force—

until the 1st day of October next—

This was March 26, 1804—

anything therein to the contrary notwithstanding, on which said 1st day of October this act shall commence—

The act organizing the Territory—

shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress which may happen thereafter.

Again planting the seeds of death in the act and putting a period to its existence without the necessity of a repeal, a mere temporary expedient, not intended to operate as a law for that country, regulating the rights of officers and the powers of officers and their duties, and giving to the Senate the right of confirmation.

That is the whole story of this case, and it is a plain story and an undeniable one, that these clerks, who were employed by the President for the purpose of executing these powers, were as much under the direction of Congress all that time as the Sergeant-at-Arms of the Senate is under the direction of this body.

I should like to know what parallel in law there is between that act and one that gives unlimited power to the President of the United States without a definition of the term of its extension, not in favor of any existing government, but to create one; not defining the officers of an existing government or any other officers, but permitting the President to create and define officers and their powers.

As I have so often observed, what parallel is there between the two cases, and how can a majority of this body, with its heart set upon reaping the harvest of this act for its friends, appeal to that poor, meager precedent for justification? When I am dead and gone, Mr. President and gentlemen, these words I am speaking to you now will be quoted, and you who live will be ashamed that you ever abandoned your constitutional rights and powers at the demand of any man, President or what not.

Mr. SPOONER. Will the Senator from Alabama yield to a motion to adjourn?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. MORGAN. If the Senator feels any inconvenience; yes.

Mr. SPOONER. There is no purpose on this side of the Chamber to force the Senator from Alabama to conclude his remarks to-night, although there is business that should be taken up that ought to be disposed of. I am prepared to make a motion to adjourn if it be agreeable to the Senator.

Mr. MORGAN. It is not disagreeable to me. If the Senator desires to make a motion to adjourn, that is all right, and I yield to him for that purpose.

Mr. SPOONER. Then I move that the Senate do now adjourn.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 26, 1901, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 25, 1901.*

The House met at 12 o'clock . Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEWIS S. HORSEY.

The SPEAKER laid before the House the following resolution from the Senate:

IN THE SENATE OF THE UNITED STATES, *February 23, 1901.*

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills is hereby authorized to correct the enrollment of the bill (S. 1203) entitled "An act granting an increase of pension to Lewis S. Horsey" by striking out the words "Company K, Nineteenth Regiment Iowa Infantry Volunteers" and inserting in lieu thereof the words "Company D, Fourth Regiment Iowa Volunteer Cavalry."

Attest:

CHARLES G. BENNETT, *Secretary*
By HENRY M. ROSE, *Chief Clerk.*

The resolution was agreed to.

BRIDGE ACROSS LAVACA BAY, TEXAS.

The SPEAKER also laid before the House the bill (H. R. 13951) authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay, with Senate amendments.

The Senate amendments were read at length.

Mr. KLEBERG. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

COMMITTEE ON INVESTIGATION OF EMPLOYEES OF THE HOUSE.

Mr. MOODY of Massachusetts. Mr. Speaker, I ask unanimous consent that the special committee to investigate the employees of this House may sit during the sessions of the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the special committee making investigation of the employees of the House may be permitted to sit during the sessions of the House. Without objection, this order will be made.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13822. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 3784. An act granting an increase of pension to Linsay C. Jones;

H. R. 12442. An act granting an increase of pension to Mary E. Starr;

H. R. 13049. An act granting a pension to Elizabeth Fury;

H. R. 13118. An act granting a pension to Rebecca J. Gray;

H. R. 13569. An act granting a pension to the minor children of Henry R. Hinkle;

H. R. 8650. An act granting an increase of pension to William C. Whitney;

H. R. 13086. An act granting an increase of pension to Eunice Henry;

H. R. 1845. An act granting a pension to William Allen;

H. R. 13154. An act granting a pension to Ernestine Lavigne; and

H. R. 3861. An act granting an increase of pension to Jesse Millard.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4232. An act granting an increase of pension to Philip Volkner;

H. R. 13088. An act granting an increase of pension to Peter Brunette;

H. R. 12180. An act granting an increase of pension to Gilbert L. Pierce;

H. R. 11807. An act granting an increase of pension to John H. Biles;

H. R. 13214. An act granting an increase of pension to Jacob C. Hansel;

H. R. 11529. An act granting an increase of pension to Don Farrington;

H. R. 10978. An act granting an increase of pension to Augustus L. Chetlain;

H. R. 9584. An act granting an increase of pension to Samuel F. Bell;

H. R. 6417. An act granting a pension to Eliza C. Johnson;

H. R. 3820. An act granting an increase of pension to Edgar Hill;

H. R. 2473. An act granting a pension Mary J. Fouts;

H. R. 13447. An act granting an increase of pension to Benjamin Eason;

H. R. 154. An act granting an increase of pension to Benjamin F. Shott;

H. R. 10046. An act granting a pension to Rosa Cox;

H. R. 3883. An act granting an increase of pension to William H. Ransom;

H. R. 8380. An act granting an increase of pension to Reamus G. Morris;

H. R. 10748. An act granting an increase of pension to Julius Sporleder;

H. R. 10382. An act granting an increase of pension to James Mason;

H. R. 13567. An act granting a pension to Martha M. Stephens;

H. R. 5639. An act granting a pension to Harlin Keeling;

H. R. 12434. An act granting a pension to Marie Barton Greene;

H. R. 10331. An act granting an increase of pension to Sylvanus A. Gifford;

H. R. 9526. An act granting a pension to N. Marietta Chapman;

H. R. 8577. An act granting an increase of pension to Levi C. Hare;

H. R. 3233. An act granting an increase of pension to Nicholas B. Ireland;

H. R. 12686. An act granting a pension to John W. Conely;

H. R. 16995. An act granting a pension to William Mitchell;

H. R. 13160. An act granting a pension to Sarah M. Lowell;

H. R. 12997. An act granting an increase of pension to Thomas J. Young;

H. R. 12883. An act granting an increase of pension to Condy Menalis;

H. R. 12775. An act granting a pension to Sarah Miller;

H. R. 12304. An act granting a pension to Mary B. Whiteley;

H. R. 11085. An act granting a pension to Mary M. Sprandel;

H. R. 10689. An act granting an increase of pension to Michael Falkoner;

H. R. 10718. An act granting an increase of pension to James Gatton;

H. R. 2506. An act granting an increase of pension to Joseph Kemper;

H. R. 12121. An act granting a pension to Caroline H. Wright;

H. R. 11798. An act granting an increase of pension to Lealdes F. Laverty;

H. R. 11618. An act granting an increase of pension to John Burns;

H. R. 6503. An act granting an increase of pension to William Gross;

H. R. 3754. An act granting an increase of pension to Solomon Dezell;

H. R. 10694. An act granting an increase of pension to Katharine J. Gilman; and

H. R. 4345. An act to create a new Federal judicial district in Pennsylvania, to be called the middle district.

The message also announced that the Senate had agreed to amendments of the House of Representatives to bills of the following titles:

S. 345. An act granting a pension to Catherine L. Nixon;

S. 1126. An act for the relief of Mrs. Narcissa G. Short;

S. 1936. An act granting a pension to Mamie Craig Lawton;

S. 2079. An act granting a pension to William Ashmead;

S. 2709. An act granting a pension to Marietta Elizabeth Stanton;

S. 3619. An act granting an increase of pension to Mary A. Colhoun;

S. 4734. An act granting a pension to Mary A. O'Brien; and

S. 5525. An act granting an increase of pension to Warren Damon.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, had further insisted upon its amendments not agreed to, and asked a further conference with the House on the bill and amendments, and had appointed Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, had further insisted upon its amendments not agreed to, and asked a further conference with the House on the bill and amendments, and had appointed Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. WARREN, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the

disagreeing votes of the two Houses thereon, and had appointed Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4176. An act to preserve the place of burial of Gen. Daniel Morgan;

S. 5935. An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.;

S. Res. 152. Joint resolution in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y.; and

S. Res. 159. Joint resolution extending the time within which certain street railroads in the District of Columbia may be constructed.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 112.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War, in his discretion, be authorized to make loan of such tents or other quartermaster's stores to the National Guard of the several States attending the coming inauguration of the President as may be necessary for their comfort during their visit to Washington: *Provided*, That he shall take the receipt of the adjutant-general of the State borrowing such stores, and hold the same as a charge against the State's quota until the return of such tents or stores in good order.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5912) entitled "An act granting an increase of pension to Katharine J. Gilman."

Also:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. RICHARD A. WISE, late a Representative from the State of Virginia.

Resolved, That the business of the Senate be now suspended, in order that fitting tributes be paid to his memory.

Also:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM D. DALY, late a Representative from the State of New Jersey.

Resolved, That the business of the Senate be now suspended, in order that fitting tributes may be paid to his memory.

Resolved, That a copy of these resolutions be transmitted by the Secretary to the family of the deceased; and that as a further mark of respect the Senate will, at the conclusion of these ceremonies, stand adjourned.

Also:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN H. HOFFECKER, late a Representative from the State of Delaware.

Resolved, That the business of the Senate be now suspended, in order that fitting tributes be paid to his memory.

NAVAL APPROPRIATION BILL.

Mr. DAYTON. Mr. Speaker, I desire to call up for consideration of the House the conference report on the bill (H. R. 13705) making appropriations for the naval service.

The SPEAKER. The Chair will ask the gentleman if this is a conference report?

Mr. DAYTON. Yes.

The SPEAKER. The gentleman from West Virginia calls up the conference report on the naval appropriation bill.

Mr. DAYTON. Inasmuch, Mr. Speaker, as the conference report has been read and is a part of the Senate proceedings of Saturday in the RECORD, I ask unanimous consent that the reading of the report be dispensed with and that the statement only may be read.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the report and that the statement only be read. Without objection that will be done.

Mr. WM. ALDEN SMITH. Mr. Speaker, I desire to ask the the gentleman from West Virginia a question.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Michigan?

Mr. DAYTON. Certainly, I yield for a question.

Mr. WM. ALDEN SMITH. I desire to know whether the statement contains all the points of disagreement between the conferees?

Mr. DAYTON. I will say to the gentleman that the statement is full and complete, in my judgment, as to every amendment agreed to, disagreed to, and concurred in.

Mr. WM. ALDEN SMITH. Now, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WM. ALDEN SMITH. I desire to ask whether unanimous consent will preclude the expression of a desire of any member for a separate vote on any single proposition?

The SPEAKER. The reading of the conference report will not affect that one way or the other. Is there objection? [After a pause.] The Chair hears none.

[For the report see Senate proceedings of Saturday, February 23.]

The Clerk read the statement, as follows:

The managers on the part of the House of Representatives make the following statement of the resolution of the first conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on the Senate amendments to H. R. 13705, making appropriations for the naval establishment.

The Senate receded from its amendments, as follows:

From No. 5, providing for pay for the expenses of labor boards at naval yards and naval stations.

From Nos. 17, 27, 30, 54, 55, 59, 70, 72, 73, 74, 75, 76, and 83, the object of which was to change the name of the League Island Navy-Yard.

From Nos. 28, 31, 33, 35, and 36, providing masters of tugs at a salary of $1,200 at the navy-yards of Portsmouth, N. H., Washington, D. C., Pensacola, Fla., Key West, Fla., and Mare Island, Cal.

From Nos. 29, 32, 34, 37, 38, and 53, involving clerical computations.

From No. 43, requiring further legislation to expend money heretofore appropriated for the fire-protection system at Portsmouth, N. H.

From Nos. 50, 51, and 52, appropriating $150,000 instead of $100,000 for building No. 19 at the navy-yard, New York.

The House receded and concurred in Senate amendments as follows:

In No. 1, giving commutation of quarters to boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates.

In No. 6, giving the Secretary of the Navy discretion to pay actual expenses instead of mileage to officers traveling repeatedly between two or more places.

In No. 11, increasing the appropriation in the Bureau of Navigation for transportation, recruiting, and contingent expenses from $100,000 to $180,000.

In No. 12, providing for outfits for naval-hospital apprentices.

In No. 13, involving a clerical computation.

In No. 14, reimbursing the "appropriation for the naval training station at California, 1901," the cost of securing a supply of fresh water from Oakland, Cal.

In No. 15, providing for certain lectures in the Naval War College at Newport, R. I.

In No. 16, involving a verbal repetition of language.

In Nos. 20, 21, 22, and 23, involving a division of the House paragraph and appropriation under the head of "Equipment of vessels" into two paragraphs and appropriations, under the heads of "Coal and transportation" and "Equipment of vessels."

In Nos. 44, 45, and 46, involving verbal errors.

In Nos. 47 and 48, changing the House language from "Steel doors for naval prison" to "Extension of naval prison," and increasing the appropriation therefor $25,000.

In No. 49, involving clerical computation.

In Nos. 56, 57, and 58, providing for the purchase of land at Algiers Naval Station, $100,000, and authorizing condemnation proceedings to secure same.

In No. 62, providing for a survey of the waters of the island of Porto Rico to ascertain the advisability of establishing a naval station there, but making no appropriation.

In No. 63, providing for the establishing and marking of the boundary line of the Government's property on Blythe Island, Georgia, lay out a rifle range on same and construct boat landing, appropriating $2,000.

In No. 64, making the appropriation for the naval torpedo station at Newport, R. I., immediately available.

In No. 66, providing for payment of the land lying within the boundary circle as established by the joint resolution of August 1, 1894, and authorizing the Secretary of the Navy to sell at such time and in such manner as may be most advantageous, but at a price not less than that fixed in 1894 by the board of appraisers, such lands of the Naval Observatory Reservation as are situated without the limits of said circle.

In Nos. 68 and 69, providing for the care and maintenance and treatment of the insane of the Navy and Marine Corps on the Pacific coast.

In Nos. 77 and 78, providing for temporary quarters and recitation rooms for the cadets at Annapolis, pending the rehabilitation of the Naval Academy buildings there.

In No. 87, reducing the enlistment period of the Marine Corps from five to four years, to correspond with the term of enlistment in the Navy.

In No. 90, authorizing the Secretary of the Navy to remit certain time penalties to the Iowa Iron Works, of Dubuque, Iowa, incurred in the construction of the torpedo boat *Ericsson*.

In No. 91, authorizing the President to reclassify the vessels of the Navy and formulate appropriate rules governing the assignment thereof.

The House recedes and concurs in amendment numbered 2 with an amendment which provides that $50,000 is made immediately available, under the head of "Pay of the Navy," for pay of additional men and warrant machinists, and further giving to officers detailed for shore duty in Alaska, the Philippine Islands, Guam, and elsewhere beyond continental limits of the United States the pay for "shore duty beyond seas."

The House recedes and concurs in Senate amendment numbered 4 with an amendment whereby officers of the Navy and Marine Corps when advanced in rank for service rendered during the war with Spain under sections 1506 and 1605 of the Revised Statutes shall be carried as additional numbers in each grade to which they may be promoted, and shall not in consequence of such advancement interfere with the regular promotion of officers otherwise entitled to promotion, but preventing any promotion made vacant by promotion, retirement, death, resignation, or dismissal of any officers so carried as an additional number of his grade by reason of such advancement.

The House recedes and concurs in Senate amendment No. 18 with an amendment the effect of which is to restore the House paragraph appropriating, under the head of "Civil establishment, Bureau of Ordnance," for the navy-yard at Washington, D. C., with the addition of one clerk at $1,200, which was accidentally omitted when the House considered the bill.

The House recedes and concurs in Senate amendment No. 19 with an amendment which simply corrects the total amount appropriated under the head of "Civil establishment, Bureau of Ordnance," made necessary by the addition of said clerk.

The House recedes and concurs in Senate amendment No. 41 with an amendment the effect of which is to give the Secretary of the Navy authority to prepare specifications and receive bids for the improvement of channel approaching the navy-yard at Portsmouth, N. H., and appropriating $1,000 for the expense thereof.

The House recedes and concurs in Senate amendment No. 71 with an

amendment whereby the total appropriation of $250,000 for a naval station at Cavite, or other place in the Philippine Islands, is stricken out and omitted, and there is given to the Secretary of the Navy authority to have an examination and report made to Congress of the waters of the Philippine Islands as to the advisability of establishing a naval station there.

The conferees have been unable to agree upon Senate amendment No. 3, providing for additional pay for clerks at certain navy-yards.

Upon Nos. 7 and 8, touching the emergency fund.

Upon No. 9, providing an inspector of naval accounts.

Upon No. 10, providing for the detailing of assistant chiefs of bureaus.

Upon No. 24, increasing the appropriation for depots of coal.

Upon No. 25, providing for the acquisition of land for coaling station at Pearl Harbor, Hawaii.

Upon No. 26, providing for the maintenance of colliers.

Upon No. 39, striking out the appropriation for fire protection system and inserting an appropriation for office building for construction and repair for the navy-yard at Portsmouth, N. H.

Upon No. 40, appropriating for office building for steam engineering at Portsmouth, N. H.

Upon No. 42, providing for the total amount to be appropriated for the navy-yard at Portsmouth, N. H.

Upon No. 60, providing for dry dock at Charleston, S. C., and for transfer of unexpended appropriations to Port Royal to said navy-yard at Charleston, S. C.

Upon No. 61, fixing the total amount to be appropriated under the head of "Public works."

Upon No. 65, increasing the appropriation for grounds and roads at the Naval Observatory.

Upon No. 67, providing for a board of visitors at the Naval Observatory, and that the superintendent of said observatory shall be hereafter a line officer.

Upon No. 79, striking out the House provision for the commissioning of cadets who have completed the four-year course at Annapolis.

Upon No. 80, authorizing the President to appoint to the grade of ensign certain boatswains, gunners, and warrant machinists.

Upon No. 81, authorizing the President to appoint to the Naval Academy certain acting cadets temporarily appointed during the war with Spain.

Upon No. 82, authorizing the President to appoint 10 additional cadets to the Academy.

Upon Nos. 84 and 85, providing for marine barracks and officers' quarters for the Marine Corps at Annapolis.

Upon No. 86, fixing the total amount to be appropriated to the Marine Corps.

Upon No. 88, touching the naval programme for the increase of the Navy.

Upon No. 89, authorizing the construction by contract of 3 Holland submarine torpedo boats.

GEO. EDMUND FOSS,
ALSTON G. DAYTON,
AMOS J. CUMMINGS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman from West Virginia a question.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Virginia?

Mr. DAYTON. Before I yield, Mr. Speaker, I desire to make a statement to the House. It is understood between the members of the Naval Committee that upon certain items embraced in this conference report there may be, if asked by them, so far as the managers in charge of the conference report here are concerned, a separate vote. I desire, therefore, to ask the Speaker a parliamentary question. Will a motion to adopt this conference report and further insist upon a disagreement, and a request for a further conference, if agreed to, preclude any gentleman from demanding a separate vote upon any of these amendments?

The SPEAKER. It would not.

Mr. DAYTON. I desire, then, to make the formal motion to adopt the conference report.

The SPEAKER. That question has been put.

Mr. HEPBURN rose.

Mr. DAYTON. I will yield to the gentleman from Virginia and then to the gentleman from Iowa.

Mr. RIXEY. Perhaps I could have got the information later, but I want to know as to two or three points of difference. I was unable to follow the report of the committee of conference. I wish to know what was done in regard to amendment 9, as to the inspector of accounts?

Mr. DAYTON. There was a disagreement between the Senate and House conferees and so reported.

Mr. RIXEY. And as to amendment 10, for the assistant chiefs of bureaus?

Mr. DAYTON. The same thing—disagreement.

Mr. RIXEY. Amendment No. 26, for the $400,000 for colliers?

Mr. DAYTON. A disagreement between the two Houses.

Mr. RIXEY. I want to ask the gentleman whether or not he concedes that that amendment is for practically a duplicate purpose, as the emergency fund provided for by the Naval Committee of the House?

Mr. DAYTON. I want to say, in answer to the gentleman's question, that the appropriation for colliers, as I understood it when the bill was considered by the House committee, was regarded as a part of the emergency fund. The House provided for an emergency fund of $500,000, with the idea and impression that these colliers would be paid for out of that fund. The Senate subsequently reduced it to $300,000 and placed these separate items in here providing for colliers at $400,000.

Mr. RIXEY. The gentleman from West Virginia and I agree that they are practically for the same purpose?

Mr. DAYTON. Practically for the same purpose, although not wholly, but the one includes the other.

Mr. RIXEY. Now, I want to ask the gentleman if the conferees disagree as to the increase in the Navy?

Mr. DAYTON. Entirely.

Mr. RIXEY. I desire to ask for a separate vote on that at the proper time.

Mr. DAYTON. A parliamentary inquiry, Mr. Speaker. I understand the gentleman asks for a separate vote upon the increase of the Navy.

Mr. RIXEY. Mr. Speaker, I desire to make that request later.

The SPEAKER. The Chair is not advised as to what is embraced in the report. Is this a matter agreed to in the report or is it left to conference?

Mr. RIXEY. I desire a separate vote on amendment No. 88.

Mr. DAYTON. It is a matter of disagreement.

Mr. RIXEY. I have no objection to the adoption of the conference report, and will make my request afterwards.

The SPEAKER. Does the Chair understand that the gentleman from Virginia wants a separate vote on this amendment now?

Mr. RIXEY. At the proper time, Mr. Speaker, I want a separate vote on amendment No. 88, and I shall submit a motion that the House recede and concur in the Senate amendment.

The SPEAKER. If the report is adopted the Chair understands that will be left subject to disagreement.

Mr. RIXEY. Would the motion be in order now if the report is adopted?

The SPEAKER. If the report is adopted, if any gentleman wishes to move to instruct the conferees as to a matter left in conference, it will be in order.

Mr. RIXEY. I do not propose to leave it in conference. My idea is to have that done now.

Mr. DAYTON. I now yield to the gentleman from Iowa.

Mr. HEPBURN. I would like to ask the gentleman if amendment No. 4 has been agreed to?

Mr. DAYTON. It has been agreed to practically by an amendment changing the language.

Mr. HEPBURN. Will the gentleman briefly explain what that means, or I will ask him a question. I understand, under sections 1506 and 1605, it is competent for the President of the United States to advance an officer 30 grades. Now, take a captain who now stands as 25 on the list, and advance him 30 grades, would that authorize his being commissioned as a rear-admiral?

Mr. DAYTON. Yes.

Mr. HEPBURN. Now, I understand that this provides that all of these officers who are advanced are to be in addition to the number now authorized by law.

Mr. DAYTON. Not in addition, but to be carried as an additional number so long as they remain in that grade.

Mr. HEPBURN. Suppose there were 10 captains who should be advanced 30 numbers, bringing them up to rear-admirals, as I understand the gentleman to say they would be, do I understand from this amendment they would be commissioned as rear-admirals?

Mr. DAYTON. Yes.

Mr. HEPBURN. In other words, instead of having 13 rear-admirals we would have 23?

Mr. DAYTON. They would have that grade; but after death or retirement nobody else could be promoted to it; and the Naval Register would show just why they occupied that position. Let me give you the reason for that. The House will very well remember that by the recommendation of the President and the confirmation of the Senate, the officers in Dewey's fleet were promoted certain numbers. These men were advanced over other officers. Take for example the captain of the *Oregon*. For his remarkable service in taking that vessel around the Horn on that 14,000-mile trip, for his gallant conduct in battle at Santiago, he stands two numbers lower than he did before that time, simply because of the fact that these other officers by these promotions have been put above him.

Now, the effect of this provision is simply, as I understand, that the officers who were thus promoted for gallant service in war shall be carried in their grade certain additional numbers until they either die or retire; but no other officer can be promoted to their grade in their stead or on account of their promotion.

The example which the gentleman has given—of officers going up to the rank of rear admiral—might be true theoretically; but practically it would be an impossibility, because not more than one or two would be advanced to the rank of rear-admiral, which would be held by reason of this promotion at the instance of the President as a separate rank or degree until their death or retirement, when no man would advance to their place, and the number would return to what it was before.

Mr. HEPBURN. Then, whether or not the contingency would

happen would depend entirely upon the President of the United States, and he would have the power to select the persons who would thus be promoted.

Mr. DAYTON. No; he would be restricted to those who had had war service.

Mr. HEPBURN. Of course; but within that limitation his discretion would be absolute.

Mr. DAYTON. The discretion of the President of the United States would be limited to the officers in the Spanish war and to the advance of 30 numbers.

Mr. HEPBURN. Then the only limitation would be the discretion of the President and the limitation to 30 numbers. In other words, the President might, if he saw fit, promote 30 captains to be rear admirals under this provision.

Mr. DAYTON. No; that would be an impossibility.

Mr. HEPBURN. Why an impossibility?

Mr. DAYTON. Simply because there were not 30 captains employed in the war with Spain who could be thus promoted.

Mr. HEPBURN. I supposed that every officer in the Navy was at that time engaged in the war with Spain, and that the President of the United States might so say. Now, is it not equally true in regard to every other grade? In other words, could he not promote 30 commanders or 30 lieutenant-commanders or 30 lieutenants?

Mr. DAYTON. He can promote under the present law.

Mr. HEPBURN. But by this amendment you create places for them. The President can not appoint them before places are created, for no officer can fill a place that does not exist. In other words, under this provision is it not possible for the President of the United States, if he so elects, to add 180 officers to the present list of officers?

Mr. DAYTON. Not at all; he can not add a single officer. He can not in any way exceed his present discretion under the statutes of the United States.

The only object and purpose and scope of this amendment is to prevent just such instances of injustice as that which was done to Captain Clark, of the *Oregon*. In other words, it will keep the President of the United States from promoting officers above a certain officer so that he may lose in numbers by reason of such promotion. The President can not appoint a single additional officer. Suppose, for instance, a man is promoted, by reason of the act of the President, from the list of commanders to that of captain. The commander list will be one short, the captains list will be one in excess. But that captain will be carried—and it will be so set out in the Naval Register—by reason of the President's commission until his retirement or death, when nobody else can be promoted to any such grade by reason thereof.

Mr. HEPBURN. Well, it certainly appears to me that there might be at least 30 appointments in the higher grades——

Mr. DAYTON. Not at all.

Mr. HEPBURN. Thirty new places in the higher grades under this bill, and 30 promotions in each of the lower grades.

Mr. DAYTON. No; that can not be done.

I now yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER. I think, Mr. Speaker, that the gentleman from Iowa [Mr. HEPBURN] has a misconception of this provision. Nobody is commissioned by the President by reason of promotion under the provisions of this section. These officers take a relative rank. In other words, this is a mark of distinction only.

It may result in increasing the officer's pay, but not in increasing the grade of his commission. For instance, if a man is a captain the President may advance him 30 numbers, but he does not receive a commission as rear-admiral. He receives the relative rank of a rear-admiral and probably draws the relative pay of that rank.

Mr. HEPBURN. Suppose an officer stands No. 1 in a given grade and is advanced 30 numbers; where would he be then?

Mr. WHEELER. He remains on the Naval Register as No. 1, but he would take relative rank by reason of being advanced 30 grades, and would probably draw the pay for such advancement. But when it comes to actual promotion in line, he is promoted just to the extent that the man above him is at the time this mark of distinction is conferred.

Mr. HEPBURN. What would his grade be, suppose a captain is advanced in that way?

Mr. WHEELER. He would have the relative rank to which the 30 numbers advance would entitle him.

Mr. HEPBURN. What would his pay be?

Mr. WHEELER. I think perhaps his pay would be in accordance with his advancement.

Mr. HEPBURN. Then would he not have the rank of a rear-admiral and draw the pay of a rear-admiral?

Mr. WHEELER. Probably he would.

Mr. HEPBURN. Then he would have the command of a rear-admiral, would he not?

Mr. WHEELER. No; as I read the section, when it comes to actual line service, he would hold his original place and be promoted as though no mark of distinction had been conferred upon him.

Mr. DAYTON. I call the attention of the gentleman from Iowa to this proviso, which settles the matter:

Provided, That no promotion shall be made to fill a vacancy occasioned by the promotion, retirement, death, resignation, or dismissal of any officer who at the time of such promotion, retirement, death, resignation, or dismissal is an additional number of his grade under the provisions of this act.

Mr. HEPBURN. That is, it only creates the office for the purposes of this officer. I do not insist that it creates it at all times, but I insist that under the provisions of this proposed legislation there may be 30 additional rear-admirals if, in the estimation of the President, the conditions justify it.

Mr. DAYTON. Just as there could be anyhow. The only effect would be that the President could do what he might do anyhow. He could send to the Senate the name of every captain for war service with an advance of 30 numbers, and if that advance would place him in the rank of rear-admiral and the Senate should confirm that nomination we would have 20 or 30 additional rear-admirals.

Mr. HEPBURN. Then, without additional law, because the law says there shall be 13 rear-admirals, this provides 30.

Mr. DAYTON. No; not 30 more. This amendment provides that those men who have been promoted to rear-admiral shall be held as a separate grade, so as not to interfere with such officers as Captain Clark, who stand two numbers below what he was.

Mr. MUDD. Mr. Speaker, I have not had an opportunity to read over the report. I want to ask the acting chairman of the committee if there is anything in this agreement or in this report which in any way affects the status of the Schley and Sampson controversy or interferes with their present rank.

Mr. DAYTON. Not the slightest in the world.

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. DAYTON. Certainly.

Mr. CUMMINGS. Mr. Speaker, I simply want to say that the question in dispute acts simply as a brevet would act in the Army; nothing more.

Mr. MORRIS. Will the gentleman from West Virginia yield to me for a question?

Mr. DAYTON. Certainly.

Mr. MORRIS. Do I understand the gentleman from West Virginia to say that this would act merely as a brevet in the Army?

Mr. DAYTON. That is the statement of the gentleman from New York.

Mr. PAGE. Is that the fact?

Mr. DAYTON. I do not know.

Mr. MORRIS. I understood you to say that would be the fact, that that has merely the purpose of a brevet.

Mr. WHEELER. It is merely a distinction.

Mr. MORRIS. As I understand the amendment, it goes much further and has a far-reaching operation. It has this operation: If a man is No. 10 in the list of captains and is promoted 15 numbers, that would give him 5 numbers in the list of rear-admirals.

Mr. WHEELER. No; it does not.

Mr. DAYTON. I want to call attention to the fact of the operation of the law that the gentleman from Iowa called my attention to, and its effect upon these officers. It may carry his pay, but it would not create an additional rear-admiral, because of the other provision. We provide that the rear-admirals shall be limited to so many. It might give him only the relative rank of it, but still it would not operate to increase the number.

Mr. MORRIS. What would be his title?

Mr. DAYTON. He would be called rear-admiral.

Mr. MORRIS. Suppose he happened at any time in a fleet with the last rear-admiral on the list. Who would take command?

Mr. DAYTON. The last rear-admiral, as I understand; but I may be mistaken.

Mr. MORRIS. In other words, the man who stood tenth on the list of captains, who was promoted 15 numbers, would still be of the lowest rank above the last man on the list of rear-admirals. Is that the effect of the amendment?

Mr. DAYTON. I do not state absolutely about that. I want to say, Mr. Speaker, that the matter is of so little importance, I think—it is a Senate provision, and is of so little importance in practical operation that it seems to me we are spending a good deal of time over it. It is a well-known fact that the President of the United States has not in any case ever exercised his discretion of advancing a man 30 numbers. So far as I know, that has never been done. It is simply on account of the promotions made in Dewey's fleet, where there was an advance of some of them 10 numbers and others 5, 3, and 2.

Mr. MORRIS. But suppose that the President did advance a man.

Mr. DAYTON. Suppose! We can stand here and suppose a good many things. We have got to be guided by the experience we have and remember what has been done; and we have got to

remember, too, that the Senate, which originates this provision for the known purpose of preventing such injustice as has been done to such men as Clark, must confirm those advances and finally settle the matter. I now yield to my colleague from California, a member of this committee.

Mr. METCALF. I should like to ask the gentleman a question. Have the House conferees disagreed to the Senate amendment providing for the appointment of inspector of naval accounts?

Mr. DAYTON. They have; and insist upon their disagreement.

Now, Mr. Speaker, I ask for a vote upon the motion to adopt the conference report.

The question was taken; and the report of the committee of conference was agreed to.

The SPEAKER. Is a separate vote demanded on any of the remaining amendments?

Mr. RIXEY. Mr. Speaker——

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Virginia?

Mr. DAYTON. I did not understand the proposition.

The SPEAKER. The Chair is not advised.

Mr. DAYTON. I yield to the gentleman from Virginia.

Mr. RIXEY. I desire to move that the House recede from its disagreement to amendment No. 88, and to concur in the Senate amendment.

Mr. WHEELER. A parliamentary inquiry——

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WHEELER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. The House had adopted the motion of the gentleman from West Virginia, to agree to the conference report, disagreeing to the amendments of the Senate, and ask for a further conference.

The SPEAKER. It will not do for the gentleman to converse with the Chair in the present condition of the House. He must make some effort to have the Chair hear him. It is impossible to do so.

Mr. WHEELER. My point is, the motion of the gentleman from Virginia comes too late. My inquiry is—the House having adopted the motion of the gentleman from West Virginia, adopted the report of the whole—that it is now too late to ask to have a separate vote.

The SPEAKER. The report is adopted, but the amendment is still before the House. The House may recede or may concur. This was outside of the report; and the Chair thinks that the gentleman's motion is in time. Besides, the gentleman from Virginia gave notice that he would ask for a separate vote, and can not properly be taken off his feet. He has a right to it. If there is no other amendment except No. 88 that a separate vote is demanded on, the motion to insist on disagreement to the other amendments will be submitted to the House.

Mr. HOPKINS. Mr. Speaker, I understand that amendments 88 and 89 are connected with this subject.

Mr. DAYTON. These are two separate amendments.

Mr. HOPKINS. I desire to have a separate vote on amendment 89.

Mr. DAYTON. Does the gentleman desire to have a separate vote on 89?

The SPEAKER. The gentleman from Virginia desires a separate vote on amendment No. 88 and the gentleman from Illinois——

Mr. HOPKINS. I will withdraw that, from a statement made to me by the gentleman in charge of the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, can we have that amendment reported?

The SPEAKER. That is reserved until the other amendments are disposed of. The Chair understands the gentleman from Illinois to withdraw his demand for a separate vote on amendment No. 89.

Mr. HOPKINS. I do so on a statement made by the chairman of the committee.

The SPEAKER. The question is, Shall the House further insist on its disagreement to the other amendments, except amendment 89?

The question was taken; and the motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Virginia that the House recede from its disagreement to amendment No. 89, and concur in the same. The Clerk will now report the amendment.

The Clerk read as follows:

Strike out from line 16, page 72, to end of line 4, page 74, and insert in lieu thereof the following:

That, for the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications of two seagoing battle ships and two armored cruisers, carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruisers on the first Monday in December next; and said Secretary, in preparing said plans and description, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; what, if any, torpedo tubes should be built into large ships; to what extent electricity should be used for auxiliary purposes, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions; and said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions; and the Secretary of the Navy is hereby authorized to exercise his discretion as to the sheathing and coppering of naval vessels herein and heretofore authorized to be built.

Mr. DAYTON. Now, Mr. Speaker, before I yield to the gentleman from Virginia, I want to make a plain statement of what this question involves. Then I desire to yield to the gentleman such time as he may desire.

Mr. RIXEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIXEY. As this is my motion, am I not entitled to be recognized before the gentleman?

The SPEAKER. The gentleman is not. This motion has preference, and must first be disposed of, but does not take the floor from the gentleman from West Virginia.

Mr. DAYTON. Mr. Speaker, the House, in its discretion provided for contracts to be let for the building of two battle ships and two armored cruisers. This was the entire number embraced in the proposition of the House, comprising the programme for the building of the Navy.

The Senate struck that provision out, and in lieu of that substantially suspends and destroys the House provision providing for the letting of contracts for these vessels, and in lieu thereof inserts a provision that it seems to me has as little reason and good sound sense in it as can come from a body legislative in its character.

This provision means that the Secretary of the Navy is required to present a report to Congress upon plans for these vessels, setting forth all the disputed and controverted scientific questions that have been involved in the construction of our battle ships, for Congress to talk over, for Congress to disagree about, for Congress to try to settle.

For instance, we are to have a report upon the most suitable armor. We shall have a further consideration of the question whether the ships shall be sheathed or unsheathed; what shall be the weight and extent of the armor thereof; what shall be the form and location of the turrets; whether any change shall be made in the number and kind of guns and of the various sizes thereof heretofore constituting the armament of similar ships; what, if any, torpedo tubes shall be built in the ship; to what extent electricity shall be used for auxiliary purposes, and all other questions which have arisen and are now matters of difference among naval architects and ordnance experts.

Now, Mr. Speaker, I submit that by voting to concur we simply agree with the Senate that Congress wants to discuss and consider and attempt to decide the scientific questions and deal with the things that only experts should deal with and determine.

Mr. HOPKINS. Will the gentleman allow me an interruption?

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Illinois?

Mr. DAYTON. I will for a question.

Mr. HOPKINS. If Congress is to authorize the building of battle ships and cruisers, is it not quite essential that Congress have some knowledge as to the quality of armor plate, whether it be harveyized plate or the Krupp or some new process that may be discovered by scientists?

Does the gentleman think it would be wise to appropriate five or seven million dollars for a great battle ship and authorize it to be covered with armor plate without having any knowledge whatever as to the character of that armor plate?

Mr. DAYTON. Why, the House provision, if the gentleman will pardon me, is that they shall carry the heaviest armor, the most powerful ordnance of vessels of their class upon a trial displacement of about 14,000 tons each, to have the highest practical speed and radius of action, and to cost, exclusive of armor and armament, not exceeding $3,800,000.

We provide that it shall be the heaviest armor, the best armor, and we provide that it shall be of the highest practical speed, but we leave the question to the experts to determine what is the best armor, and what is the most powerful ordnance, and what is the best method as to all of these questions.

We simply provide that we shall have the best. The Senate amendment proposes to bring it in here, and attempts to make experts out of everyone of us, and have us determine those questions. We leave it to the Naval Construction Board.

Mr. HOPKINS. Is it not a fact that the Senate amendment simply requires the Secretary of the Navy to present all the information upon these various types of armor plate, so that Congress can have some intelligent information upon the subject when members of the House vote to have a battle ship constructed?

Mr. DAYTON. Not a bit of it. Gentlemen of this House will

bear me out that the official information furnished to the House and to Congress upon the armor-plate question alone will cover 1,000 pages, and that the last Congress in its wisdom saw fit to throw up its hands and leave the whole question to the Secretary of the Navy, as to the different methods and as to the different kinds of armor plate that had been discussed over and over again in this House. This proposition is to bring in a lot of additional scientific testimony and facts, which will only be bewildering.

Mr. HOPKINS. Does not the gentleman from West Virginia know that it was the Congressional investigation as to armor plate for vessels that were being constructed and accepted by the Navy that brought about the revolution on this subject and has resulted in giving us the best armor plate in the world?

Mr. DAYTON. Well, I do not agree with the gentleman.

Mr. COOPER of Wisconsin. Will the gentleman from West Virginia yield to me for a question?

Mr. DAYTON. I can not; I must yield to the gentleman from Virginia, who is the author of the motion. How much time does the gentleman want?

Mr. RIXEY. We want some time on this side to discuss this proposition.

Mr. DAYTON. How much time does the gentleman want?

Mr. RIXEY. Well, I will say an hour on this side.

Mr. DAYTON. I do not understand that I have control of that much time. A parliamentary inquiry, Mr. Speaker. Is it proper for us to have an agreement as to how long a debate there shall be on this proposition?

The SPEAKER. The House has entire control of it.

Mr. DAYTON. Can not the gentleman from Virginia get along with half an hour on each side?

Mr. RIXEY. I think there ought to be an hour.

Mr. DAYTON. Will not the gentleman agree to three-quarters of an hour on each side?

Mr. RIXEY. There are several gentlemen that have spoken to me for time.

Mr. DAYTON. I ask unanimous consent, Mr. Speaker, that there be a debate on this proposition of one hour on each side.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for debate of two hours, one hour on each side; one hour to be controlled by the gentleman from West Virginia and one hour to be controlled by the gentleman from Virginia. Is there objection? [After a pause.] The Chair hears none.

Mr. DAYTON. Having already spoken, Mr. Speaker, I reserve my time.

The SPEAKER. Does the gentleman take out of his hour the time he has occupied?

Mr. DAYTON. No, sir; I do not desire to do that.

Mr. RIXEY. Mr. Speaker, the amendment of the Senate seems to me to be such a fair business proposition that I am somewhat surprised that the gentleman in charge of this bill is not willing to accept it. The proposition of the Senate is practically a committal to the building of these two battle ships and two armored cruisers, but directs that the authorization shall be postponed until the first Monday in December, when the Secretary of the Navy is to inform the Houses of Congress as to certain disputed facts which go into the building of these ships. One is as to whether these great ships shall be sheathed or unsheathed; another is in regard to the turrets, another is as to what shall be the thickness of the armor plate. There are many experts who believe that we have gone to too great an extreme in the thickness of armor plate for the battle ships, and are now recommending that the thickness shall be reduced. There are others who believe that the ships shall no longer be sheathed; others again differ as to turrets.

Mr. WHEELER. Will my colleague yield for a question?

Mr. RIXEY. Certainly.

Mr. WHEELER. If the Senate had struck out the provision providing for the increase of the Navy, would not my colleague have supported that amendment?

Mr. RIXEY. My colleague on the committee knows that I would be glad to.

Mr. WHEELER. Is it not true that the gentleman supports this amendment because it postpones further increase of the Navy?

Mr. RIXEY. I support this amendment because, while first it does not go as far as I think it ought to go, it is in line of postponement, and is a business proposition in addition. Now, we have a Naval Committee of this House. I do not pretend that the members of that committee are experts in the building of ships, but they ought to be informed as to whether ships should be sheathed or unsheathed, and what kind of armor plate should be used; and before we authorize these ships to be paid for by the people we ought to have this information and decide these questions for ourselves.

Mr. Speaker, the committee which reported this bill to the House used this language in regard to the increase of the Navy:

OUR NAVAL PROGRAMME.

For the purpose of further increasing the naval establishment of the United States the committee recommends that the President be authorized to have built by contract two unsheathed seagoing battle ships, carrying the heaviest armor and the most powerful ordnance for vessels of their class, upon a trial displacement of about 14,000 tons each, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,850,000 each, and two unsheathed armored cruisers, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about 14,000 tons each, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,000,000 each. Maximum cost of the vessels herein authorized, exclusive of armor and armament, will be $15,700,000.

The Department has recently contracted for the construction of the 5 battle ships and 6 armored cruisers authorized by the acts of March 3, 1899, and June 7, 1900, at a cost approximated at $40,000,000. On the 1st of February bids will be opened for the 3 protected cruisers authorized by the act of June 7, 1900. In view of the fact that the shipyards of the country were likely to be well filled with work during the coming year in consequence of the recent letting of these large contracts, your committee thought that the above programme was one that would be considered adequate and would meet the approval of Congress in its policy of building up the Navy.

Within the past ninety days we have contracted for 5 battle ships, 6 armored cruisers, and have either contracted for or have bids for 3 protected cruisers, making 14 war ships—whether you call them battle ships or armored cruisers or protected cruisers. These ships contracted for within ninety days will cost this Government $60,000,000. The four which the House provided for would cost not less than $20,000,000. Mr. Speaker, can we not well afford to wait until the first Monday of December next before authorizing the contract for the four additional battle ships and armored cruisers?

Admiral O'Neil has testified that the shipyards of this country are now building not less than 50 ships for the American Navy. No one can estimate the amount of work already authorized. The shipyards of this country, I take it, are all full. I ask the gentleman from West Virginia whether he can name a shipyard in this country which can now undertake to go on with one of the ships whose construction he wishes to authorize? I take it, Mr. Speaker, that the shipyards are all full; and it is a business proposition that we should give some time for the consideration of this question before authorizing the construction of additional ships.

Mr. DAYTON. In that connection I want to say to the gentleman that I have in my pocket a telegram from the shipyard in his own State saying that they can build, without trouble, these four vessels there.

Mr. RIXEY. Now, will the gentleman answer a question?

Mr. DAYTON. Certainly.

Mr. RIXEY. How many battle ships and armored cruisers is the Newport News Shipyard now building?

Mr. DAYTON. I do not know. I do not know what contracts there may be for other governments. I simply know that they can build right along three or four more ships over and above what they have now in hand, because they have so wired me and written me.

Mr. RIXEY. Will the gentleman say how many that shipyard is building for this Government?

Mr. DAYTON. I do not know. The gentleman ought to know; the shipyard is in his own State.

Mr. RIXEY. Did it not receive a contract for one or two in December last?

Mr. DAYTON. I think so.

Mr. RIXEY. Did it not then have upon its docks certainly two others?

Mr. DAYTON. I do not remember. The gentleman or anyone else can ascertain that fact without asking me by looking at the Naval Register. It is simply a question of fact, to be settled by memory or by reference to the Register.

Mr. RIXEY. Now, will the gentleman answer another question? That shipyard unquestionably is now building or has contracted to build not less than three battle ships or armored cruisers for this Government. When could it build additional battle ships?

Mr. DAYTON. At any time they can get the contract. And the shipyards at the Union Iron Works say in a telegram, which I have in my pocket, that they can build three additional ones. The Moran Brothers can build two or three, the Cramp Brothers three or four. So when the gentleman states that the shipyards are full he is simply speaking without information from these concerns. We can to-day have in course of construction without a moment's delay 15 more battle ships than we now have under construction.

Mr. RIXEY. It is true that I have not been in communication with the shipyards of the country. The Newport News Shipyard has never sent me a telegram or written me a letter as to whether it wants to build these ships or not; and so far as I am concerned, it does not make any difference.

Mr. DAYTON. I want to say to the gentleman that they have furnished this information to me in answer to a telegram sent to them and other shipbuilders, in order that I might meet just the argument and the statement which the gentleman has made.

Mr. RIXEY. I will ask the gentleman another question. Did those shipyards also inform the gentleman whether they would

build as cheaply, now that the yards are full, as when the yards are not full?

Mr. DAYTON. I have no information from them on that point. Their yards are not full. And besides, the contract prices are fixed by this bill.

Mr. RIXEY. I do not understand that the contract prices are fixed by this bill. The bill simply says that the prices paid shall not exceed a certain amount; but there is no reason why the Navy Department should in every instance go up to the limit.

So far as I am concerned, I would not consider the interests of the shipbuilding yards of this country. I say again that those yards are full. It may be that they could do this work by means of an additional plant or possibly with the plants they now have, but they would charge the Government enough to pay for increasing their plants.

I have not understood until very recently that there were more than three great shipyards in this country that could build the battle ships and the armored cruisers. Now, there seem to be a number of shipyards, all of them bringing pressure to bear on Congress to authorize at every session of Congress the building of great ships for the Navy. I am willing that we should build all the ships that the Government needs; but when within ninety days we have authorized contracts or made contracts carrying $60,000,000, I am not willing that we shall authorize at this time the construction of additional battle ships or additional cruisers.

Mr. SNODGRASS. Does the gentleman think that the present Navy of the United States is sufficient?

Mr. RIXEY. I think the strength of our naval establishment is sufficient under present conditions.

Mr. DAYTON. The gentleman has asked me several questions; now let me ask him one.

Mr. RIXEY. Let me first answer the gentleman from Tennessee [Mr. SNODGRASS].

Mr. Speaker, I did not intend to state that we should not increase the size of our Navy in the future. I would be willing now to let this provision for two battle ships and two armored cruisers remain in the bill if there were any assurance that we would go over the next session of Congress without duplicating this provision.

Mr. DAYTON. Let me ask the gentleman this question: How long does it take to build a battle ship?

Mr. RIXEY. Three or four years.

Now, an additional word. The report of the Naval Committee states that in view of the fact that seventeen years ago, when we started to build up a new Navy, our rank was that of the twentieth and that to-day we stand the fourth, no one will dispute that in the intervening years we have made magnificent progress. Seventeen years ago we had a Navy standing twentieth in rank as compared with the navies of the world. To-day we stand either fourth or third. There is no present danger that any nation will outstrip us, in view of the progress we have made.

Mr. DAYTON. Let me ask the gentleman this question: How long will that be the fact when as Japan, for instance, is building 12 vessels this year; Russia 16, Germany 18, France 31, and England 16?

Mr. RIXEY. It appears by the gentleman's own statement that Japan is building 12 ships while we are building 50.

Mr. DAYTON. But I am speaking of the naval programme for this year, not of those vessels on the stocks and those which have been authorized heretofore. I make the assertion that Japan is building this year 2 protected cruisers, 2 cruisers, and 8 destroyers, making a total increase to her navy of 12.

Mr. RIXEY. Is she building any battle ships?

Mr. DAYTON. She is building 2 large cruisers and 2 smaller ones.

Mr. RIXEY. According to the gentleman's own statement, Japan is not in the same class with us.

Mr. DAYTON. I admit that she is not building the same class of vessels; but I ask the gentleman how long shall we continue to occupy the relative position that we now do when the nations of the earth are increasing their navies so rapidly, and we are haggling over four ships? As to the policy of building four of these large ships, we are to consider that, while at the present time we have some 60 or 70 gunboats and 30 or 40 torpedo boats, we have only 8 battle ships and 10 building. This is our position, while these other nations have been building their battle ships.

Mr. RIXEY. Mr. Speaker, I do not think the illustrations given by the gentleman from West Virginia amount to anything. There are no armored cruisers provided for in either case. In the report of the Naval Committee last year, in speaking of the building programme of the navy of Great Britain, it is stated that it was the policy of Great Britain to have a navy twice as large as that of any other country, and during that fiscal year it was proposed, not that they had contracted for, but it was proposed to lay down two battle ships and two armored cruisers, three small cruisers, two gunboats, and two first-class torpedo boats.

Great Britain proposed, as is seen, to build 2 battle ships and 2 armored cuisers. We have contracted for 5 battle ships and 6 armored cruisers within ninety days past.

A good deal has been said, as was stated when the naval bill was under consideration, as to the policy of Germany. I refer to it now because I understood from that statement that the impression was made that Germany was building much more rapidly than we. Now, let us see what the facts are. I take the following statement from the speech of my colleague on the committee, General MEYER of Louisiana. I take it to be correct because he makes it. Mr. KITCHIN asked him this question:

> Mr. KITCHIN. But while the German Empire was planning to accomplish a certain increase in sixteen years our increase last year was four times as great as Germany's would be under that programme. Is not that correct?
>
> Mr. MEYER of Louisiana. Of course, if I understand you correctly. But with reference to that I would observe that the Empire of Germany is in commercial energy and a thirst for foreign domination and colonies not behind any other power. Her Emperor is at the head of this movement, and he is well aware of the necessity for a strong navy to support it. The keynote of the policy is that "Germany requires peace on the sea."
>
> It is apparent that Germany is not willing to occupy a place in maritime power second to Russia or France, which have so long excelled her in naval strength. The programme embodied in the German law of April 10, 1898, contemplated a force of 17 battle ships, 8 coast-defense vessels, 9 large cruisers, 26 small cruisers as a fighting fleet ready for sea, and a reserve of 2 battle ships, 3 large cruisers, and 4 small cruisers.
>
> The law of 1898 was carried out before the expiration of the period contemplated, but a new proposed programme, which I understand to have been adopted, contemplates an increase of this force by 1916 to 29 battle ships, 20 large cruisers, 51 small cruisers, and 16 divisions of torpedo boats.

Now, take the statement that in 1916 Germany is to have 29 battle ships. Why, we authorized last year contracts for 5 battle ships. It would not take us more than six years to have as many battle ships, to build as many battle ships, at that rate, as Germany will have in her entire navy by 1916, 29 battle ships. Granting that she started in 1898 without a single battle ship. In eighteen years she will build 29 battle ships. How many will we build in the same number of years at the rate at which we have been going?

Mr. DAYTON. I want to say to the gentleman that Germany now has 27 battle ships. She has inaugurated a programme providing that the number, the entire number, of ships in her navy shall be duplicated by 1916; and ten years of that has been cut off, and that programme is to be completed by 1906.

Mr. RIXEY. Mr. Speaker, I have no objection to the gentleman from West Virginia asking me a question; but prefer that he make his speech in his own time.

Mr. DAYTON. I simply ask you if that is not a significant refutation of your argument?

Mr. RIXEY. The statement which I have made was taken from the figures given by the gentleman from Louisiana. I have talked with him about it and he says he believes it to be correct.

I reserve the balance of my time and yield five minutes to the gentleman from Illinois.

Mr. HOPKINS. Mr. Speaker, I do not profess to be as familiar with this subject as the members of the naval committee. It was with some reluctance when this bill was brought in that I voted for the proposition to authorize the building of two new battle ships and two new cruisers that will aggregate in cost when they are constructed and ready for sea not less than $20,000,000.

But in view of the report then made, I followed the committee upon that proposition. Since that time this question has been presented to the Committee on Naval Affairs of the Senate, composed of men of long experience in public affairs, men equally as familiar as the gentlemen of the Naval Committee of the House with all the questions involved.

They have taken a totally different view of this subject from the members of the House committee, and instead of authorizing and directing the Secretary of the Navy to enter into contracts to build two new battle ships and two new cruisers, they provide that—

> For the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare the plans and specifications for the two battle ships and two cruisers, carrying full armor and armament of vessels of their class, and to submit to Congress a general description of such battle ships and cruisers on the first Monday in December next; and said Secretary, in preparing said plans and descriptions, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; what, if any, torpedo tubes should be built into large ships; to what extent electricity should be used for auxiliary purposes, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions; and said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions; and the Secretary of the Navy is hereby authorized to exercise his discretion as to the sheathing and coppering of naval vessels herein and heretofore authorized to be built.

Now, it is apparent that all that is desired by the amendment offered by the Senate is that this question shall be postponed until December next, and that during the period that intervenes

between now and the convening of Congress in December, the Secretary of the Navy shall perform the duties and gather the information provided for in the Senate amendment and present the same to Congress in the form of a report, when the House and the Senate reassemble here on the first Monday of December, 1901.

The gentleman in charge of the conference report says that this subject suggested in the Senate amendment is nonsensical. I take issue with the gentleman. It seems to me, in view of the situation as we find it in the Navy Department, that the Senate has acted with great wisdom and discretion in proposing this amendment. Senators say, first, that they would like information as to whether these cruisers should be sheathed or unsheathed.

Now, anybody familiar with this subject knows it is a disputed question to-day in the Ordnance Department of the Navy whether these cruisers should be sheathed or unsheathed. Some experts say they should be, and others equally as well qualified say they should not be; and they are all men of great intelligence, great experience, and great knowledge upon this subject.

In view of the fact that there is a dispute about this matter, I think it is a proper and a correct thing for us, Mr. Speaker, to postpone definite action until December, and have this information presented to Congress.

Mr. DAYTON. Will the gentleman pardon a question? Do you think it is better to leave it to the Secretary in his wisdom to follow out the conservative policy of building ships of both classes, sheathed and unsheathed, or leave it for Congress to determine which shall be done?

Mr. HOPKINS. I will answer the question, Mr. Speaker, that I do not. And I will tell the gentleman why I do not.

Mr. DAYTON. Will the gentleman permit me?

Mr. HOPKINS. Permit me to make my statement. The reason why I think we should not leave it to the Secretary of the Navy, as suggested by the gentleman from West Virginia, is this: I claim that men of scientific knowledge and experience ought to determine that one or the other is the preferable style or type of cruisers to be constructed.

Mr. DAYTON. Why so?

Mr. HOPKINS. I am not willing to experiment to the extent of $20,000,000, when even the Ordnance Department of the Navy are unable to determine this question.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. DAYTON. I yield the gentleman another minute.

Mr. HOPKINS. In that minute of time another proposition that I wish to present is upon armor plate. I undertake to say that there is no agreement to-day in the Navy Department in regard to the character and quantity of the armor plate that should be used upon these great battle ships.

There has been a wide range of sentiment upon that subject since this question was first brought before Congress, and they now believe in an entirely different armor plate from that which has been used on the *Texas* and other battle ships. I wish this evidence brought before Congress.

I wish the scientific men and experts, through the Secretary of the Navy, to send in their reports to Congress. We can then judge whether the battle ships and cruisers shall be completely covered with armor plate, or only the vitals of the ships; and can also have an intelligent opinion as to the thickness of armor plate that shall be put upon the different parts of the battle ships.

With this and the other information called for before us, we shall be as capable of forming an intelligent opinion on all these questions now mooted in the Navy Department as a gentleman who has plans and specifications for the construction of a brick house is in determining the character and quality of brick to be used in the building of his proposed house.

Mr. WATSON. Does my friend know a single man in the United States, along this line, who is in favor of using harveyized armor on modern battle ships?

Mr. HOPKINS. I should say not.

Mr. WATSON. Why does my friend say there is a difference when there is an absolute unanimity of opinion upon the part of all persons having any information upon the proposition?

Mr. HOPKINS. I beg to say that there is no disagreement in the Navy Department to-day as to the character of the armor plate. I think there is a division of sentiment or opinion as to whether the great battle ships shall be completely covered with armor plate or only a certain portion of them.

The SPEAKER. The time of the gentleman has expired.

Mr. HOPKINS. I have been interrupted, and I ask for two more minutes.

Mr. RIXEY. I yield to the gentleman from Illinois two more minutes.

Mr. HOPKINS. There is another division of sentiment in regard to the form and location of turrets, and that is a question where Congress should have the views of all these scientists and experts. Congress can then exercise an intelligent discretion in contracting as to what shall be done in the construction of our cruisers and other vessels.

The Senate amendment calls for information as to the kind of guns and the sizes, etc. Now, great progress has been made in that respect in the last few years, and there is a wide difference of opinion even in the Ordnance Bureau of the Navy on that subject. I am credibly informed, Mr. Speaker, that we are making a great mistake in authorizing the construction of any of these great battle ships to-day.

It is claimed by gentlemen who profess to know that one shot from a Gathmann gun will blow into atoms a five or seven million dollar armored battle ship, and this Congress is appropriating $115,000 for the purpose of experimenting to determine whether those claims made by these gentlemen are correct or not.

If these experiments prove that these gentlemen are right, then I undertake to say that we have authorized the construction of the last battle ship that will ever be constructed under the authority of Congress. It is claimed by these men that battle ships will become obsolete. Why, then, is there any great hurry for us to adopt this proposition of the House to authorize the construction of two new battle ships?

Mr. WHEELER. Will the gentleman let me ask him a question?

Mr. HOPKINS. I can not be interrupted now. As the gentleman from Virginia says, to-day we have 50 different ships, ranging from a battle ship and cruisers to smaller vessels, already in process of construction. Since this Congress convened the Secretary of the Navy has entered into contracts involving an expenditure of some $60,000,000 for battle ships, cruisers, etc.

Mr. DAYTON. That is $20,000,000 more than is the fact.

Mr. HOPKINS. Well, $40,000,000 then. Since this Congress convened the Secretary of the Navy has entered into contracts for the construction of battle ships and cruisers amounting to $40,000,000. Now, I insist that with the enormous appropriations that are being made in the aggregate in this Congress it is time for us to call a halt. It is better for us to postpone this expenditure, or proposed expenditure, of $20,000,000 more until the next session of Congress, and then we can determine whether we want more battle ships or whether we want cruisers, sheathed or unsheathed.

Mr. DAYTON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DAYTON. I yield two minutes more to the gentleman to answer questions.

Mr. HOPKINS. Or as much as may be necessary to answer the questions. [Laughter.]

Mr. DAYTON. No; two minutes. I ask the gentleman if he does not know that the reason why we have entered into contracts for $40,000,000 of construction is because the construction has been piling up for a number of years by reason of the very disagreement of Congress about these technical questions, and one of them the armor-plate question? How long should we go on piling up these contracts or disagreements; and if we did it, how should we come out in the construction of ships?

Mr. HOPKINS. The gentleman's colleague on the Naval Committee says that no man to-day would authorize harveyized plate upon great battle ships. If we had not been delayed in this House by investigation of this subject, three or four of the best battle ships that will have Krupp armor plate on them would have been constructed and put afloat with harveyized armor that the gentleman from West Virginia to-day condemns.

Mr. WHEELER. Harveyized armor is used on all the ships to-day.

Mr. HOPKINS. I deny the statement of the gentleman from Kentucky.

Mr. WHEELER. If you do, with all due deference to the gentleman, I will say that the gentleman is not informed about it.

Mr. HOPKINS. The gentleman from Kentucky says it is used on all the ships, and the gentleman from Indiana [Mr. WATSON] says that no intelligent man would put that armor plate on a tugboat.

Mr. WATSON. If the gentleman will pardon me, I said no such thing.

Mr. HOPKINS. What did the gentleman say?

Mr. WATSON. I do not know where my friend has been, that he talks about armor plating tugboats.

Mr. HOPKINS. Did not the gentleman say that harveyized plate would not be put upon any vessel?

Mr. WATSON. I said the harveyized armor plate would not be recommended to completely armor any battle ship.

Mr. HOPKINS. I did not hear the gentleman use the word "completely."

Mr. WATSON. That was because the gentleman was talking all the time, and did not listen to what I said.

Mr. HOPKINS. Does the gentleman from Indiana say that he would recommend the harveyized plate for any battle ship?

Mr. WATSON. To a limited extent.

Mr. DAYTON. Now, Mr. Speaker, I desire to yield to the gentleman from Maryland five minutes.

[Mr. MUDD addressed the committee. See Appendix.]

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from West Virginia a question. If the House should insist on its disagreement to amendment No. 89 and the House provision should finally prevail, when would these vessels which we are authorizing to be constructed be completed?

Mr. DAYTON. Just as rapidly as the plans could be prepared and the contracts let. I would say within two years and a half, or possibly six months longer.

Mr. WM. ALDEN SMITH. Is there any advantage in letting these contracts now?

Mr. DAYTON. There is. There has been a very healthy increase in the number of our shipyards; competition is very great at the present time, and I am thoroughly convinced that we can get these vessels built more cheaply now than we could later on; and under present rivalry we can get better ships.

Mr. COOPER of Wisconsin. What would be the increase of expenditure?

Mr. DAYTON. I understand there is no present appropriation for these four battle ships.

I desire now to yield five minutes to the gentleman from Ohio [Mr. BROWN].

Mr. GIBSON. I would like to ask the gentleman from West Virginia a question.

Mr. DAYTON. I do not wish to occupy the floor now in my own right. A little later, when I shall take the floor, I shall be very glad to answer any questions.

Mr. BROWN. Mr. Speaker, I should greatly regret to see the House concur in the Senate amendment. I am not a member of the Committee on Naval Affairs, but like other members of the House I have a very deep interest in this matter of increasing the Navy of the United States.

The House, in the bill which it passed, provided for the construction of two battle ships and two armored cruisers. The Senate amendment strikes out the provision for the construction of these battle ships, strikes out the provision for the construction of these armored cruisers, and substitutes a simple provision for the construction of three submarine boats.

Now, Mr. Speaker, I believe that we are not going fast enough in the matter of increasing the strength of the Navy. I do not believe, with my friend from Illinois [Mr. HOPKINS], that we ought now to further postpone this increase.

It has been stated on this floor by many gentlemen, and in other debates as well as in this, that Germany has already entered upon the execution of a naval programme which will give her by 1916 a navy embracing 38 battle ships.

Mr. DAYTON. And she has made a cut of ten years in that programme.

Mr. BROWN. So that within a few years Germany will have a navy embracing 38 battle ships; and these, as I understand, will be in addition to the present battle ships of her navy.

Mr. RIXEY. I would like to know where the gentleman gets such statement?

Mr. BROWN. From a work entitled "Notes on Naval Progress," which has been handed to me by an officer of the Navy Department. In this work there is a statement that by 1916 this programme which Germany has already entered upon will give her 38 battle ships, 20 large cruisers, 45 small cruisers, and 16 divisions of torpedo boats, and that these will be in addition to the battle ships and cruisers already constructed.

Mr. RIXEY. Can the gentleman tell us how many battle ships Germany now has?

Mr. BROWN. I can not at this moment.

Mr. RIXEY. How many will she build between now and 1916?

Mr. BROWN. The statement is that she will, between now and 1916, build 38 battle ships.

A MEMBER. She has now 27.

Mr. CUMMINGS. I deny that she has now 27, or any number approaching it.

Mr. BROWN. The gentleman from New York will not say I stated that she had.

Now, Mr. Speaker, I have only this to say—that in my view no single year ought to pass by when the United States will not construct at least two new battle ships. I believe she ought to do that this year.

My friend from Illinois [Mr. HOPKINS] talks about deferring this matter until we have agreed upon what is the best armor for these battle ships. If I remember correctly, the gentleman from Illinois was on this floor, speaking with his usual force, at the extra session of the Fifty-fifth Congress, on this very question of the armor for battle ships. I think he did not agree with other intelligent gentlemen, or with all of them, as to what the best armor is.

I only referred to this to show that it is not likely that from now until next December all these doubts will be swept away and that all men will agree what the best armor is for battle ships. I insist that we should not postpone this matter of constructing the battle ships called for by the House bill. The House provided for two of these and for two armored cruisers. The Senate answers by a proposition to postpone this urgent work, and the gentleman from Illinois takes up that position and enforces it here as well as he can.

Mr. Speaker, in view of the foreign policy that this country has inaugurated, it seems to me that this is not the time to postpone the necessary increase of our Navy.

Mr. DAYTON. I think I have taken a fair portion of the time and hope the gentleman from Virginia will consume some of his now.

Mr. RIXEY. Mr. Speaker, what portion of the time is remaining?

Mr. DAYTON. I have kept a record of mine, and I have consumed eighteen minutes.

The SPEAKER pro tempore. The gentleman from Virginia has thirty-seven minutes and the gentleman from West Virginia forty-three.

Mr. RIXEY. I think the gentleman should use some of his time, then.

Mr. DAYTON. I yield five minutes to the gentleman from Pennsylvania, Mr. ADAMS.

Mr. ADAMS. Mr. Speaker, hopefulness is a great characteristic, but when it is carried to the point that we are always going to wait for something better and not acting upon the resources and the means that are at hand, I fear it is not a practical doctrine for this House to proceed upon.

The gentleman from Illinois is alway hopeful, alway waiting for something better to turn up. Whatever proposition, it seems to me, comes before this House in regard to the American Navy, he is always asking to wait for something better or something cheaper.

I remember well in the Fifty-fourth Congress, when this identical question of armor plate was before the House and we came almost to a deadlock in debate upon the price of the armor, after all the men who manufactured that armor, the Secretary of the Navy, and a special board of investigation all stated, for the information of the House, that this armor plate could not be made for less than $400 a ton—in spite of that, the hopefulness of the gentleman from Illinois was so great that he stated to this House and maintained on this floor, and even went so far as to quote a company that would make armor plate for $300 a ton.

Mr. HOPKINS. Mr. Speaker, if the gentleman will allow me——

Mr. ADAMS. One moment. Now, the result was, Mr. Chairman, that the matter went over from that Congress and nothing was done, owing to the gentleman's statement and the force of his argument.

Mr. HOPKINS. Will the gentleman permit me to interrupt him?

Mr. ADAMS. Not now.

The SPEAKER pro tempore. The gentleman from Pennsylvania refuses to yield.

Mr. ADAMS. Now, Mr. Speaker, let me point out to this House the cost to this country of hopefulness. The manufacture of armor plate and the putting it on the two great battle ships at Newport News came to an absolute standstill, and the result was that when the Spanish war broke out those two ships were not in the United States Navy and not ready to protect our flag and our homes against the enemy threatening our coast.

This hopefulness does not do, Mr. Speaker. We must proceed to enlarge and strengthen our Navy with the best-known processes. When our great committee which has built up our Navy to its present condition comes with this recommendation they should be given that weight that they are entitled to, founded on the past experience, in which their wisdom has been so great.

More than that, I think the proposition of the Senate is not wise. We should proceed to enlarge with the class of ships, battle ships and cruisers, which have been tested right within our own observation within the last two years. This proposition for submarine boats, although it may be a matter for hopefulness, does not reach that point that we should spend more money upon those boats until their absolute utility has been established, which, in my judgment, up to this time has not been done.

Mr. CUMMINGS. Mr. Speaker, I desire to interrupt the gentleman there.

Mr. ADAMS. I can not yield.

Mr. CUMMINGS. I want to give you some information.

Mr. ADAMS. I always yield for information.

Mr. CUMMINGS. The London Mail of this afternoon says

that England has contracted for 5 of these very submarine boats which you now say are a failure.

Mr. ADAMS. I do not say that they are a failure. I say that in my judgment their absolute utility has not been sufficiently established to go to such a large expenditure. Now, the absolute utility of the battle ships and cruisers has been proven in defending our country from the assaults of its enemy.

Mr. CUMMINGS. You can build 20 submarine boats for the cost of 1 battle ship.

Mr. ADAMS. That may be, but we want battle ships, because we must meet any vessels that come against our Navy with vessels of an equal class.

Mr. CUMMINGS. When were battle ships used?

Mr. ADAMS. They were used when we met the Spanish at Manila Bay and at Santiago.

Mr. CUMMINGS. There was not a battle ship in the bay. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMS. The gentleman must take my whole proposition. I said Manila Bay and Santiago. There were battle ships at Santiago.

The SPEAKER pro tempore. The gentleman from Pennsylvania must be in order. His time has expired.

Mr. DAYTON. I must insist on the gentleman from Virginia using some of his time.

Mr. RIXEY. I yield to the gentleman from Missouri.

Mr. VANDIVER. Mr. Speaker, when this bill was before the House a few weeks ago I took occasion to recur to the fact that reports from one part of the world were always used for the support of a proposition like this that confronts us to-day.

If I can have the attention of the House for a few minutes, I desire now, Mr. Speaker, to refer again to the fact that this seems to be a period of great naval enterprise, of building up the navies in different parts of the world; and in some parts it seems to me that we are disposed to go so rapidly, to rush so hastily in the business of building ships, that we are liable to build ships which will be out of date before they are even commissioned.

In the discussion that took place on this bill a few weeks ago I referred to the fact that the German Reichstag was urged to increase the German navy because the American Congress was considering the policy of enlarging our Navy. It was a significant fact, it seems to me, that in order to get this bill passed there comes up information to us about what the German navy is doing. The German navy is now considered in many respects the best in the world, although not in the number of ships, superior in many points in personnel and management to the British navy. It seems to me also, if we are to consider a well-advised policy looking to the future, not to be so hasty in ordering contracts for battle ships, but in the present period of progress and invention we should have taken the best advantage of those improvements.

I read only a few days after that discussion took place a cablegram which closes with these words, referring to the comment of Mr. Wilson, the editor of the Naval League Journal:

> In commenting lengthily upon the report of Rear-Admiral Melville, the Chief of the Bureau of Steam Navigation of the United States Navy, on naval boilers, he hopes his argument will not be utilized by the British Admiralty, declaring that the water-tube boilers placed in the American ships to-day will be outclassed long before the vessels run their course.

This suggests an argument that seems to be well founded, that before ordering any more battle ships we should at least wait until the Secretary of the Navy, according to this provision of the Senate, shall have time to submit plans, and that the naval architects shall have time to draft new plans and present the most modern improvements in all these various departments of naval architecture.

It seems to me the action of the Senate has been extremely wise in making this provision. Here are a number of questions yet unsolved that are in dispute among the naval officers themselves. This Senate amendment provides that instead of immediately authorizing contracts for four more great war vessels we shall authorize the Secretary of the Navy to prepare and submit specifications for two seagoing battle ships and two armored cruisers, carrying the most suitable armament for vessels of that class, and to submit that information to Congress on the first Monday of December next.

Now, some gentlemen, it seems, would have us proceed at once to authorize and direct the Secretary of the Navy to make contracts for these vessels. Instead of making contracts now, when, as it has already been seen, the navy-yards are full and can not construct these vessels within the next four years—instead of this, would it not be wiser on our part to provide for these plans and postpone the matter until Congress meets in December? Certainly we are in no danger of attack, and we are in no danger of immediate need of these vessels.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. RIXEY. I yield to the gentleman three minutes more.

Mr. VANDIVER. I think it would be much wiser policy, Mr. Speaker, if we would allow this matter to go over for the present and let the Secretary of the Navy thoroughly consider these questions that are before the Navy Department and are yet unsolved. Here, for instance, is a question whether ships should be sheathed or unsheathed. I remember something over a year ago, when Admiral Dewey and the Secretary of the Navy were both before our committee, that they themselves—two of the most eminent gentlemen, two of the most distinguished naval officers—differed widely on this question, and it was left unsettled. I remember that the advice of Admiral Dewey was that these vessels should be sheathed. I remember, too, that on this very important question, whether we should contract for more battle ships just now or delay them, the Secretary of the Navy at that time made no request for ordering more battle ships.

Mr. WHEELER. Will the gentleman allow me an interruption?

Mr. VANDIVER. Yes.

Mr. WHEELER. I know the gentleman from Missouri does not desire to misrepresent the position of Admiral Dewey, and his position was not in accordance with what the gentleman has stated it to be. Admiral Dewey recommended that the cruisers that were to go to tropical waters should be sheathed and those that were to remain in the North Atlantic or in temperate waters should not be sheathed. That is the position, as I understand, of Admiral Dewey and the position of the naval board.

Mr. VANDIVER. That may be technically true, but the gentleman from Kentucky knows perfectly well that the Navy Department is divided on that question.

Mr. WHEELER. No; only one man differs from them.

Mr. VANDIVER. This question and several others are yet unsettled. Give them another year, and these questions will be determined and we can act intelligently.

We now have 14 war vessels of the largest size and over 40 smaller craft under contract for construction at a cost of more than $60,000,000. Let us wait until these are at least well started before ordering another $20,000,000 worth of contracts.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. RIXEY. I hope the gentleman from West Virginia will now use some of his time.

Mr. DAYTON. I desire, Mr. Speaker, to reserve the balance of my time, and ask the gentleman from Virginia to use some of his.

Mr. RIXEY. I supposed the gentleman would use some of his time now, because we have used more on our side than he has on his.

Mr. DAYTON. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has thirty-eight minutes.

Mr. DAYTON. I yield five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I do not know that I shall want to use five minutes. It is well known in this House that in the fourteen years of my service here I have always been a strong advocate of the increase of the Navy. I am still such an advocate, so great an advocate that when the Secretary of the Navy a year ago sent to Congress his report, in which all he asked in the way of increase was 10 gunboats, I stood with the majority of the Naval Committee, and with the majority of this House, and aided in placing upon the appropriation bill provisions for the building of 3 more battle ships, 3 protected cruisers, and 3 armored cruisers. I did more than this. I asked this House to place on the bill the 10 gunboats which he requested. As a conferee on the naval appropriation bill I also stood by the Senate in making an appropriation for the building of 5 submarine boats.

This year the Secretary of the Navy, who a year ago failed to recommend any battle ships and to whom we gave 9 ships unsolicited, asks for 2 more battle ships and 2 cruisers, more expensive than battle ships. He has recommended no gunboats, however. Well, I believe that John D. Long knows what he is about. I am going to vote for the battle ships, although I believe that the failure of the committee to put submarine boats on the bill was a mistake and that it will be demonstrated a mistake, to the satisfaction of this House, before Congress adjourns on the 4th of March. I am confident that Great Britain will begin the construction of these submarine boats before three months have passed, and unless additional submarine boats are authorized by us, the skilled mechanics employed in their construction here will be transferred to the banks of the Clyde.

Now, Mr. Speaker, there is a disposition to be economical here regarding the increase of the Navy. It may prove a false economy to stop the work altogether. I believe that it would be wise and certainly inure to the safety of the country if you should strike off 1 of these battle ships or 1 of these cruisers and put in the place of it the 3 submarine boats asked for by the Senate. These boats will entail an expense upon this country of only $500,000. The battle ships will cost, including armament, $5,000,000 each. I sincerely

believe that 3 submarine boats are equal to 1 battle ship as a means of defense to our ports. I trust that, whatever may happen, we shall continue to increase our Navy and the work of construction not entirely cease.

Mr. RIXEY. Mr. Speaker, I now yield five minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Speaker, I do not know that I can say anything in regard to this amendment of the Senate that I have not already said in regard to this subject-matter when the naval bill was pending in the House. It was my judgment then, as it is now, that we ought not to authorize the construction of these two battle ships and the two armored cruisers. We have already expended vast sums of money on our new Navy. In my judgment we to-day have next to the strongest Navy in the world, the navy of England alone surpassing ours.

Some gentlemen of this House have proclaimed that they desire our country to have a Navy equal to that of England. If you should measure navies by their tonnage, such a navy would entail upon our country an additional expense of a thousand million dollars for its construction. If we should have a navy the size of England's, our annual expense to support it would be $200,000,000.

A few years ago a naval bill of $25,000,000 was considered a large one by people of this country and members of this House. This bill is now carrying, I believe, more than $75,000,000, exclusive of these four ships, the construction of which the Senate amendment will delay. These four ships will entail an expense on the Government of about $30,000,000. A battle ship or an armored cruiser's first cost is about $3,750,000. That does not include the armor—it does not include the armament or anything except the vessel as it leaves the contractor's hands.

In my judgment, the cost of each one of these vessels after the contractor has turned it over to the Government, before it is completed and ready to meet an enemy on the seas, will be three or three and one-half million dollars more. The cost of a great war-ship ready to fight is about $7,000,000.

We now have on the sea and in the course of construction 18 battle ships, 35 cruisers, 44 gunboats, and 60 torpedo boats and torpedo-boat destroyers. Gentlemen speak of the American Navy as if it were something that other nations could deride. Why, Mr. Speaker, we now have a large navy, one that every American citizen ought to be proud of, one sufficient for all our needs under present conditions.

I am not one of those who think the navy of England, or the navy of any other country, could overrun us on any of the highways of trade. Our Navy can always be comparatively near us, near our shores, affording us ample protection. So, entertaining these views, I shall support the motion to concur in the Senate amendment.

This Senate amendment directs the investigation on the part of the Secretary of the Navy's office and report thereon to this body as to what kind of ships we ought to have, the kind of armor we ought to use, the kind of armament they ought to have, and everything that would tend to give this body information about the building of these ships.

Certainly it could not harm the American people to have this information laid before Congress. Certainly we are in no immediate danger for the lack of these four vessels. Why not let this body defer this matter until this report can be handed in to us by the Secretary of the Navy next winter, or, if we are to have an extra session, earlier? In no event would these ships probably be put in the course of construction until next winter. When we directly authorize a battle ship it takes some time to prepare the plans.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. RIXEY. I yield five minutes more to the gentleman from North Carolina.

Mr. KITCHIN. Mr. Speaker, as I was proceeding to say, when we directly authorize the construction of a ship it takes the Department some time to prepare the plans in detail, and the plans are fully prepared before the contract is made.

So it seems, in view of the enormous amount of appropriations that this Congress has seen fit to authorize—double the amount of the appropriations of a single session that shocked the country a few years ago—in view of the fact that the people who are to bear these enormous burdens of taxation have not demanded this vast increase of the Navy, it seems to me that this body, in the interest of economy and because there is no fear of outside nations—no danger in delay in this matter—ought to be glad to defer this matter until the meeting of the Fifty-seventh Congress.

While the appropriation for these ships may not be authorized at this time, yet if their construction be authorized it entails upon the people of this country obligations amounting to millions of dollars for their final construction. We shall have put upon their shoulders obligations which, in my judgment, will carry twenty-five or thirty million dollars for these four ships.

As the gentleman from New York has already said, the Secretary of the Navy last session did not ask for battle ships. But this liberal Congress, against my protest, saw fit then to authorize the construction of seven battle ships and cruisers. Now this year the Secretary has asked for them because the liberality of the Congress toward the naval arm of the Government had probably astonished him, and seeing how easily Congress was induced to appropriate money last year for the authorization of ships he was emboldened to ask for these ships this year.

I do not censure the head of the Navy for wanting to see our Navy the strongest arm of the Government. Why, sir, it is the most natural thing in the world for every officer of the Government to want to see his Department the favored Department. Gentlemen are usually willing that those interests over which they have control should be advanced far beyond their just demands. Thus it is, no doubt, with the Naval Committee; and the zeal with which some of my Democratic colleagues stand by the Secretary of the Navy and the majority of the committee in advancing this great Department under the control of the Naval Committee is admirable.

I do not blame them for taking pride in it. No doubt they do it conscientiously in the name of duty; and I would not be understood as intimating otherwise. But as I see my duty as a representative of the American people I think we should first ascertain whether there is any pressing necessity for these enormous authorizations, and then in reaching a conclusion upon that point we ought to consider whether the people are prepared to pay these enormous expenses.

Mr. WATSON. Will the gentleman allow me a question? As I understand, he favors the Senate amendment, not so much because of what that amendment contains, but simply because it must ultimately result in the postponement, if not the abandonment, of our naval policy. Am I not right?

Mr. KITCHIN. I am not sure the gentleman is right. My position is this: As I have stated, I am opposed to the building of these ships——

Mr. WATSON. You voted against the authorization of them in this Congress——

Mr. KITCHIN. Yes, sir.

Mr. WATSON. And also in the last Congress, did you not?

Mr. KITCHIN. I did.

Mr. WATSON. Therefore you are in favor of the Senate amendment, not because of what it contains, but by reason of the fact that it proposes to postpone our naval programme.

[Here the hammer fell].

Mr. RIXEY. I yield two minutes more to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. I think, as a clear business proposition, if I were in favor of building these ships—if I were in favor of our Government having, regardless of necessity and expense, the greatest navy on the seas—even then I would think it a wise thing for the American Congress to instruct the Secretary of the Navy to lay before Congress all the information possible on these subjects, because in my judgment the average member of Congress, however enlightened he may be on matters coming before his committee and on other matters pending in Congress, is not an expert on this naval business.

He does not fully understand the actual condition of the American Navy to-day, or the condition of other navies, or the necessities of our present situation. If this matter be deferred I hope that the cooler, soberer judgment of Congress, when it shall be another year removed from Dewey's great victory, which seemed to set this country afire on the subject of the Navy—when it shall be further removed from the applause of the naval victories of the Spanish war—will see that it is unnecessary to go ahead increasing the Navy at the enormous strides that we have been taking for the last three years.

Mr. DAYTON. I have promised to yield five minutes to the gentleman from New York [Mr. DRIGGS]. If he is not present, I yield ten minutes to my colleague on the committee, the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, if I were persuaded that the Senate amended the House provision in an effort to secure information upon the subjects mentioned in the amendment, I would feel more kindly toward that amendment. I wish to call the attention of the House to the fact that the opposition coming from this side of the Chamber comes entirely from gentlemen who opposed the original House provision and who opposed the provision making appropriation for additional vessels in the naval bill for the present fiscal year.

I shall not take up the time of the House with an effort to go over the subject upon which information is asked. If the gentleman from Illinois and the gentleman from Virginia desire information upon the subject of sheathing ships, they can obtain the views of the Naval Construction Board, if they will take the trouble to walk to the room of the Committee on Naval Affairs.

The judgment of the Secretary of the Navy, of the Admiral of the Navy, and of every chief of every bureau whose opinions are

consulted upon matters of this sort, has been furnished to the committee over twelve months ago. If this provision be adopted it will but order a reprint of what those officers have already said or written and sent to committees of Congress.

If gentlemen desire information upon the subject of armor plate, the Naval Committee either of the House or the Senate, I have no doubt, will gladly furnish them with—I was about to say tons of literature on the subject. If they desire information upon the question of superimposed turrets, they can have the opinion of the board of construction. The head of every bureau has given his opinion upon the question.

If gentlemen desire information upon the question what guns are to be used on our ships, they may have the opinion already furnished to the committee by the Chief of the Bureau of Ordnance. Thus it will be seen that every question enumerated in the proposed amendment has been gone over by the heads of the different bureaus and has been fully discussed in hearings before the Committee on Naval Affairs of this House.

Mr. VANDIVER. Will the gentleman from Kentucky inform us whether these questions that he says have been gone over have been solved, and whether the Navy Department is now ready to submit the solution.

Mr. WHEELER. They have, and the Navy Department has not reached the solution which it requires, but that Department is acting upon the solution. It has not been the unanimous judgment of the heads of the bureaus upon the various questions mentioned here, but the consensus of the intelligent expert opinion of the bureaus has agreed upon a line of action, and the Department is pursuing that intelligent line.

It is true one of the members of the board of construction disagreed upon the subject of sheathing the ships, and I believe there was a like disagreement as to superimposed turrets, but on the question of armor and armament it is known to every man who has taken the pains to investigate the question that the matter suggested by the gentleman from Illinois, as to whether we should use Krupp armor or harveyized armor, is not a perplexing question.

Every country in the world now uses Krupp armor to cover the vitals of the ship and the rest is sheathed in great part with harveyized armor. As to what the best gun is, I confess we have never had that matter before us, and I undertake to say the Department would be averse to giving to Congress, for the use of the public, to pass judgment upon what would be the best guns to be used on our ships.

But, now, Mr. Speaker, why does the Senate make this proposition? Let us be honest about it. This Congress has been running away with the appropriations, and the gentleman from Illinois, and I am not charging him with insincerity, but as one of the leaders of his party, is trying to cut down the appropriations.

This is because you have run riot with the Treasury; it is because you squandered millions foolishly, that you are trying to make amends in the naval appropriation bill for the foolishness on other appropriation bills, and the gentleman has gathered in a few suckers on this side of the Chamber. But as to the real fact. It is because you have been guilty of wanton, almost criminal, extravagance, and now the gentleman is trying to cut it down at the expense of the American Navy.

Mr. RIXEY. I think after the statement of the gentleman that he has gathered in a few suckers of this side——

Mr. WHEELER. I had no reference to the gentleman.

Mr. RIXEY. What does the gentleman mean by that?

Mr. WHEELER. My colleague does not understand me to reflect upon his integrity or that of the gentleman from Missouri.

Mr. RIXEY. Does the gentleman mean by that we have changed our views?

Mr. WHEELER. No, sir; I am speaking of my colleagues on this side who are trying to join him.

Mr. VANDIVER. Did not the gentleman from Kentucky only a moment ago, in the early portion of his speech, speak of those gentlemen on this side of the Chamber who had originally opposed this increase?

Mr. WHEELER. I know that the gentleman from Virginia and the gentleman from Missouri are sincere, because they have always been opposed to it. They uphold the gentleman from Illinois in his opposition, instead of holding him responsible for the extravagance; and I was referring to him. My colleagues from Missouri and from Virginia have always been outspoken in their opposition.

Mr. VANDIVER. I said in the opening of my remarks that I had not opposed a proper increase of the Navy, but that what I did wish to oppose was the rash, intemperate, hasty provision for the letting of contracts while the shipyards, as had been reported to the House, were full now and could not construct any more vessels at this time. I thought it was not good business prudence to authorize contracts under those circumstances.

Mr. RIXEY. In your reference to the suckers on this side of the House you seem to refer to those opposing your present view.

Mr. WHEELER. My colleague is oversensitive. I meant no attack upon the integrity of the gentleman's position. I think he is mistaken, but I do not believe that the gentlemen on the other side of the Chamber who are opposing this increase are moved by the same motives that move either the gentleman from Missouri or the gentleman from North Carolina.

Mr. VANDIVER. I hope that the gentleman will not persist in that statement. I have always opposed the increase, because I think that it is hasty and extravagant.

Mr. WHEELER. I will admit almost anything—any position the gentleman desires—if he will only permit me to go on with my argument.

Now, Mr. Speaker, going back to the proposition that gentlemen on the other side are opposed to this increase because they are conscious of the fact that appropriations have climbed too high—and that really, in my judgment, has moved the Senate to adopt this amendment—what will be the attitude of the country if a contingency such as might arise if we should have to assert the Monroe Doctrine? We are now talking about the construction of the Nicaragua Canal. Great Britain is opposing the position we take. Now, we want to maintain the dignity of the American Government.

The SPEAKER. The time of the gentleman has expired.

Mr. WHEELER. I had ten minutes.

The SPEAKER. The time of the gentleman has expired.

Mr. DAYTON. I yield four minutes more to the gentleman.

Mr. WHEELER. What would be the attitude of the American Government if Great Britain herself should undertake the construction of the Nicaraguan Canal? We might proclaim the Monroe Doctrine as much as we pleased, but what will be our attitude if some foreign government undertakes to say quit to our position in Cuba? What would be our attitude in the contingency that the Danish West India islands were sold to some other government instead of to the United States, as proposed? Will it be time for the consideration and construction of ships?

I desire to direct the attention of my colleagues on this side of the Chamber to this proposition, that our failure to have a good navy on the breaking out of the Spanish war cost this country five hundred and fifty millions of money—more than enough to make our Navy equal to that of any navy in the world. I do not desire, nor do I intend to draw a comparison between the Navy of the United States and the navy of any other foreign country. It is not proper that such comparisons should be made in this House by gentlemen.

I advocate the construction of these additional ships, not as a measure of war, not in the hope of raising the expectation that they will be used as a weapon of offense, but in the belief that a good Navy will prevent hostilities. That is why I am in favor of the House provision. I am persuaded that if the House desires to disagree to the position recommended by the House committee, the part of wisdom will be that we disagree to the Senate amendment and declare that we will build no battle ships or cruisers this year.

Let us be sincere; because these gentlemen on this side of the Chamber have declared in favor of the Senate amendment, let them be frank enough to say that they advocate it because by postponing the construction of the battle ships they think it will ultimately result in not having them built at all.

Mr. RIXEY. I beg your pardon. My friend from North Carolina suggested that.

Mr. WHEELER. I say I understand the gentleman from Missouri and the gentleman from Virginia in their position on that matter.

One word more and I am through. The House has solemnly declared that it would authorize the construction of two battle ships and two cruisers. If it desires to recede from that position it can do so. But I desire briefly to answer the argument advanced by the gentlemen on the other side. I have received the following letter from the Navy Department, which answers much of their contention:

NAVY DEPARTMENT,
Washington, February 19, 1901.

SIR: In response to your letter of the 16th instant asking for information upon the three following points affecting the advisability of authorizing additional naval vessels, namely:

(1) "That a number of our ships are out of commission and not in active service;

(2) "That we have not enough officers and men to man the ships already ordered: and

(3) "That the shipbuilders of the United States are not prepared to build ships already ordered by Congress;"

I have the honor to state as follows:

(1) The vessels at present out of commission and not in active service are generally retained in that condition for necessary repairs and will, from time to time, be commissioned as repairs are completed. The Department has also adopted the policy of holding vessels in reserve—as is the battle ship *Indiana* at this time—having on board what may be termed a skeleton complement of officers and men, sufficient to keep them in a general state of readiness from which they can be quickly prepared for active service by increasing their complements to the regular number.

(2) There is an insufficiency of officers in the lower grades, those who do duty as watch and division officers. The Department trusts that this deficiency will be made good by authorization of Congress.

The 5,000 enlisted men provided for by the pending naval appropriation bill will, if said bill becomes a law, be sufficient to man the vessels that will probably be completed during the next two fiscal years.

(3) The Bureau of Construction and Repair reports that the shipbuilders are prepared to build the vessels, two battle ships and two armored cruisers, provided for in the House bill for the increase of the Navy. This source of information upon the branch of your inquiry here referred to is the best available to the Department, and the Bureau reports that, in its opinion, contract can be made for these additional ships.

Very respectfully,

F. W. HACKETT,
Acting Secretary.

Hon. CHARLES K. WHEELER,
House of Representatives.

When the gentlemen suggest that there are many ships not now in commission, that is true. The policy of the Department is to keep as many ships as possible in the United States with skeleton crews so as to save the expense to the American Government.

We can build the ships, we have got the men to man them, and if we can get the Senate to agree to it we will have the officers to control them. It is known to every man that it takes from twelve to eighteen months to have the plans prepared in the Department and get ready to build a ship, and that it will be eighteen months before the keels of these ships are laid down.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. RIXEY. I now yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, much as I respect the judgment of my distinguished friend from Kentucky [Mr. WHEELER], who has just addressed the House, I am compelled to vote against the proposition so forcibly and eloquently urged by him. I have listened in vain for sufficient reasons to warrant the immediate appropriation of $25,000,000 for battle ships and armored cruisers.

The ink is scarcely dry upon contracts entered into by the Navy Department for the construction of battle ships and cruisers which will take several years to complete. Why the haste? What mighty danger is confronting us that demands such precipitate action?

Ah, Mr. Speaker, in my opinion, it is not the sober, conservative spirit of a great and splendid people that is crying out for mighty navies and standing armies and the concomitants of a barbarous, warlike age. It is the hysterical, explosive, jingo spirit, born of our present liaison with imperialism, which cries out for war, and which would make of our coast a bristling fortress and darken the seas with the ships of war and cause the earth to tremble with the tread of marching hosts.

We are living in the dawn of a new century. We have wiped from our brows the sorrows and blood of the past, and welcome ineffable brightness of the coming day. This is a Christian nation, and it should not stand in the arena of nations as the champion of war and the protagonist of unholy physical force.

Mr. SNODGRASS. Will the gentleman yield to a question?

Mr. KING. Yes.

Mr. SNODGRASS. Does the gentleman believe that the present naval strength of the United States is sufficient?

Mr. KING. Oh, Mr. Speaker, that question is not necessarily involved in this matter. But I will frankly state to my friend that, in my opinion, considering the many vessels for the Navy which have been ordered and can not be completed for several years, and the fact that it would be difficult to contract during the next year at a reasonable price for the construction of more battle ships and cruisers, and further taking into account all our surroundings, it is the part of wisdom and patriotism to call a halt for the present. Marvelous advances are being made in mechanical sciences, in shipbuilding, and in the appliances of war.

The guns now being invented may make a battle ship of but slight advantage. But, Mr. Speaker, there is another side to this question. I know that it is popular in places to glorify our Army and Navy, to increase the martial spirit, and encourage the ostentatious display of military power. This same spirit has found its way into the nations of the past. It is not the spirit that builds commonwealths and founds nations. This spirit is not the friend of civilization; it never measures the progress of a people.

It is the unerring sign of decadence. And this is a Republic, and ours a Christian nation! Why, we should turn from the sanguinary battlefield to the arts of peace. Our faces should be bathed in the radiance of spiritual and intellectual power; our hands should not be stained by the practices of monarchies and the conduct of despots. Our Republic should be the evangel of the coming day, the prophet of an era of righteousness and peace. It should not alone preach Christ, but it should practice Christian precepts.

If we increase our Navy, it is an invitation, which permits no declination, for European nations to strengthen theirs. If we expend millions for military and naval purposes, the force of the example is immediately felt upon the other side of the Atlantic. Mr. Speaker, are we not mistaking the purpose, the high mission, of this Republic? It should be the great moral force among the nations of the world.

As such it will be more potential than if encased in steel and guarded by forces that seem more terrible than an army with banners.

The law of peace will supersede the law of war.

Mr. WATSON. May I ask if the gentleman ever voted for the construction of any ship which is now afloat?

Mr. KING. I am not sure, but I think not, Mr. Speaker. But I am free to say that if it is the purpose of the party in power to set the pace in the building of war vessels and in preparing for imperialistic policies, I shall not give my vote in aid of such designs.

But, Mr. Speaker, it is evident that the Committee on Naval Affairs of the House have not evolved a plan for the American Navy. I remember that the chairman of the committee was interrogated when this matter was under discussion, when the bill was up for consideration, as to what the plan of the Naval Committee contemplated, and he could vouchsafe no reply.

The committee had not determined how big our Navy should be, had not determined the character of the vessels which we should build; and it was evident the committee was appropriating millions in a spasmodic, seemingly purposeless manner. If we are to increase the Navy, let us adopt a plan, outline a programme, and then proceed to its execution.

Mr. Speaker, I think it ill becomes a Democrat, in view of the martial spirit abroad in the land, and this military intoxication which has made so many drunk, and the determination of the party in power to embark upon a career of colonial conquest and dangerous imperialism, to support the polices and principles of our Republican friends. I am not surprised at the Republican party being extravagant. It has taught us that Republicanism is synonomous with extravagance.

I can not complain at the Republican party for expending nearly $400,000,000 for the military and naval arms of the Government, because it would be of no avail. But it seems to me that just cause for complaint would rest against Democrats when they give aid and comfort to the Republican party in the great extravagance and outrageous expenditures which have characterized its record in this and the preceding Congress.

Why, Mr. Speaker, a few years ago, when we had a billion-dollar Congress the American people were so outraged at the extravagance of that Congress that the party, so far as it controlled the legislative branch of the Government, was at the next election hurled from power. But we shall soon be confronted with a picture in this country of a $2,000,000,000 Congress, a billion-dollar session.

Democrats, though they are not charged with the administration of the affairs of the Government, have, in my opinion, devolved upon them the duty that the distinguished chairman of the Committee on Appropriations [Mr. CANNON] adverted to the other evening in his most adroit, ingenious, and altogether patriotic speech.

I do not believe it is right for the Democratic party to stand here in the House and see extravagant appropriations made and not lift their voices against them. I think it is the duty of the Democratic party to join hands with patriotic Republicans, if any there be, in stemming the tide of extravagance and appropriations which is sweeping the land, and to employ every possible means to protect the people from exploitation and preserve and vindicate the institutions of the Republic. [Applause.]

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. DAYTON. Mr. Speaker, I now yield five minutes to the gentleman from Indiana, after which I shall ask the gentleman from Virginia to conclude his time, as I desire to say a few words to close the debate.

Mr. WATSON. Mr. Speaker, I am very sorry that the gentleman from Utah has seen fit to thrust into this great national, patriotic question a partisan harangue having no reference whatever to the subject under discussion. The only criticism of the present programme that the gentleman from Utah offers is that it is not a programme, and that he for one will refuse to follow the Naval Committee, because it has not seen fit to fix definitely the number of vessels of which the American Navy shall be ultimately composed.

Mr. Speaker, human foresight is, of necessity, limited. No man can lift the veil and see into the future with sufficient accuracy to say how many vessels shall constitute the American Navy of the future. All that we need to do is to provide for the present and permit the future to provide for itself. The gentleman says that a Christian nation should not build a navy, should not provide armies, and then admits that in the past he has voted for the construction of some of the ships that are now afloat upon the waters of the deep. Strange ideas of Christianity! Why, Mr. Speaker, he says that a Christian may carry a revolver in each of three pockets, and that if we propose to give him another in self-defense, it is against the principles and precepts of Christianity. In other words, we as American people may authorize and own 20 battle ships, but the very moment we make a move to construct more, to place our Navy before and not behind the nations of the world,

consulted upon matters of this sort, has been furnished to the committee over twelve months ago. If this provision be adopted it will but order a reprint of what those officers have already said or written and sent to committees of Congress.

If gentlemen desire information upon the subject of armor plate, the Naval Committee either of the House or the Senate, I have no doubt, will gladly furnish them with—I was about to say tons of literature on the subject. If they desire information upon the question of superimposed turrets, they can have the opinion of the board of construction. The head of every bureau has given his opinion upon the question.

If gentlemen desire information upon the question what guns are to be used on our ships, they may have the opinion already furnished to the committee by the Chief of the Bureau of Ordnance. Thus it will be seen that every question enumerated in the proposed amendment has been gone over by the heads of the different bureaus and has been fully discussed in hearings before the Committee on Naval Affairs of this House.

Mr. VANDIVER. Will the gentleman from Kentucky inform us whether these questions that he says have been gone over have been solved, and whether the Navy Department is now ready to submit the solution.

Mr. WHEELER. They have, and the Navy Department has not reached the solution which it requires, but that Department is acting upon the solution. It has not been the unanimous judgment of the heads of the bureaus upon the various questions mentioned here, but the consensus of the intelligent expert opinion of the bureaus has agreed upon a line of action, and the Department is pursuing that intelligent line.

It is true one of the members of the board of construction disagreed upon the subject of sheathing the ships, and I believe there was a like disagreement as to superimposed turrets, but on the question of armor and armament it is known to every man who has taken the pains to investigate the question that the matter suggested by the gentleman from Illinois, as to whether we should use Krupp armor or harveyized armor, is not a perplexing question.

Every country in the world now uses Krupp armor to cover the vitals of the ship and the rest is sheathed in great part with harveyized armor. As to what the best gun is, I confess we have never had that matter before us, and I undertake to say the Department would be averse to giving to Congress, for the use of the public, to pass judgment upon what would be the best guns to be used on our ships.

But, now, Mr. Speaker, why does the Senate make this proposition? Let us be honest about it. This Congress has been running away with the appropriations, and the gentleman from Illinois, and I am not charging him with insincerity, but as one of the leaders of his party, is trying to cut down the appropriations.

This is because you have run riot with the Treasury; it is because you squandered millions foolishly, that you are trying to make amends in the naval appropriation bill for the foolishness on other appropriation bills, and the gentleman has gathered in a few suckers on this side of the Chamber. But as to the real fact. It is because you have been guilty of wanton, almost criminal, extravagance, and now the gentleman is trying to cut it down at the expense of the American Navy.

Mr. RIXEY. I think after the statement of the gentleman that he has gathered in a few suckers of this side——

Mr. WHEELER. I had no reference to the gentleman.

Mr. RIXEY. What does the gentleman mean by that?

Mr. WHEELER. My colleague does not understand me to reflect upon his integrity or that of the gentleman from Missouri.

Mr. RIXEY. Does the gentleman mean by that we have changed our views?

Mr. WHEELER. No, sir; I am speaking of my colleagues on this side who are trying to join him.

Mr. VANDIVER. Did not the gentleman from Kentucky only a moment ago, in the early portion of his speech, speak of those gentlemen on this side of the Chamber who had originally opposed this increase?

Mr. WHEELER. I know that the gentleman from Virginia and the gentleman from Missouri are sincere, because they have always been opposed to it. They uphold the gentleman from Illinois in his opposition, instead of holding him responsible for the extravagance; and I was referring to him. My colleagues from Missouri and from Virginia have always been outspoken in their opposition.

Mr. VANDIVER. I said in the opening of my remarks that I had not opposed a proper increase of the Navy, but that what I did wish to oppose was the rash, intemperate, hasty provision for the letting of contracts while the shipyards, as had been reported to the House, were full now and could not construct any more vessels at this time. I thought it was not good business prudence to authorize contracts under those circumstances.

Mr. RIXEY. In your reference to the suckers on this side of the House you seem to refer to those opposing your present view.

Mr. WHEELER. My colleague is oversensitive. I meant no attack upon the integrity of the gentleman's position. I think he is mistaken, but I do not believe that the gentlemen on the other side of the Chamber who are opposing this increase are moved by the same motives that move either the gentleman from Missouri or the gentleman from North Carolina.

Mr. VANDIVER. I hope that the gentleman will not persist in that statement. I have always opposed the increase, because I think that it is hasty and extravagant.

Mr. WHEELER. I will admit almost anything—any position the gentleman desires—if he will only permit me to go on with my argument.

Now, Mr. Speaker, going back to the proposition that gentlemen on the other side are opposed to this increase because they are conscious of the fact that appropriations have climbed too high—and that really, in my judgment, has moved the Senate to adopt this amendment—what will be the attitude of the country if a contingency such as might arise if we should have to assert the Monroe Doctrine? We are now talking about the construction of the Nicaragua Canal. Great Britain is opposing the position we take. Now, we want to maintain the dignity of the American Government.

The SPEAKER. The time of the gentleman has expired.

Mr. WHEELER. I had ten minutes.

The SPEAKER. The time of the gentleman has expired.

Mr. DAYTON. I yield four minutes more to the gentleman.

Mr. WHEELER. What would be the attitude of the American Government if Great Britain herself should undertake the construction of the Nicaraguan Canal? We might proclaim the Monroe Doctrine as much as we pleased, but what will be our attitude if some foreign government undertakes to say quit to our position in Cuba? What would be our attitude in the contingency that the Danish West India islands were sold to some other government instead of to the United States, as proposed? Will it be time for the consideration and construction of ships?

I desire to direct the attention of my colleagues on this side of the Chamber to this proposition, that our failure to have a good navy on the breaking out of the Spanish war cost this country five hundred and fifty millions of money—more than enough to make our Navy equal to that of any navy in the world. I do not desire, nor do I intend to draw a comparison between the Navy of the United States and the navy of any other foreign country. It is not proper that such comparisons should be made in this House by gentlemen.

I advocate the construction of these additional ships, not as a measure of war, not in the hope of raising the expectation that they will be used as a weapon of offense, but in the belief that a good Navy will prevent hostilities. That is why I am in favor of the House provision. I am persuaded that if the House desires to disagree to the position recommended by the House committee, the part of wisdom will be that we disagree to the Senate amendment and declare that we will build no battle ships or cruisers this year.

Let us be sincere; because these gentlemen on this side of the Chamber have declared in favor of the Senate amendment, let them be frank enough to say that they advocate it because by postponing the construction of the battle ships they think it will ultimately result in not having them built at all.

Mr. RIXEY. I beg your pardon. My friend from North Carolina suggested that.

Mr. WHEELER. I say I understand the gentleman from Missouri and the gentleman from Virginia in their position on that matter.

One word more and I am through. The House has solemnly declared that it would authorize the construction of two battle ships and two cruisers. If it desires to recede from that position it can do so. But I desire briefly to answer the argument advanced by the gentlemen on the other side. I have received the following letter from the Navy Department, which answers much of their contention:

NAVY DEPARTMENT,
Washington, February 19, 1901.

SIR: In response to your letter of the 16th instant asking for information upon the three following points affecting the advisability of authorizing additional naval vessels, namely:

(1) "That a number of our ships are out of commission and not in active service;

(2) "That we have not enough officers and men to man the ships already ordered: and

(3) "That the shipbuilders of the United States are not prepared to build ships already ordered by Congress;"

I have the honor to state as follows:

(1) The vessels at present out of commission and not in active service are generally retained in that condition for necessary repairs and will, from time to time, be commissioned as repairs are completed. The Department has also adopted the policy of holding vessels in reserve—as is the battle ship *Indiana* at this time—having on board what may be termed a skeleton complement of officers and men, sufficient to keep them in a general state of readiness from which they can be quickly prepared for active service by increasing their complements to the regular number.

(2) There is an insufficiency of officers in the lower grades, those who do duty as watch and division officers. The Department trusts that this deficiency will be made good by authorization of Congress.

The 5,000 enlisted men provided for by the pending naval appropriation bill will, if said bill becomes a law, be sufficient to man the vessels that will probably be completed during the next two fiscal years.

(3) The Bureau of Construction and Repair reports that the shipbuilders are prepared to build the vessels, two battle ships and two armored cruisers, provided for in the House bill for the increase of the Navy. This source of information upon the branch of your inquiry here referred to is the best available to the Department, and the Bureau reports that, in its opinion, contract can be made for these additional ships.

Very respectfully,

F. W. HACKETT,
Acting Secretary.

Hon. CHARLES K. WHEELER,
House of Representatives.

When the gentlemen suggest that there are many ships not now in commission, that is true. The policy of the Department is to keep as many ships as possible in the United States with skeleton crews so as to save the expense to the American Government.

We can build the ships, we have got the men to man them, and if we can get the Senate to agree to it we will have the officers to control them. It is known to every man that it takes from twelve to eighteen months to have the plans prepared in the Department and get ready to build a ship, and that it will be eighteen months before the keels of these ships are laid down.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. RIXEY. I now yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, much as I respect the judgment of my distinguished friend from Kentucky [Mr. WHEELER], who has just addressed the House, I am compelled to vote against the proposition so forcibly and eloquently urged by him. I have listened in vain for sufficient reasons to warrant the immediate appropriation of $25,000,000 for battle ships and armored cruisers.

The ink is scarcely dry upon contracts entered into by the Navy Department for the construction of battle ships and cruisers which will take several years to complete. Why the haste? What mighty danger is confronting us that demands such precipitate action?

Ah, Mr. Speaker, in my opinion, it is not the sober, conservative spirit of a great and splendid people that is crying out for mighty navies and standing armies and the concomitants of a barbarous, warlike age. It is the hysterical, explosive, jingo spirit, born of our present liaison with imperialism, which cries out for war, and which would make of our coast a bristling fortress and darken the seas with the ships of war and cause the earth to tremble with the tread of marching hosts.

We are living in the dawn of a new century. We have wiped from our brows the sorrows and blood of the past, and welcome ineffable brightness of the coming day. This is a Christian nation, and it should not stand in the arena of nations as the champion of war and the protagonist of unholy physical force.

Mr. SNODGRASS. Will the gentleman yield to a question?

Mr. KING. Yes.

Mr. SNODGRASS. Does the gentleman believe that the present naval strength of the United States is sufficient?

Mr. KING. Oh, Mr. Speaker, that question is not necessarily involved in this matter. But I will frankly state to my friend that, in my opinion, considering the many vessels for the Navy which have been ordered and can not be completed for several years, and the fact that it would be difficult to contract during the next year at a reasonable price for the construction of more battle ships and cruisers, and further taking into account all our surroundings, it is the part of wisdom and patriotism to call a halt for the present. Marvelous advances are being made in mechanical sciences, in shipbuilding, and in the appliances of war.

The guns now being invented may make a battle ship of but slight advantage. But, Mr. Speaker, there is another side to this question. I know that it is popular in places to glorify our Army and Navy, to increase the martial spirit, and encourage the ostentatious display of military power. This same spirit has found its way into the nations of the past. It is not the spirit that builds commonwealths and founds nations. This spirit is not the friend of civilization; it never measures the progress of a people.

It is the unerring sign of decadence. And this is a Republic, and ours a Christian nation! Why, we should turn from the sanguinary battlefield to the arts of peace. Our faces should be bathed in the radiance of spiritual and intellectual power; our hands should not be stained by the practices of monarchies and the conduct of despots. Our Republic should be the evangel of the coming day, the prophet of an era of righteousness and peace. It should not alone preach Christ, but it should practice Christian precepts.

If we increase our Navy, it is an invitation, which permits no declination, for European nations to strengthen theirs. If we expend millions for military and naval purposes, the force of the example is immediately felt upon the other side of the Atlantic. Mr. Speaker, are we not mistaking the purpose, the high mission, of this Republic? It should be the great moral force among the nations of the world.

As such it will be more potential than if encased in steel and guarded by forces that seem more terrible than an army with banners.

The law of peace will supersede the law of war.

Mr. WATSON. May I ask if the gentleman ever voted for the construction of any ship which is now afloat?

Mr. KING. I am not sure, but I think not, Mr. Speaker. But I am free to say that if it is the purpose of the party in power to set the pace in the building of war vessels and in preparing for imperialistic policies, I shall not give my vote in aid of such designs.

But, Mr. Speaker, it is evident that the Committee on Naval Affairs of the House have not evolved a plan for the American Navy. I remember that the chairman of the committee was interrogated when this matter was under discussion, when the bill was up for consideration, as to what the plan of the Naval Committee contemplated, and he could vouchsafe no reply.

The committee had not determined how big our Navy should be, had not determined the character of the vessels which we should build; and it was evident the committee was appropriating millions in a spasmodic, seemingly purposeless manner. If we are to increase the Navy, let us adopt a plan, outline a programme, and then proceed to its execution.

Mr. Speaker, I think it ill becomes a Democrat, in view of the martial spirit abroad in the land, and this military intoxication which has made so many drunk, and the determination of the party in power to embark upon a career of colonial conquest and dangerous imperialism, to support the polices and principles of our Republican friends. I am not surprised at the Republican party being extravagant. It has taught us that Republicanism is synonomous with extravagance.

I can not complain at the Republican party for expending nearly $400,000,000 for the military and naval arms of the Government, because it would be of no avail. But it seems to me that just cause for complaint would rest against Democrats when they give aid and comfort to the Republican party in the great extravagance and outrageous expenditures which have characterized its record in this and the preceding Congress.

Why, Mr. Speaker, a few years ago, when we had a billion-dollar Congress the American people were so outraged at the extravagance of that Congress that the party, so far as it controlled the legislative branch of the Government, was at the next election hurled from power. But we shall soon be confronted with a picture in this country of a $2,000,000,000 Congress, a billion-dollar session.

Democrats, though they are not charged with the administration of the affairs of the Government, have, in my opinion, devolved upon them the duty that the distinguished chairman of the Committee on Appropriations [Mr. CANNON] adverted to the other evening in his most adroit, ingenious, and altogether patriotic speech.

I do not believe it is right for the Democratic party to stand here in the House and see extravagant appropriations made and not lift their voices against them. I think it is the duty of the Democratic party to join hands with patriotic Republicans, if any there be, in stemming the tide of extravagance and appropriations which is sweeping the land, and to employ every possible means to protect the people from exploitation and preserve and vindicate the institutions of the Republic. [Applause.]

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. DAYTON. Mr. Speaker, I now yield five minutes to the gentleman from Indiana, after which I shall ask the gentleman from Virginia to conclude his time, as I desire to say a few words to close the debate.

Mr. WATSON. Mr. Speaker, I am very sorry that the gentleman from Utah has seen fit to thrust into this great national, patriotic question a partisan harangue having no reference whatever to the subject under discussion. The only criticism of the present programme that the gentleman from Utah offers is that it is not a programme, and that he for one will refuse to follow the Naval Committee, because it has not seen fit to fix definitely the number of vessels of which the American Navy shall be ultimately composed.

Mr. Speaker, human foresight is, of necessity, limited. No man can lift the veil and see into the future with sufficient accuracy to say how many vessels shall constitute the American Navy of the future. All that we need to do is to provide for the present and permit the future to provide for itself. The gentleman says that a Christian nation should not build a navy, should not provide armies, and then admits that in the past he has voted for the construction of some of the ships that are now afloat upon the waters of the deep. Strange ideas of Christianity! Why, Mr. Speaker, he says that a Christian may carry a revolver in each of three pockets, and that if we propose to give him another in self-defense, it is against the principles and precepts of Christianity. In other words, we as American people may authorize and own 20 battle ships, but the very moment we make a move to construct more, to place our Navy before and not behind the nations of the world,

then the gentleman says we are violating the precepts of Christianity. Strange idea of Christianity!

But, Mr. Speaker, these questions are not immediately concerned. The question is, Shall we temporarily abandon; nay, not that, shall we forever abandon the House programme and launch upon the idea as advanced by the Senate? For I undertake to say that the Senate programme does not mean a temporary abandonment of the programme upon which we have entered for the construction of a navy. When the next session shall come around, the very gentlemen who are now advocating postponement will be the very first to sound the alarm of "increasing expenditures and diminishing revenues," and be the very first to ask that the naval programme of the House shall be abandoned till war shall again confront us as a people. I am opposed to the Senate programme because it means absolutely nothing.

It means nothing, Mr. Speaker, that has not already been accomplished by the Naval Committee, by the Secretary of the Navy, by the Naval Committee of the Senate, by every bureau that constitutes the naval power of this country. Does my friend from West Virginia, or my friend from Illinois, who seems to have taken such a deep interest in opposition to the project of this committee, does he suppose that any one item mentioned in the Senate programme has not been in the past examined by the Secretary of the Navy; that we have not had hearings oft and repeated, over and over again, in the Committee on Naval Affairs, as to whether or not we should have superimposed turrets, as to whether or not cruisers should be sheathed or unsheathed, and whether or not we should have harveyized or Krupp armor? Is any new problem here submitted for our consideration?

Does he suppose that there is one single question presented in this programme or in the amendment of the Senate that has not been thought over and fought over for the last dozen years in this country, until, if we know anything about it, we know to-day we are right upon what we advocate as a House committee? What new is there to be learned? The gentleman says that in the next six months we can learn something new. About what, pray? Does the Senate suppose that anything new can be learned in the next six months on these questions?

It is further provided in this amendment that the Secretary of the Navy shall communicate his views to the House.

The Secretary of the Navy has views now—views on every proposition contained in the Senate amendment. Has the gentleman sought to obtain them? These views are not mere idle opinions, but firm convictions, the result of profound study, wise research, and long experience. Why are not these views sufficient at this time?

[Here the hammer fell.]

Mr. DAYTON. I now desire, before closing the debate on this side, to yield three minutes to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Speaker, as I recollect, one of the first speeches that I had the honor of delivering on the floor of this House was in advocacy of the increase of the Navy; and to-day, when I am about to say in this House the last few words I ever may say, it is indeed a gratification to me to stand here and advocate all the increase of the Navy that the naval bill proposes.

From the commencement of our Government down to the present day the people of these United States have always been in hearty sympathy with the Navy; and upon every occasion, especially in time of war, when the Navy has been called upon for action, not only have the vessels been ready, but the men who stood behind the guns were well able to manage the great fighting machines which the Congress of the United States had provided for the nation's defense.

Mr. Speaker, we hear all around on this side of the House and from many gentlemen on the other side of the Chamber that the time has come for a halt in our naval appropriations; that the time has come when we should no longer increase the vessels of the Navy. It is a matter of fact that every great power on the face of the earth to-day is spending more money for the increase of its navy than for the enlargement of any other branch or arm of its defensive service. It would seem that in view of this, especially when we consider what other nations are doing, the appropriations called for in this bill are neither large nor extravagant.

Mr. SNODGRASS. One question, if the gentleman will allow me. What does he think about the policy of withholding our consent to proper and necessary appropriations in order to shield the Republicans from the effect of extravagant appropriations?

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. DRIGGS] has expired.

Mr. DRIGGS. I wish I could talk a little longer, for then it would be possible to answer the question of the gentleman from Tennessee, as well as to continue my argument.

Mr. RIXEY. Mr. Speaker, how much time is left on each side?

The SPEAKER pro tempore. There are twelve minutes remaining on the side of the gentleman from Virginia and eleven minutes on the other.

Mr. RIXEY. I yield all the time to my credit to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I would be glad to have the attention of the House for a very few minutes. In perfectly cold blood—in the light of sound judgment, if I have any—I desire to address myself for a very short time to the pending question, asking the attention of members of the House, appealing to their discretion, and at the same time to their patriotism.

This is not a sentimental matter; at least it should not be. I stand ready, without regard to the amount that it may require, to vote for the expenditure which may be needed to provide for a sufficient navy, with all that that means, and for a sufficient army, with all that that means. But "enough is as good as a feast," according to the old adage, and in these very few minutes I want to suggest whether at this time, from the standpoint of the Treasury, from the standpoint of the public defense, from the standpoint of sound business principles, we had not better halt at least one year in the authorization of additional naval vessels?

Now, what is the condition? I hold in my hand the report of the Naval Committee on this bill. We have a navy of 254 vessels, and we have 56 vessels in the Auxiliary Navy, making 310. We have just placed under contract 5 battle ships, I believe, and 6 cruisers. Various other ships, amounting in round numbers to 50, are in course of construction. We have already in course of construction great naval ships that will cost $65,000,000 to complete; and in that statement I do not count anything that is included in the $77,000,000 bill. After the money appropriated in this bill is exhausted and all the money paid out, there will be due, to complete vessels in process of construction under contract, $65,000,000.

I hope and believe that these vessels are the best that are being constructed anywhere. We already have 1,782 officers to care for the vessels now authorized. To care for these additional vessels will require 900 more officers than the law now provides. We now have 22,500 seamen. To care for the vessels authorized will require at least 10,000 additional seamen. I am quite content that the personnel of our Navy should be increased in this way, if necessary; but gentlemen must recollect that on top of all this—besides the cost of officers and men of the Navy—it will require 5 per cent a year to keep up the repairs, a mere bagatelle if the defense of national honor requires it, but a very important matter if it does not.

I have examined the report made last year by the Committee on Naval Affairs. I have been a hop-and-skip student of the conditions—that is all. But I believe I am justified in saying, taking into consideration the personnel of our Navy—taking into consideration our condition—that when our Navy as now authorized is complete it will be the best navy on earth save alone that of Great Britain; and we need not fear the navy of Great Britain, because Canada for 3,000 miles along our border is a hostage in that respect, to say nothing about other things. [Applause.]

Now, I believe that with a naval bill carrying $77,000,000, and with $65,000,000 to be provided in the future for vessels under construction—the naval bill merely authorizing these four vessels, which in the aggregate are to cost $25,000,000, without appropriating one dollar for them—I believe, in the existing condition, we can with safety to the national defense wait until next winter before we authorize the construction of any other ships. The other branch of Congress so believes unanimously, as I understand they made this amendment.

In addition to that, I am told by naval experts that the navy-yards of the United States competent to build these ships are full and running over with other contracts. Everybody understands about the high price of material. There is a chance that it will not go higher but may go lower. I would not halt on account of the cost of material or any such consideration, if the national defense required action at once. But with the great improvements in naval architecture, and in view of the inventions made from time to time, I believe that from the standpoint of wisdom and patriotism we can afford to pass this Senate amendment. Let the Navy Department inquire into this subject and report to the next Congress, and then let us take up this question and deal with it twelve months from to-day. That is all I wish to say. [Loud applause.]

Mr. DAYTON. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] has made a very strange change of front since this bill was discussed in the House before its passage. On that occasion he yielded his assent to it. If I am not mistaken, he voted for the authorization of the two battle ships and these two cruisers.

Mr. CANNON. I have one minute of my time left, and I would like to occupy that minute.

Mr. DAYTON. Very well; let the gentleman use his minute.

Mr. CANNON. My friend recollects that on the passage of this bill I addressed a few broken remarks to the House——

Mr. DAYTON. Broken entirely.

Mr. CANNON. Expressing my sincere belief that we had gone far enough in this direction, but I stated that I would vote for

the construction of these four vessels. Yes; I did vote for them. But what difference does that make? I might vote a thousand ways and be dead and glorified, or the others "d" [laughter], and what difference would that make in regard to the pending proposition?

Mr. DAYTON. But, Mr. Speaker, when the conferees appointed in good faith by the House to carry out his vote and the views of the House, have performed that duty, and he sees an opportunity to go back on his and the House's action, and he is quick to do it. Let it pass for what it is worth and let him occupy that position. One thing I want to answer now. I want to say to you that the statement that the shipyards are full and unable to construct these battle ships is not based on fact. I have from one of these shipyards a telegram received in response to one sent after I heard that statement. It is from the firm which built the *Oregon*, one that stands without a peer in the shipbuilding companies of the world—the Union Iron Works. The members state that they are prepared to build these new vessels themselves without crowding.

I have telegrams from other yards which give me the information that, instead of being crowded with the construction of our battle ships, they could without trouble proceed at once to the building of 15 additional ones. So that argument ought to be dismissed. It ought not to be considered, in fact. Our navy-yards to-day are engaged in constructing vessels for Russia and for other nations building up their navies, while we are poling along with a smaller number of battle ships built and authorized than has any great power of the world, save and except Italy. I have before me a statement showing the number of the ships. I want to call attention to the fact that the Board of General Construction and Naval Programme, headed by Admiral Dewey and other able and efficient naval officers, recommended an increase in our Navy of more than 26 vessels.

The Secretary of the Navy asked for 18, and the House committee brought in a provision authorizing 4. This alone, Mr. Speaker, shows that the House committee has been conservative in their plan and programme; that they have been seeking to build up this class of vessels without which, if war should come to us, we would be weak. The gentleman calls attention to the fact that we increase the construction. Does he remember the fact that this Senate proposition does not settle one question, but brings them all back here as a bone of contention to be argued and wrangled and thrashed out again, together with a large number of other questions?

With all due respect, I want to call your attention to the fact that the Senate provision is a proposition to build up the American Navy with Congressional wind and argument instead of with the cold steel and armor which would make vessels that can fight, if fighting is necessary. They propose to enter upon a discussion of the technical questions that have been arising between the scientists and experts. That is the proposition of the Senate.

Now, my friend calls attention to the fact that $65,000,000 worth of work is under contract. Let me call attention to the fact that our total Navy—if you authorize these battle ships and the program provided for in this bill—the total value of the vessels called for will not amount to the sum which has been appropriated for pensions for the old soldiers of this country; and I am glad that we grant them those pensions. I want to call the gentleman's attention to the fact that if we had had a navy we we would not have had to pay out the $8,000,000,000 we expended in the war to defend the Union.

The gentleman from Iowa made a statement that struck every man in this House with force when he said that we had had six wars in a hundred and twenty-five years, and that had we been provided with a sufficient navy, in all human probability we would have had none. My friend, it is not a matter of investigating which is the best type, but it is a matter of preserving the peace. The best manner to preserve the peace is to be prepared for war, to be so equipped, to be so strong that other nations will not come to us and stir up and excite the country to war.

We had reliable information as to what the other nations of the world were doing. Germany has been referred to, and I simply use it as an illustration to show what the nations of the world are doing. She had provided a programme, which the gentleman from Utah seems desirous for us to adopt, providing for practically doubling the number of her naval vessels by the year 1916, whereby she would have not less than 42 battle ships, and would substitute for those that were old and in any way out of date new and improved ones. That plan was to be completed in 1916. Ten years have been cut off, and now it is provided that this programme shall be completed by 1906.

I want to call the gentleman's attention to the fact that every one of the nations of this world is making greater provision for the building of new vessels than we are providing for. Here are the programmes of the several nations:

New ships have been authorized as follows:

ENGLAND.

Battle ships, first class	2
Armored cruisers	6
Protected cruisers, second class	2
Sloops	2
Light-draft gunboats	2
Torpedo boats	2
Total	16

FRANCE.

Battle ships, first class	2
Armored cruiser	1
Destroyers	20
Submarines	[illegible]
Total	24

GERMANY.

Continuation of sixteen-year programme:

Battle ships	2
Large cruiser	1
Small cruisers	3
Destroyers	12
Total	18

ITALY.

No new vessels authorized for lack of money, but work to be continued on—

Battle ships of 12,500 tons	4
Battle ships of 8,500 tons	4
Total	8

Very recently laid down.

JAPAN.

Protected cruisers	2
Cruisers, third class	2
Destroyers and torpedo boats	8
Total	12

RUSSIA.

Battle ships, first class	2
Armored cruisers	2
Protected cruisers	2
Destroyers	8
Total	14

Is this programme unreasonable in the light of this comparison? Is it unreasonable for us to make that expenditure so that we may stand on a fair, or at least to some extent, on a fair basis with the other nations of the earth?

I want to say that whatever you may determine upon, I ask this House in all earnestness not to agree to the provision in the Senate amendment. Express your opinion if you will with reference to the number of these ships, but do not, for the sake of future Congresses, adopt this provision in the Senate amendment, that simply brings into this House a discussion that can not be wise—a discussion that ought not to be brought here about matters that experts disagree upon—as to our policy in regard to these different subjects.

The SPEAKER. The time of the gentleman has expired.

Mr. DAYTON. I ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia to recede and concur in the amendment of the Senate No. 88.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. DAYTON. Division!

The House divided; and there were—ayes 115, noes 52.

Mr. DAYTON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 88, answered "present" 5, not voting 101; as follows:

YEAS—159.

Aldrich,	Cooper, Tex.	Henry, Conn.	McLain,
Alexander,	Cowherd,	Henry, Miss.	McRae,
Allen, Ky.	Cromer,	Henry, Tex.	Maddox,
Allen, Me.	Crumpacker,	Hill,	Mann,
Atwater,	Cushman,	Hoffecker,	Mesick,
Babcock,	Dalzell,	Hopkins,	Miers, Ind.
Bailey, Tex.	Davenport, S. W.	Howard,	Minor,
Ball,	De Armond,	Howell,	Mondell,
Bankhead,	De Graffenreid,	Jenkins,	Moody, Oreg.
Barney,	Denny,	Jett,	Moon,
Bellamy,	Dick,	Johnston,	Morris,
Benton,	Dinsmore,	Jones, Va.	Naphen,
Boreing,	Dougherty,	Jones, Wash.	Needham,
Bouteil, Ill.	Driscoll,	Ketcham,	Norton, S. C.
Brantley,	Elliott,	King,	Otey,
Brenner,	Esch,	Kitchin,	Otjen,
Brewer,	Fleming,	Kleberg,	Packer, Pa.
Brick,	Fox,	Kluttz,	Payne,
Brundidge,	Gaines,	Lacey,	Pierce, Tenn.
Burke, S. Dak.	Gardner, Mich.	Lamb,	Polk,
Burke, Tex.	Gilbert,	Lanham,	Ray, N. Y.
Burkett,	Graff,	Latimer,	Reeves,
Burleson,	Green, Pa.	Lester,	Rhea, Ky.
Burton,	Griffith,	Lewis,	Rhea, Va.
Cannon,	Griggs,	Linney,	Richardson, Ala.
Capron,	Grosvenor,	Littauer,	Richardson, Tenn.
Carmack,	Grow,	Little,	Rixey,
Clark,	Hamilton,	Lloyd,	Robb,
Clayton, Ala.	Haugen,	Lybrand,	Robinson, Ind.
Cochran, Mo.	Hay,	McCleary,	Rodenberg,
Cochrane, N. Y.	Hedge,	McCulloch,	Rucker,
Conner,	Hemenway,	McDowell,	Ryan, N. Y.

Shafroth,	Sprague,	Terry,	Vandiver,
Sheppard,	Stark,	Thayer,	Van Voorhis,
Sims,	Stephens, Tex.	Thomas, Iowa	Williams, J. R.
Smith, Iowa.	Stevens, Minn.	Thropp,	Williams, Miss.
Smith, Ky.	Stewart, Wis.	Tompkins,	Wilson, Idaho
Smith, Samuel W.	Sutherland,	Tongue,	Wilson, S. C.
Sparkman,	Talbert,	Turner,	Zenor.
Spight,	Tayler, Ohio	Underwood,	

NAYS—88.

Adams,	Fitzgerald, N. Y.	May,	Sherman,
Bailey, Kans.	Freer,	Meekison,	Showalter,
Baker,	Gardner, N. J.	Mercer,	Sibley,
Berry,	Gibson,	Metcalf,	Smith, Wm. Alden
Breazeale,	Graham,	Meyer, La.	Snodgrass,
Bromwell,	Greene, Mass.	Mudd,	Spalding,
Brosius,	Hawley,	Norton, Ohio	Stallings,
Broussard,	Hepburn,	O'Grady,	Steele,
Brown,	Hitt,	Olmsted,	Stewart, N. J.
Brownlow,	Hull,	Overstreet,	Sulloway,
Clayton, N. Y.	Jack,	Pearce, Mo.	Tawney,
Cooper, Wis.	Joy,	Phillips,	Vreeland,
Cousins,	Landis,	Powers,	Wadsworth,
Crowley,	Lawrence,	Pugh,	Wanger,
Cummings,	Levy,	Ransdell,	Watson,
Davenport, S. A.	Littlefield,	Roberts,	Weaver,
Davidson,	Long,	Robertson, La.	Weeks,
Dayton,	Loudenslager,	Ruppert,	Weymouth,
Dovener,	McCall,	Russell,	Wheeler,
Driggs,	McClellan,	Scudder,	Wilson, N. Y.
Faris,	Mahon,	Shattuc,	Wright,
Fitzgerald, Mass.	Marsh,	Shelden,	Young.

ANSWERED "PRESENT"—5.

Bishop,	Robinson, Nebr.	Smith, H. C.	Wachter.
Riordan,			

NOT VOTING—101.

Acheson,	Curtis,	Kerr, Md.	Ridgely,
Adamson,	Cusack.	Kerr, Ohio.	Ryan, Pa.
Allen, Miss.	Dahle,	Knox,	Salmon,
Barber,	Davey,	Lane,	Shackleford,
Barham,	Davis,	Lassiter,	Slayden,
Bartholdt,	Eddy,	Lentz,	Small,
Bartlett,	Emerson,	Livingston,	Smith, Ill.
Bell,	Finley,	Lorimer,	Southard,
Bingham,	Fitzpatrick,	Loud,	Sperry,
Boutelle, Me.	Fletcher,	Lovering,	Stewart, N. Y.
Bowersock,	Fordney,	McAleer,	Stokes,
Bradley,	Foss,	McDermott,	Sulzer,
Bull,	Foster,	Miller,	Swanson,
Burleigh,	Fowler,	Moody, Mass.	Tate,
Burnett,	Gamble,	Morgan,	Taylor, Ala.
Butler,	Gaston,	Morrell,	Thomas, N. C.
Calderhead,	Gayle,	Muller,	Underhill,
Caldwell,	Gill,	Neville,	Warner,
Campbell,	Gillet, N. Y.	Newlands,	Waters,
Catchings,	Gillett, Mass.	Noonan,	White,
Chanler,	Glynn,	Parker, N. J.	Williams, W. E.
Connell,	Gordon,	Pearson,	Woods,
Cooney,	Grout,	Pearre,	Ziegler.
Corliss,	Hall,	Prince,	
Cox,	Heatwole,	Quarles,	
Crump,	Kahn,	Reeder,	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. WACHTER with Mr. SMALL.
Mr. BARTHOLDT with Mr. SHACKLEFORD.
Mr. GILL with Mr. RYAN of Pennsylvania.
Mr. FOWLER with Mr. BARTLETT.
Mr. BOUTELLE of Maine with Mr. BRADLEY.
Mr. HAWLEY with Mr. BALL.
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Mr. BINGHAM with Mr. BROUSSARD.
Mr. WATERS with Mr. THOMAS of North Carolina.
Mr. WOODS with Mr. NOONAN.

For this day:

Mr. CONNELL with Mr. UNDERHILL.
Mr. EDDY with Mr. SWANSON.
Mr. WARNER with Mr. SULZER.
Mr. SPERRY with Mr. STOKES.
Mr. REEDER with Mr. SALMON.
Mr. PRINCE with Mr. QUARLES.
Mr. CALDERHEAD with Mr. MCDERMOTT.
Mr. PARKER of New Jersey with Mr. LENTZ.
Mr. MOODY of Massachusetts with Mr. NEWLANDS.
Mr. LANE with Mr. GLYNN.
Mr. GILLETT of Massachusetts with Mr. FOSTER.
Mr. FOSS with Mr. DAVIS.
Mr. FORDNEY with Mr. COX.
Mr. EMERSON with Mr. CHANLER.
Mr. CURTIS with Mr. CALDWELL.
Mr. BURLEIGH with Mr. BURNETT.
Mr. ACHESON with Mr. ALLEN of Mississippi.
Mr. CORLISS with Mr. MCALEER.
Mr. LORIMER with Mr. CUSACK.
Mr. LOVERING with Mr. NEVILLE.
Mr. BOWERSOCK with Mr. ADAMSON.
Mr. MORGAN with Mr. GASTON.
Mr. STEWART of New York with Mr. RIORDAN.
Mr. CRUMP with Mr. CATCHINGS.
Mr. SOUTHARD with Mr. HALL.
Mr. HEATWOLE with Mr. TATE.
Mr. GILLET of New York with Mr. BARBER.
Mr. BUTLER with Mr. DAVEY.

On this vote:

Mr. FLETCHER with Mr. WILLIAM E. WILLIAMS.
Mr. SMITH of Illinois with Mr. SLAYDEN.
Mr. LOUD with Mr. MULLER.
Mr. GROUT with Mr. LIVINGSTON.
Mr. MILLER with Mr. GORDON.
Mr. GAMBLE with Mr. COONEY.
Mr. BULL with Mr. BELL.
Mr. BISHOP with Mr. KNOX.
Mr. PEARRE with Mr. ZIEGLER.

On the naval bill:

Mr. KAHN with Mr. ROBINSON of Nebraska.

Mr. ROBINSON of Nebraska. Mr. Speaker, I voted "aye," and I desire to withdraw my vote and be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROBINSON of Nebraska, and he voted "present," as above recorded.

The result was then announced as above recorded.

Mr. DAYTON. Mr. Speaker, I move that the request of the Senate for a further conference be agreed to.

The SPEAKER. The gentleman from West Virginia moves that the House agree with the request of the Senate for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS.

TREATY STIPULATIONS BETWEEN UNITED STATES AND SPAIN.

Mr. HAUGEN. Mr. Speaker, I wish to call up conference report on Senate bill 2799, to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th of December, 1898.

The SPEAKER. Is there a statement with the report?

Mr. HAUGEN. There is a statement, and I ask that the statement be read and the reading of the report be omitted.

The SPEAKER. The gentleman from Iowa asks that the reading of the report be omitted and that the statement only be read. Is there objection?

Mr. UNDERWOOD. Before I consent, Mr. Speaker, I want to ask whether, if consent is given that the statement may be read and the reading of the report omitted, it will preclude a point of order against the entire report?

The SPEAKER. The Chair thinks not. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Reserving the point of order, I have no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898, having met, after full and free conference have decided to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate and agree to the said bill with the following amendments:

Section 1, page 1, line 4, strike out the word "three" and insert in lieu thereof the word "five."

Section 3, page 2, line 22, strike out the word "one" and insert in lieu thereof the word "order."

Section 5, page 3, line 7, strike out all after the word "clerk" to and including the word "languages" in lines 7 and 8.

Section 6, page 4, line 17, strike out all after the word "commission" and insert in lieu thereof a period.

Section 8, page 5, line 1, strike out the word "affidavits."

Section 8, page 5, line 8, strike out all after the word "commission" to the end of the section and insert in lieu thereof a period.

Section 9, page 5, line 17, after the word "based" insert the words "together with an itemized schedule setting forth all damages claimed."

Section 9, page 5, line 17, strike out the word "it" and insert in lieu thereof the words "said petition."

Section 9, page 5, line 21, after the word "attorney," insert the words "or legal representative."

Section 9, page 5, line 22, after the word "agent," strike out the word "or;" and after the word "attorney" insert the words "or legal representative."

Section 12, page 7, line 5, strike out all after the word "commission" to the end of the section, and insert in lieu thereof the words "and no new trial or rehearing shall be had except upon motion made within sixty days of said award."

Strike out all of section 13, pages 7 and 8, and insert in lieu thereof the following: "When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same."

Section 14, page 8, line 20, strike out all after the word "commission" to and including the word "claimant," in line 22.

Section 14, page 8, line 22, strike out the word "adjudged," and insert in lieu thereof the words "found to be."

Section 14, page 9, line 1, strike out all after the word "award," to and including the word "affirmance," in line 2.

GILBERT N. HAUGEN,
THAD. M. MAHON,
Managers on the part of the House.
J. B. FORAKER,
S. M. CULLOM,
JOHN T. MORGAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Section 1 is amended so as to make the number of members of the commission five instead of three.

Section 3 is amended so as to make all expenses, salaries, etc., payable on the order of the other members of the commission in case of absence of the president or his inability to act, instead of on the order of any one member of said commission.

Section 5 is amended by striking out the words "who shall be versed in the English and Spanish languages," and provides for a clerk to the commission without such qualifications.

Section 6 is amended by striking out the last six words, "or upon appeal from its awards," so as to conform with section 12 as amended, eliminating provisions for appeals.

Section 8 is amended by striking out the word "affidavit," in line 1, and all after the word "commission," line 8. This eliminates that part of section 8 which provided that affidavits on file with the State Department or in any other Department shall be furnished to the commission upon its order. It also eliminates that part of the section which provides that there "shall be given such weight, as evidence, as the said commission shall think just" to all reports, records, proceedings, and other documents now on file in any Department, or certified copies thereof, furnished to the commission upon its order. It also eliminates that part of the section authorizing the commission to "require other evidence."

Section 9, amended, provides for an itemized schedule, setting forth all damages claimed, together with a petition; also, that said claims and petition may be presented by a legal representative.

Section 12, amendment, provides that there shall be no appeals from awards, and that no rehearing or new trial shall be granted by said commission, except on motion made within sixty days from date of award.

Section 13, amendment, provides that when the commission is in doubt as to a question in law arising upon the facts in any case before them, that they may state the facts and questions of law so arising and certify the same to the Supreme Court of the United States for its decision, said court having jurisdiction to consider and decide the same, eliminating the provision for an appeal to the court of appeals of the District of Columbia, the mode of procedure of said court as well as jurisdiction, and eliminates the limitations for taking appeals, making returns to the commission and the court of appeals, and for the payment of fees.

Section 14. Amendments 1 and 3 to section 14 are simply to conform with amendments to the bill, and amendment 2 is simply a change in phraseology.

GILBERT N. HAUGEN,
THAD. M. MAHON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Alabama?

Mr. HAUGEN. I yield to the gentleman from Alabama.

Mr. UNDERWOOD. I desire, Mr. Speaker, to make a point of order; and the point of order I make is that the conferees in their report have exceeded the authority given them by the House in making their report on this bill.

The SPEAKER. The Chair will hear the gentleman on his point of order.

Mr. UNDERWOOD. Mr. Speaker, the bill as now before the House was originally passed by the Senate. It came to the House, was reported by the House Committee on War Claims to the House, and the House, after consideration, sent the bill back to the Committee on Claims with instruction to report an amendment sending these claims to the Court of Claims instead of giving a commission authority to decide the question. Afterwards this matter was reported to the House by the Committee on Claims. When that report was taken up by the House the Chair properly held that the first question before the House was the consideration of and perfecting of the Senate bill. The House took up the Senate bill, considered it for the purpose of amendment, and perfected it. In that consideration there was but one change made in the Senate bill, and that was to strike out section 8, which had reference to the testimony that was to be taken before the commission. Therefore the only difference between the House and the Senate on the bill, so far as the bill itself was concerned, was the question as to whether section 8, relating to the testimony to be taken before the commission, should remain in the bill or be stricken out. After the Senate bill was perfected the House adopted a substitute directing the committee to send these claims to the Court of Claims instead of to a commission.

Now, Mr. Speaker, when the Senate bill and the House substitute goes to the conference committee, the conference committee by this report not only rejects the House proposition sending these claims to the Court of Claims, but they go further. They not only adopt the Senate bill, not only amend section 8, that was in controversy between the two Houses, but go further and put in the bill provisions that were never in it when it came from the Senate here; provisions that were not considered by this House, that are entirely new matter.

The original bill provided for three commissioners at a salary of $5,000 each. The conferees added two more commissioners, and thus this bill gives five commissioners instead of three. There never was any controversy between the House and the Senate on that proposition.

But it goes further than that. When it comes down to the proposition of appeal, a very important feature of this bill, as the bill came from the Senate and was adopted by the House in Committee of the Whole, it provided that not only the claimant, but the Government of the United States, might have an appeal if either party was not satisfied with the decision of the commission. Now, since the bill has gone to conference, we find that the conferees have stricken out the right of appeal, either by the Government or by the claimant, and has put in a provision providing that no appeal shall lie unless these commissioners themselves shall certify the appeal; in other words, certify to the Supreme Court of the United States that there is some law, some legal point, which they desire to be determined. That is a very material change from either the Senate bill or the bill as sent by the House. It puts absolutely in the hands of five commissioners the final and exclusive right to give away or control the disposition of $50,000,000 without appeal by the Government or the claimant unless these five commissioners shall say themselves that an appeal ought to lie.

These provisions were not in the bill when it was before the House and not in the bill when it was before the Senate. These provisions are put in here by the conference committee, and I say under these circumstances that neither the House nor the Senate having contemplated such provisions they have exceeded their authority, and the point of order ought to lie against this bill.

I know, Mr. Speaker, that in parliamentary procedure, we having adopted a substitute that had no connection with the bill itself, there may be a very wide difference between the House and the Senate proposition, to which proposition they would have a right to come together. But there has been no effort made by the conferees to bring the House proposition and the Senate proposition together. They have simply rejected the House proposition, and then the five conferees who signed the conference report have written material and dangerous provisions into the bill.

Now, the proposition I make is this: I recognize the fact that there is no direct decision on this point which I am now raising, but I contend for the safety of the House and for the safety of legislation that comes before this body that when we have a Senate bill in the House and have considered it in Committee of the Whole, and afterwards adopted a substitute, and it goes back to the Senate with the provisions of the Senate bill, the authority of the conferees ought to be limited to these propositions of difference that exist between the House in Committee of the Whole and the Senate and not give the conferees the wide latitude, simply because we adopted a substitute, to put anything into the conference report that they in their own sweet will may desire to do.

Mr. MAHON. Mr. Speaker, the Senate bill was reported from the Committee on War Claims as it came from the Senate without any amendment whatever. It was under consideration in this House and the House rejected the Senate bill in toto, in every particular, and struck out all after the enacting clause, and inserted an amendment by the way of a substitute. The Senate disagreed to that, and there being the differences between the two Houses—whether the Senate bill should be adopted, or the House substitute—the committee went to conference. After being in conference a while the House conferees agreed to recede from the House substitute. Now, that brought the Senate bill before the conferees that had been refused by the House, everything that was in it. Then the conferees took up the Senate bill, and the House conferees insisted that there should be some safeguards thrown around it, and after going through it they made a report to this House, and I take the position that the point of order is not well taken, because the whole Senate bill was in dispute and had been rejected by the House.

Mr. HAUGEN. I think there can be no question in regard to this point of order. I read from the Digest, pages 416–417:

It has been held that conferees may include in their report matters which are germane modifications of subjects in disagreement between the Houses and committed to the conference.—(1418, 1419) *3-41, Globe, p. 1916; 1-42, Journal, p. 2515, Record, p. 7932.*

A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject.—(1420) *2-33, Journal, p. 414, Globe, p. 1502.*

That is all I care to say.

The SPEAKER. The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one, and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. MAHON], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims

is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: "We will not entertain your method; we have a better one; we offer you a substitute, whereby these matters shall be referred to the Court of Claims instead of a commission." That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representatives, section 1420, a decision made by Mr. Speaker Colfax.

The Clerk read as follows:

1420. A disagreement to an amendment in the nature of a substitute having been referred to conferees, it was held to be in order for them to report a new bill on the same subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 51) entitled, "An act to establish a bureau of freedmen's affairs," reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled "An act to establish a bureau for the relief of freedmen and refugees."

As soon as the report had been read William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate, or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills.

The Speaker said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yeas 89, nays 35.

The SPEAKER. The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses had agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat the matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report.

Mr. UNDERWOOD. I hope the gentleman from Wisconsin [Mr. HAUGEN] does not propose to bring this important question, involving something like $50,000,000, to a vote without an opportunity for some discussion.

Mr. HAUGEN. Oh, Mr. Speaker, this bill has been before the House now for two years at different times. The gentleman from Alabama has been heard upon it fully. I do not think it would be fair that the time of the House should be occupied now in discussing the bill for the fourth or fifth time. Every man here is familiar with every section and line of it, I think.

Mr. UNDERWOOD. "The gentleman from Alabama" may have occupied time—more than his share—but there are other gentlemen who desire to be heard.

Mr. HAUGEN. I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. I yield the time to the gentleman from Mississippi [Mr. HENRY].

Mr. HENRY of Mississippi. Mr. Speaker, I dislike to dissent from my colleagues on the conference committee, but I declined to sign this report, feeling, as I did, that this House had twice acted on the substitute, had twice refused to concur in the Senate bill, and that, under the circumstances, I had no right to agree to so radical a change as was proposed in the Senate bill. I felt that in thus declining I was acting in accordance with the wishes of the House. This House had declared that it did not desire to establish a commission for the consideration of these Spanish-war claims. It had twice refused to do so. Why create a commission making five new places, when we have already an organized court fully empowered to carry out the wishes of these claimants? And, Mr. Speaker, I do not understand that these claimants have any higher claim on the Government of the United States than that class of litigants who are forced to go before the Court of Claims to have their rights adjudicated.

Gentlemen say that the Court of Claims is crowded. I have investigated that matter and I find that it is not the court that is crowded. There are a number of cases there in the hands of attorneys that are not pushed. But I remember—and gentlemen on this floor will bear me out in the statement—that claims which were referred to the Court of Claims last year by this House have come back to us at this session with adjudications by the court. I learn the great difficulty has been that attorneys have neglected to prepare their cases, and there is the trouble; not because the court is overcrowded.

The Senate proposition to which this conference report asks us to agree proposes to create a new tribunal with five new judges—a commission, if you please. It seems to me that this country is tired of commissions. We have more commissions now than we have courts. Every matter that the parties do not desire to send to a court is sent to a commission. I appeal to gentlemen on this floor that we ought to have a good reason for departing in these cases from the regular tribunals and establishing at great expense this commission.

Why, sir, here is a provision taking from litigants before this commission the right of appeal. The gentleman from Alabama did not precisely state the effect of section 13 as embodied in this bill and reported by the conferees. I will read it.

When the commission is in doubt on any question of law arising from the facts in any case before them, they may state the facts and the question of law so arising, and certify the same to the Supreme Court of the United States for its decision; and the said court shall have jurisdiction to consider and decide the same.

It will thus be seen that this provision allows no right of appeal whatever to litigants, but simply empowers these commissioners, if they should be in doubt, to apply to the court for a decision on the law of the case. Where is there any warrant under the Constitution for any such proceeding? Where is there any warrant in justice? And who has the right to say that these commissioners can make any such demand? What would the Supreme Court of the United States say to such a demand? There is no obligation on their part to respond to such a demand.

[Here the hammer fell.]

Mr. HAUGEN. I yield three minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, when this bill was pending before the House heretofore, I referred to the fact that a case in which, while not a member of the House, I had been engaged as an attorney, had been delayed for a long time in the Court of Claims. I did not remember the title of the case. I received a letter from the Attorney-General asking me to what case I referred; and I gave him the title of the case as well as I could. I have here his letter, in which he explains to me that that action was brought in 1893, and he holds out very considerable hope that some time during the next year the case will be disposed of. However, it is due to him to explain that the delay has not been altogether on the side of the Government, although it has been in a very large part. But my main purpose was to read a paragraph of his letter referring to the condition of business in the Court of Claims.

Allow me to bring this long communication to a close by saying that there is no doubt that the Court of Claims is overburdened, but this is largely because of the fact that Congress dumps every sort of puzzling question upon that court, under the provisions of either the Bowman Act or the Tucker Act; and often where a case has been referred to the Court of Claims under the Bowman Act and decided adversely to the claimant, it reappears by reference of Congress within a short time, under the Tucker Act, so that between the two acts we have a sort of an endless chain of cases.

Yours, very sincerely,

L. A. PRADT,
Assistant Attorney-General.

I desire to make an explanation that the Attorney-General's Office might have the benefit of this statement, that a case that has been pending nearly nine years was not delayed altogether on account of their failure to prepare.

Mr. HENRY of Mississippi. I had a case brought to my attention which had been pending in the court for a number of years. The plea had been filed for three years as to loyalty, and I was informed that Attorney Pradt had not answered it. I was requested to see him and see if he would not hurry up the case. So there is a case in which the attorney was guilty of laches.

Mr. GROSVENOR. No doubt the fault is on both sides.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HAUGEN. I yield three minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I yield to no man in zealous advocacy of economy in all departments of Government; but notwithstanding the fact that the proposition before us contemplates the creation of a commission and the added expense of the commissioners, I believe we ought to stand by this conference report. The Government of the United States has solemnly, in its treaty, shouldered the debt that would otherwise have fallen upon Spain for injuries done to American citizens during the war. We have promised to pay them. We have promised it in the most solemn form; and now to relegate these claims to the present Court of Claims is simply, in the language of Shakespeare, "to keep the word of promise to the ear and break it to the hope."

Mr. HENRY of Mississippi. Will the gentleman allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. HENRY of Mississippi. Why do you think the Court of Claims will not decide readily upon these claims?

Mr. DAVIS. Because they are not doing it in claims now before them. They are not doing it on claims growing out of the civil war, which has been ended for thirty-five years.

Mr. HENRY of Mississippi. They have already acted upon a lot of cases presented to them through an act passed the last session of this Congress.

Mr. DAVIS. That may be true.

Mr. HENRY of Mississippi. I am informed by some parties interested that the fact is that these cases have failed to be settled because the attorneys did not prepare them, and that it is not the fault of the court.

Mr. DAVIS. However that may be, the fact remains that there are questions yet pending in the Court of Claims relating to transactions during the civil war, thirty-five years ago.

Mr. KLUTTZ. Will the gentleman yield to me for a question of information?

Mr. DAVIS. Certainly; but I have only three minutes.

Mr. KLUTTZ. What is the reason that appeal should not lie from this commission, just as it does from the Court of Claims?

Mr. DAVIS. I am not going to discuss the various details in the conference report. The gentlemen in charge of this report will do that. The appeals here provided for appear to be planned somewhat after the order of appeals to the United States Supreme Court. The provision appears to be fair to both sides. The point I make, however, is this: Do we mean to keep the solemn contract of this Government? Are obligations resting upon the people in their collective capacity as binding as when entered into by the individual. For one, I believe they are. For one, I am anxious to see my country as prompt in keeping its obligations as I should expect an honest man to be in keeping his. [Applause.]

To relegate these claims to the Court of Claims will merely postpone the settlement of them indefinitely. I did not indorse or approve of the treaty between the United States and Spain. I did not vote for it; but it was passed. We have by this solemn treaty assumed these debts. Now let us investigate them and promptly and manfully pay them. Let us not postpone them or trifle with them. They are the obligations of our country and they ought to be passed upon, and whenever found meritorious they ought to be paid and the matter ended. That is all.

Mr. HAUGEN. I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I think it is very important that this conference report should be agreed to, in order that we may have some tribunal to try these claims against the United States. It has been estimated that there are from twenty or thirty to fifty millions of dollars. Now, there is no doubt that if a claim can be tried at the time of its inception, while the witnesses are living, the Treasury will get off with a smaller amount to be paid to the claimant than if they linger a long series of years; because we all know that these claims grow with time, and when time has removed the witnesses and the proof, it is difficult, if not impossible, for the Government of the United States to get their defense into court and before the tribunal.

If we pass this bill, then a tribunal will be provided in which the claims can be tried now, and tried while they are fresh and while the evidence is in existence; and I think for this reason it is very important that some tribunal should be provided. The House substitute provided that they go to the Court of Claims. There is no doubt that the old Court of Claims is overburdened with work, that cases are sent there from year to year, and that the parties do not get a trial and the cases are not heard until the evidence on the part of the Government is obliterated and can not be had and the Government can not properly defend the claim. So it seems to me that this bill should pass, in the interest of the Treasury as well as the interest of the honest claimants, who should be paid every dollar due to them from the Government.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division!

The House divided; and there were—ayes 99, noes 55.

Mr. HENRY of Mississippi. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 84, answered "present" 3, not voting 124; as follows:

YEAS—142.

Adams,	Baker,	Bromwell,	Calderhead,
Adamson,	Bankhead,	Brown,	Capron,
Aldrich,	Barney,	Brownlow,	Carmack,
Alexander,	Bartholdt,	Burke, S. Dak.	Cochrane, N. Y.
Allen, Me.	Boreing,	Burke, Tex.	Connell,
Babcock,	Brenner,	Burkett,	Conner,
Bailey, Kans.	Brick,	Burton,	Cooper, Wis.
Corliss,	Haugen,	Mann,	Smith, Iowa
Cousins,	Hawley,	Moody, Oreg.	Smith, Samuel W.
Crumpacker,	Hedge,	Moon,	Smith, Wm. Alden
Cummings,	Hemenway,	Morris,	Sprague,
Cushman,	Henry, Conn.	Mudd,	Stallings,
Dalzell,	Hepburn,	Needham,	Steele,
Davenport, S. A.	Hill,	O'Grady,	Stevens, Minn.
Davenport, S. W.	Hoffecker,	Otey,	Stewart, N. J.
Davis,	Hopkins,	Otjen,	Stewart, N. Y.
Denny,	Howell,	Packer, Pa.	Sulloway,
Dick,	Hull,	Payne,	Sulzer,
Dovener,	Jack,	Pearson,	Tawney,
Driggs,	Jenkins,	Phillips,	Tayler, Ohio
Emerson,	Jones, Wash.	Polk,	Taylor, Ala.
Esch,	Kahn,	Powers,	Thomas, Iowa
Fitzgerald, Mass.	Ketcham,	Prince,	Thropp,
Fletcher,	Knox,	Ray, N. Y.	Tompkins,
Fordney,	Lane,	Richardson, Ala.	Tongue,
Foster,	Levy,	Roberts,	Van Voorhis,
Freer,	Linney,	Robinson, Ind.	Wanger,
Gardner, Mich.	Littauer,	Rodenberg,	Warner,
Gibson,	Littlefield,	Russell,	Watson,
Gordon,	Loudenslager,	Scudder,	Weaver,
Graff,	Lybrand,	Shattuc,	Weeks,
Graham,	McCall,	Shelden,	Weymouth,
Greene, Mass.	McCleary,	Sheppard,	Wilson, N. Y.
Grosvenor,	McClellan,	Sherman,	Young.
Grout,	McDowell,	Showalter,	
Grow,	Mahon,	Sibley,	

NAYS—84.

Allen, Ky.	Dougherty,	Latimer,	Robb,
Atwater,	Driscoll,	Lester,	Robinson, Nebr.
Ball,	Elliott,	Little,	Rucker,
Bell,	Fitzgerald, N. Y.	Livingston,	Ruppert,
Benton,	Fleming,	Lloyd,	Sims,
Brantley,	Fox,	Loud,	Slayden,
Brewer,	Gaines,	McCulloch,	Smith, Ky.
Brundidge,	Gilbert,	McLain,	Snodgrass,
Burleson,	Hay,	McRae,	Spight,
Caldwell,	Henry, Miss.	Maddox,	Stark,
Cannon,	Henry, Tex.	May,	Stephens, Tex.
Clark,	Hitt,	Miers, Ind.	Sutherland,
Clayton, Ala.	Howard,	Muller,	Talbert,
Cochran, Mo.	Jett,	Newlands,	Thayer,
Cooper, Tex.	Johnston,	Norton, S. C.	Underwood,
Cowherd,	Jones, Va.	Pierce, Tenn.	Vandiver,
Cox,	King,	Ransdell,	Wheeler,
Crowley,	Kitchin,	Rhea, Ky.	Williams, J. R.
De Armond,	Kleberg,	Rhea, Va.	Williams, Miss.
De Graffenried,	Kluttz,	Richardson, Tenn.	Wilson, S. C.
Dinsmore,	Lacey,	Rixey,	Zenor.

ANSWERED "PRESENT"—3.

Boutell, Ill.	Dahle,	Metcalf.

NOT VOTING—124.

Acheson,	Dayton,	Long,	Robertson, La.
Allen, Miss.	Eddy,	Lorimer,	Ryan, N. Y.
Bailey, Tex.	Faris,	Lovering,	Ryan, Pa.
Barber,	Finley,	McAleer,	Salmon,
Barham,	Fitzpatrick,	McDermott,	Shackleford,
Bartlett,	Foss,	Marsh,	Shafroth,
Bellamy,	Fowler,	Meekison,	Small,
Berry,	Gamble,	Mercer,	Smith, Ill.
Bingham,	Gardner, N. J.	Mesick,	Smith, H. C.
Bishop,	Gaston,	Meyer, La.	Southard,
Boutelle, Me.	Gayle,	Miller,	Spalding,
Bowersock,	Gill,	Minor,	Sparkman,
Bradley,	Gillet, N. Y.	Mondell,	Sperry,
Breazeale,	Gillett, Mass.	Moody, Mass.	Stewart, Wis.
Brosius,	Glynn,	Morgan,	Stokes,
Broussard,	Green, Pa.	Morrell,	Swanson,
Bull,	Griffith,	Naphen,	Tate,
Burleigh,	Griggs,	Neville,	Terry,
Burnett,	Hall,	Noonan,	Thomas, N. C.
Butler,	Hamilton,	Norton, Ohio	Turner,
Campbell,	Heatwole,	Olmsted,	Underhill,
Catchings,	Joy,	Overstreet,	Vreeland,
Chanler,	Kerr, Md.	Parker, N. J.	Wachter,
Clayton, N. Y.	Kerr, Ohio	Pearce, Mo.	Wadsworth,
Cooney,	Lamb,	Pearre,	Waters,
Cromer,	Landis,	Pugh,	White,
Crump,	Lanham,	Quarles,	Williams, W. E.
Curtis,	Lassiter,	Reeder,	Wilson, Idaho
Cusack,	Lawrence,	Reeves,	Woods,
Davey,	Lentz,	Ridgely,	Wright,
Davidson,	Lewis,	Riordan,	Ziegler.

So the conference report was agreed to.

The following additional pairs were announced:

For the rest of the day:

Mr. LANDIS with Mr. LEWIS.

Mr. PEARSON with Mr. ZIEGLER.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. BISHOP with Mr. LANHAM.

Mr. MILLER with Mr. BREAZEALE.

On this vote:

Mr. JOY with Mr. TURNER.

Mr. KERR of Ohio with Mr. SPARKMAN.

The result of the vote was then announced as above recorded.

On motion of Mr. HAUGEN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses

on the amendment of the Senate to the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendment to the House bill 13872, the fortification bill, and request a conference.

The SPEAKER. The gentleman from Indiana asks that the House disagree to the amendment of the Senate on the fortification appropriation bill and ask a conference. Is there objection? [After a pause.] The Chair hears none; and it is so ordered.

The SPEAKER appointed as managers on the part of the House Mr. HEMENWAY, Mr. PUGH, and Mr. MCRAE.

WORK OF AGRICULTURAL EXPERIMENT STATIONS.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of House concurrent resolution 85.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House of Representatives Document No. 336, Fifty-sixth Congress, second session, entitled A Report on the Work and Expenditures of the Agricultural Experiment Stations for the Year ended June 30, 1900, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

Mr. HEATWOLE. Mr. Speaker, I am further directed by the Committee on Printing to offer the following House concurrent resolution No. 83.

The Clerk read the resolution, as follows:

Resolved by the House of Represenatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 335, Fifty-sixth Congress, second session, entitled "Fourth Report on the Agricultural Investigations in Alaska," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

AGRICULTURAL RESOURCES OF PORTO RICO.

Mr. HEATWOLE. I am also directed, Mr. Speaker, to offer the following House concurrent resolution, No. 84:

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representative Document No. 171, Fifty-sixth Congress, second session, entitled "Agricultural Resources and Capabilities of Porto Rico," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

DIGEST OF ELECTION CASES.

Mr. HEATWOLE. I am further directed, Mr. Speaker, by the Committee on Printing, to offer the following House concurrent resolution No. 81, with an amendment:

House concurrent resolution 81.

Resolved by the House of Representatives (the Senate concurring), That there be printed the usual number of copies of A Digest of all the Contested-Election Cases in the House of Representatives of the United States from the First to the Fifty-sixth Congress, compiled by Chester H. Rowell, and that in addition to said usual number there be printed 500 copies, the same to be deposited in the document room of the House, and distributed from time to time on the order of the Clerk of the House or the chairman of any Elections Committee for the use of parties and attorneys in contested-election cases, and that there be further printed and bound the additional number of 50 copies, 10 each to be deposited in the library of the House of Representatives and in the rooms of the Committees on Elections, and 10 to be delivered to the compiler.

With the following amendment:

Strike out all after the resolving clause and insert the following:

"That there be printed and substantially bound 2,000 copies of A Digest of all the Contested-Election Cases in the House of Representatives of the United States from the First to the Fifty-sixth Congress, inclusive, compiled by Chester H. Rowell, 1,500 for the use of the House and 500 for the use of the Senate; and that, in addition to said number, there be printed and substantially bound 500 copies, the same to be deposited in the office of the Clerk of the House and distributed from time to time on his order; and that there be further printed and substantially bound the additional number of 50 copies, 10 each to be deposited in the library of the House of Representatives and in the rooms of the Committees on Elections, and 10 to be delivered to the compiler."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The resolution as amended was agreed to.

REVIEW OF WORLD'S COMMERCE.

Mr. HEATWOLE. I am further directed, Mr. Speaker, by the Committee on Printing to offer Senate concurrent resolution 107, which is as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 14,000 copies of the general summary entitled Review of the World's Commerce for the year 1900, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 5,000 for the use of the Department of State; and 8,000 copies of Commercial Relations of the United States for the year 1900, including the general summary, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Department of State.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF UNITED STATES BOARD ON GEOGRAPHIC NAMES.

Mr. HEATWOLE. I am further directed by the Committee on Printing to ask for the present consideration of House concurrent resolution 42.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 8,000 copies of the Second Report of the United States Board on Geographic Names, transmitted to Congress by the President February 26, 1900; 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by said board among the Government Departments, public libraries, and other suitable depositories.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF GEOLOGICAL SURVEY.

Mr. HEATWOLE. Mr. Speaker, I also ask for the present consideration of House joint resolution 306.

The Clerk read as follows:

Resolved, etc., That of the volumes or parts of the Annual Report of the Geological Survey which relate to hydrography, forestry, and mining and mineral resources there shall hereafter be published 1,000 copies in addition to the number now published, for distribution by the Geological Survey.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF DIRECTOR OF THE MINT.

Mr. HEATWOLE. I also am directed by the Committee on Printing to ask for the present consideration of House concurrent resolution 65.

The Clerk read as follows:

Resolved, etc., That there be 6,000 additional copies of the Report of the Director of the Mint on the production of the precious metals for the calendar year 1899 bound, in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

And be it further resolved, That there also be printed 8,000 additional copies of the Report of the Director of the Mint, covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1900, to be bound in cloth and wrapped, 2,000 copies for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,000 for the use of the Director of the Mint.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT ON TENNESSEE CENTENNIAL EXPOSITION.

Mr. HEATWOLE. I ask unanimous consent also for the consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition.

Resolved by the Senate and House of Representatives, etc., That so much as may be necessary of the unexpended balance of the appropriation of $100,000 provided in section 3 of the act to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville in 1897, approved December 22, 1896, be applied to the preparation of illustrations and the printing and binding at the Government Printing Office of 4,000 copies of the report of the board of management of the United States Government exhibit at said exposition, under the direction of the chairman of said board.

The amendments reported by the Committee on Printing were reported as follows:

In line 10 strike out the word "four" and insert in lieu thereof "six."

In line 13, after the word "board," insert the following:

"Of which number 2,000 shall be for the use of the House, 1,000 copies for the use of the Senate, and 3,000 copies for the use of the board of management, United States Government Exhibit, Tennessee Centennial Exposition."

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

PUBLIC DOCUMENTS FOR LIBRARY OF CONGRESS.

Mr. HEATWOLE. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 239) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

Resolved by the Senate and House of Representatives, etc., That of the publications described in this section the number of copies which shall be printed in addition to the usual number and distributed by the Public Printer to the Library of Congress for its own use and for international exchange shall be 62, except as such number shall be enlarged to not exceeding 100 copies by direction of the Joint Committee on the Library, to wit: The House documents and reports, bound; the Senate documents and reports, bound; the House Journals, bound; the Senate Journals, bound; all other documents bearing a Congressional number and all documents not bearing a Congressional number printed by order of either House of Congress, or by order of any Department, bureau, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; the Revised Statutes, bound; the Statutes at Large, bound; the CONGRESSIONAL RECORD, bound; the Official Register of the United States, bound.

SEC. 2. That in addition to the foregoing the Public Printer shall supply to the Library of Congress for its own use 2 copies of each of the above-described publications, unbound, as published; 5 copies of all bills and resolutions; 10 copies of the daily CONGRESSIONAL RECORD; and 2 copies of all documents printed for the use of Congressional committees not of a confidential character.

SEC. 3. That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange 62 copies, except as such number shall be enlarged to not exceeding 100 copies by request of the Joint Committee on the Library.

The amendments reported by the Committee on Printing were read, as follows:

In line 4 strike out "in addition to the usual number."

In line 6, after the word "exchange," insert "in lieu of the number now provided by law."

In line 8 strike out "by direction of the Joint Committee on the Library" and insert in lieu thereof "by request of the Librarian of Congress."

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendments reported by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

Mr. HEATWOLE. I move to reconsider the votes by which the several bills and joint resolutions just acted upon were passed; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCISCO V. DE COSTER.

Mr. HEATWOLE. I ask unanimous consent for the present consideration of the bill (S. 1293) for the relief of Francisco V. De Coster.

The bill was read, as follows:

Be it enacted, etc., That Francisco V. De Coster shall be held and considered to have been mustered into the service of the United States as a captain in the First Battalion of Cavalry, Mississippi Marine Brigade, on the 8th day of July, 1863, and to have served as such continuously thereafter until he was mustered out of service on the 29th day of August, 1864, and he shall be entitled to the pay and allowances of a captain of cavalry for the period comprised between said dates: *Provided*, That the pay and allowances actually received by him for the period covered by this bill shall be deducted from the sum otherwise to be paid thereunder.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. I think we ought to have the report read.

Mr. HEATWOLE. I think I can explain the matter in a few words.

The SPEAKER. The report covers four pages. Possibly the gentleman from California [Mr. LOUD] will accept a statement in lieu of the reading of the report.

Mr. HEATWOLE. Mr. De Coster acted as captain of his company, having been placed in charge of it under the circumstances stated in the report, a part of which I will read:

First. Both the War Department and De Coster show that on June 30, 1863, Captain Wright, of Company D, Mississippi Marine Brigade, was killed in action.

Second. No commission was afterwards issued to anyone as captain of that company up to August 29, 1864, when it was mustered out, and no one received pay as commanding officer of that company during said period.

Third. The war records show, and De Coster claims, that he was in command of a company and performed all the duties and was subjected to all the responsibility and expenses incident to that position.

Fourth. The war records show that although De Coster never was commissioned as captain, yet he was recommended by the commander of the brigade on July 9, 1863, also on February 10, 1864, and May 23, 1864, and Brig. Gen. Alfred W. Ellet, commanding, and the only officer of the brigade having authority, put him on duty as such captain, as shown by De Coster's statement, backed up by the affidavit of General Ellet.

I think the gentleman from California [Mr. LOUD] will remember that I spoke to him about this case a few weeks ago.

Mr. LOUD. It is a very disagreeable task to object to a bill which any member desires this House to pass. But I venture to say, as I stated when this or a similar bill came before the House a short time ago, that there are at least 10,000 cases similar to this, where lieutenants acted in command of their companies for a long period of time. I do not remember that in any case of that character we have ever passed a bill similar to this. If this were passed we would establish the precedent that every subordinate officer who had command of a company after his superior officer was killed or had resigned, is entitled to the pay and allowances of that officer for the time that the position was thus occupied. Mr. Speaker, this is a very dangerous precedent to establish.

Mr. HEATWOLE. Let me call the gentleman's attention to the fact that Mr. De Coster was a first sergeant. The officers above him were all killed. He was put to the expense of providing a servant and other expenses incident to the rank of captain, and when he came out of the service had to borrow money in order to pay the indebtedness thus incurred by him while acting as captain. He was recognized in that capacity by the War Department in accepting the muster roll and the pay roll. For the last thirty-five years this man has suffered the injustice of not being able to obtain what certainly is his due. I should not champion a bill of this kind unless I believed it to be right.

Mr. LOUD. I do not doubt that the gentleman believes this bill to be perfectly honest and just. Perhaps it is so, according to his view of the circumstances; but I want to call the attention of the House to the fact that there are thousands and thousands of similar cases, and for us now, thirty-five years after the war, to attempt to pay every man who for a certain term occupied a higher position than that for which he was commissioned is wrong.

I say again that it is an ungracious task for a member to object to any bill that any other member may desire to pass. But the principle of this bill is wrong, and if it be passed it will lead to endless trouble.

Mr. HEATWOLE. This is the case of a noncommissioned officer who acted in the capacity of a commissioned officer.

Mr. LOUD. But that does not alter the case. There are thousands and thousands of such cases.

Mr. HEATWOLE. There was no other officer to take charge of this company.

Mr. LOUD. There is not a man here who has been in the military service who does not know that cases of this kind are constantly arising. At the surrender of Lee there were but 30 commissioned officers for 12 companies——

Mr. BABCOCK. Mr. Speaker, is this debate proceeding by unanimous consent?

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. LOUD. I shall have to object.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. BAKER. I ask consideration of a resolution which I have been directed to report by the Committee on Enrolled Bills.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

The SPEAKER. This is a privileged resolution.

Mr. UNDERWOOD. Is it the usual resolution?

Mr. ALLEN of Mississippi. It is.

The resolution was adopted.

BICYCLE MESSENGERS.

Mr. OLMSTED. Mr. Speaker, I am directed by the Committee on Accounts to ask immediate consideration for the following privileged resolution.

The Clerk read as follows:

House resolution No. 432.

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ for the remainder of the session four bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid each out of the contingent fund of the House of Representatives, at $5 per day.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RETURN OF BILLS FROM THE PRESIDENT.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire, chairman of the Committee on Invalid Pensions, asks unanimous consent for the present consideration of the resolution which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House 8908 granting an increase of pension to Alexander S. Hartford.

The resolution was agreed to.

Mr. SULLOWAY. Also the following.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House 4953, granting an increase of pension to Charles E. Churchill.

Mr. FLEMING. Mr. Speaker, I would like to inquire what is the defect in the bill?

Mr. SULLOWAY. There is no defect. The beneficiary is dead.

The resolution was agreed to.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the resolutions were passed was laid on the table.

LEAVE TO PRINT.

Mr. TONGUE. Mr. Speaker, I ask consent of the House for consideration of House resolution 419.

House resolution No. 419.

Resolved, That the Committee on Irrigation of Arid Lands be, and hereby is, authorized to have printed such papers, documents, and testimony taken at meetings had before that committee, and such as may be necessary for the business of said committee.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. That request has never been made before for the Committee on Arid Lands. While I shall not object to it, I think it is going a little further than we have gone heretofore.

Mr. TONGUE. I will state to the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. If there is a real necessity for the printing, I do not object.

Mr. TONGUE. The Committee on Arid Lands had hearings given to the experts of the Geological Survey and the Agricultural Department, and considerable valuable testimony has been given. It is desired to have this printed for the information of the public.

The SPEAKER. Is there objection?

Mr. HILL. I would like to ask whether this gives the committee permission to print without limit? If so, I shall have to object. I have no objection to letting a resolution go through giving them the ordinary authority, but without limit whatever I think it ought not to be passed.

The SPEAKER. Objection is made.

Mr. HILL. I will withhold my objection.

ORDER OF BUSINESS.

Mr. HEPBURN. A parliamentary inquiry. Does not the special order take precedence of and against any other business?

The SPEAKER. The Clerk will report the rule.

The Clerk read as follows:

Resolved, That immediately after the conclusion of the consideration of House bill 13423, to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes, a motion to go into a Committee of the Whole House on the state of the Union to consider bill H. R. 5499, to promote the efficiency of the Revenue-Cutter Service, shall be a continuing order, not, however, to interfere with conference reports and appropriation bills, or existing orders for Friday, or business reported from the Comittee on the District of Columbia.

PROTECTION OF THE INTERESTS OF THE UNITED STATES IN THE POTOMAC RIVER FLATS.

Mr. BABCOCK. I ask consideration for the bill H. R. 13865.

The Clerk read as follows:

A bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

Mr. BABCOCK. Mr. Speaker, I have a substitute to offer for that bill, in which the preamble is stricken out. I ask for the reading of the substitute instead of the bill in the hands of the Clerk.

The SPEAKER. Without objection, the proposed substitute will be read and placed in the bill.

The Clerk read as follows:

Strike out the preamble, also all after the enacting clause, and insert in lieu thereof the following:

"That in the case of the United States against M. F. Norris and others, instituted under the act of Congress entitled 'An act to provide for protecting the interests of the United States in the Potomac River Flats,' approved August 5, 1886, 24 Stats., 335, and recently remanded by the Supreme Court of the United States to the supreme court of the District of Columbia, the latter court, in order to carry out the mandate of the Supreme Court and also to carry into full effect the provisions of an act of Congress approved March 3, 1899, 30 Stats., 1377, entitled 'An act relative to wharf property and certain public spaces in the District of Columbia,' is hereby authorized and directed, in ascertaining the values of the wharf structures and other improvements used in connection therewith belonging to the defendants in the above cause, or to others, which are in or over the waters of the Potomac River south of Water street, in the city of Washington, in which the said defendants claim riparian rights, to also, in like manner, ascertain and determine the values of the portions of such wharf structures and other improvements used in connection therewith which are upon the adjoining land of the United States, but not in or over the said waters of the Potomac River, and shall also ascertain, declare, adjudge, and award to whom the values so determined are justly payable. The said supreme court of the District of Columbia is hereby invested with all needful power, authority, and jurisdiction to carry into effect in all respects the said mandate of the Supreme Court of the United States according to its true intent and meaning, and to determine every question of right, title, interest, and claim arising in the premises; and such court may exercise such power, authority, and jurisdiction as fully and completely, for all purposes, as if the same had been conferred upon it by the said act approved August 5, 1886; and its findings shall be reported to Congress agreeably to the fourth section of said act."

The SPEAKER. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the motion to strike out the preamble.

The motion was agreed to.

The question was taken; and the bill was passed.

BUNKER HILL ROAD, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill S. 3205, for the relocation of certain tracks of street railways in the District of Columbia.

The Clerk read as follows:

A bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia.

Mr. BABCOCK. Mr. Speaker, this bill was reported with a substitute. I ask that the substitute be read instead of the original Senate bill.

The SPEAKER. Without objection, the substitute will be read instead of the original bill.

The Clerk read as follows:

A bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia.

Be it enacted, etc., That whenever the Bunker Hill road or Wisconsin avenue is improved by the Commissioners of the District of Columbia, the said Commissioners are authorized to permit the street railroad tracks upon said highways to be located in the middle of the roadway, should such location be considered for the best interests of the public.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

TO REGULATE THE COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I ask consideration of House bill 13752.

The Clerk read as follows:

A bill (H. R. 13752) to regulate the collection of taxes in the District of Columbia.

Be it enacted, etc., That hereafter, beginning with the fiscal year commencing July 1, 1901, the whole tax on real and personal property in the District of Columbia shall be payable in the month of May of each year: *Provided, however*, That on and after the 1st of November of each year the tax may be paid in two equal installments, the first in November and the second in May, but that no penalty shall accrue for delinquency until the following June, as hereinafter provided; and if the whole or any part of said tax upon real and personal property shall not be paid before the 1st day of June in each year the same shall thereafter be in arrears and delinquent, and there shall then be added, to be collected with said tax, a penalty of 1 per cent per month upon the amount thereof, and a like penalty on the 1st day of each succeeding month until payment of said tax and penalty, and the whole together shall constitute the delinquent tax, to be dealt with in the manner now provided by law.

SEC. 2. That all laws or parts of laws inconsistent with this act are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Wisconsin if this bill cuts down or takes away the rights of the people of the District of Columbia to pay their taxes semiannually instead of annually.

Mr. BABCOCK. No, sir; it makes it optional, without any penalty if the first half of the taxes is not paid in the six months. The taxpayers can pay their taxes if they please once a year or twice a year. This is a Commissioners' bill.

Mr. UNDERWOOD. And there is no penalty for the first half?

Mr. BABCOCK. No, sir.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PROCEEDINGS FOR ADMISSION TO THE GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. BABCOCK. I ask consideration of the bill H. R. 13866.

The Clerk read as follows:

A bill (H. R. 13866) to provide for the proceedings for admission to the Government Hospital for the Insane in the District of Columbia in certain cases.

Be it enacted, etc., That hereafter proceedings for admission to the Government Hospital for the Insane of indigent insane persons residing in the District of Columbia and of insane persons of homicidal or violent tendencies found therein, and for admission, temporarily, to said hospital of nonresident insane persons found in said District, shall be upon petition of the Commissioners of the District of Columbia, sworn to by one or more of said Commissioners, or by some other responsible person, filed in the supreme court of the District of Columbia holding in equity court, which said court shall, upon filing of such petition, issue a writ de lunatico inquirendo, whereupon the proceedings shall be in conformity with the law relating to such matters in force in the District of Columbia on the 30th day of January, 1899. And in executing such writ it shall be the duty of the marshal for the District of Columbia to impanel a jury from the jurors in attendance upon the criminal courts of said District, who shall perform such service in addition to and as part of their duties in said court; and during such times as jurors are not in attendance upon said criminal courts the said marshal may, in executing such writ, impanel the jurors in attendance upon the police court of said District, who shall perform such duties in addition to and as part of their duties in said police court.

SEC. 2. That it shall be the duty of the Commissioners of the District of Columbia, so soon as practicable, to return to their places of residence or to their friends all indigent insane persons not residents of the District at the time they became insane who are now or may be hereafter detained in the Government Hospital for the Insane, or who shall be committed to the said hospital to be temporarily cared for, as provided in section 4850 of the Revised Statutes of the United States, and the Commissioners are hereby authorized to defray all necessary expenses incurred in ascertaining the locality where such persons or their friends belong and in returning them to such locality.

SEC. 3. That the act of Congress approved January 31, 1899, entitled "An act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," and all other acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Wisconsin what rule has heretofore obtained with reference to this class provided for in this bill?

Mr. BABCOCK. Practically no rule. This simply provides for the method of taking care of the pauper insane.

Mr. ROBINSON of Indiana. I find that the District of Columbia already has 55 per cent of the insane people in the insane asylum.

Mr. BABCOCK. This puts it entirely in the hands of the Commissioners to commit the pauper insane, and makes a form of thing that they have not had in the District before.

Mr. ROBINSON of Indiana. And provides also for the removal from the District of nonresidents?

Mr. BABCOCK. Yes, sir.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EXTENDING TIME FOR CONSTRUCTION OF STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up Senate joint resolution No. 159, extending the time within which certain street railroads of the District of Columbia may be constructed.

The SPEAKER. Without objection, the resolution will be considered.

There was no objection.

The Clerk read the resolution, as follows:

Joint resolution (S. R. 159) extending the time within which certain street railroads in the District of Columbia may be constructed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the Washington and Gettysburg Railway Company, of Maryland, is allowed to extend its lines into and within the District of Columbia be, and the same is hereby, extended for two years from and after the passage of this resolution.

SEC. 2. That the time within which the Columbia Railway is authorized to construct an extension of its lines from the intersection of Watts Creek and Anacostia road along the Anacostia road to its intersection with the eastern boundary line of the District of Columbia be, and the same is hereby, extended for two years from the passage of this resolution.

The SPEAKER. Without objection, the resolution will be considered.

There was no objection.

The resolution was ordered to be read a third time, was read a third time, and passed.

Mr. BABCOCK. Now, Mr. Speaker, I ask that House bill 14147 may lie on the table, covering the same subject as the resolution just passed.

The SPEAKER. Without objection, this order will be made.

There was no objection.

PROOF OF EXECUTION OF WILLS AFFECTING REAL ESTATE.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898, be, and it is hereby, amended by adding thereto three sections, to be designated as sections 13, 14, and 15, which shall read as follows:

"SEC. 13. In all cases where it is made to appear to the satisfaction of the court that the names of the next of kin or heirs at law of the deceased are unknown, either in whole or in part, such unknown next of kin or heirs at law may be proceeded against and described in the publication of notice hereinbefore provided for as 'the unknown next of kin,' or 'the unknown heirs at law,' as the case may be, of the deceased, and by such publication of such notice under such designation such unknown next of kin and heirs at law shall be as effectually bound and concluded as if their names were specifically set forth in said order of publication.

"SEC. 14. In case any will shall have been heretofore admitted to probate upon publication against unknown heirs or next of kin, any person interested may file a petition for further probate of such will, alleging that the heirs at law or next of kin of the deceased, or some of them, as the case may be, are unknown, and upon satisfactory showing being made to the court publication of notice may be made against the unknown next of kin or heirs at law of the deceased, and upon such publication being made, as required by the court, a decree may be made confirming such previous probate, and such decree so made shall be as effectual as if the said heirs at law or next of kin were named in the order of publication.

"SEC. 15. If any will be hereafter held invalid in any action begun after distribution made of the property by the executor or executrix in good faith, with the approval of the court, without knowledge on his or her part of such invalidity and without notice that such action was intended, the distributees of the property, and not such executor or executrix, shall be answerable for the property or its value to the person or persons entitled thereto."

With the following amendment:

On page 1, section 13, line 11, after the word "that," strike out the words "the names" and insert in lieu thereof the words "all or any;" and in line 12 of the same section, after the word "unknown," strike out the words "either in whole."

On page 2, line 1, of the same section, strike out the words "or in part," and in line 7, page 2, of the same section, after the word "if," insert the words "known and."

Mr. HEPBURN. I wish, Mr. Speaker, the gentleman would explain what change is made in the present law by this bill.

Mr. BABCOCK. I will yield to the gentleman from Wisconsin.

Mr. JENKINS. I will say that this is to provide for the services upon unknown heirs. It was omitted when the law was passed regulating wills in the District of Columbia, and it meets the approval of the Commissioners. I ask for a vote, Mr. Speaker.

The amendments were considered, and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PATRICK KAVANAGH ESTATE.

Mr. BABCOCK. Now, Mr. Speaker, I will call up House bill No. 13068, to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized; and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. Let us have the bill read first.

The SPEAKER. The Clerk will report the bill, and then the Chair will submit the question for consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States do hereby release, relinquish, and quitclaim unto Michael A. Mullin, trustee under the last will and testament of Elizabeth Ann Hooper, formerly Elizabeth Ann Kavanagh, and to all persons lawfully claiming or to claim under the said last will and testament, all right, title, and claim, if any, which the United States may have acquired by way of escheat to any real estate situated in the District of Columbia by the death of Patrick Kavanagh, the husband, and Charles W. Kavanagh and William Kavanagh, the sons, of the said Elizabeth Ann Hooper, or any of them.

The SPEAKER. Is there objection to the request of the gentleman that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

DEVISEES OF CASPER BARBER.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens, and I make the same request, that the matter may be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill before the Chair submits the request.

The Clerk read the bill, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Casper Barber, of said District, prior to the passage of this act be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all estate acquired by the United States by force of said act are, in respect of such real estate, hereby released to the devisees of said Casper Barber and their assigns.

With the following amendments recommended by the committee:

Strike out all after the word "seven," in line 9, and insert in lieu thereof the following: "and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted."

The SPEAKER. The gentleman asks to have the bill considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation in the District of Columbia, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Protestant Episcopal Cathedral Foundation of the District of Columbia is hereby authorized to permit the burial of the dead in any designated part of its land in the District of Columbia situate between the Tennallytown road, Woodley lane, Galveston street, Thirty-fifth street, and Massachusetts avenue, or in vaults in the cathedral to be built on the said land, under such sanitary regulations as shall be prescribed by the Commissioners of the District of Columbia: *Provided*, That not more than four such burials shall be allowed in any one calender year.

SEC. 2. That the remains of Thomas John Claggett, first bishop of Maryland, and his wife, may be allowed to remain in the vault in which they are now deposited in the churchyard of St. Alban's Church, adjoining the lands of the Cathedral Foundation, and that the said remains may be removed hereafter to the grounds of the Protestant Episcopal Cathedral Foundation of the District of Columbia, or to the cathedral which shall be built thereon.

Mr. COWHERD. Mr. Speaker, I want two or three minutes to be heard on this question.

Mr. BABCOCK. I will yield three minutes to the gentleman from Missouri.

Mr. COWHERD. Mr. Speaker, I desire to state my position to the House on this measure. It seems to me that this is a bill that ought not to pass. If we grant this right to the church, as it is in the residential portion of the city and they propose to build there a cathedral and establish something after the manner, as I understand it, of the Westminster Abbey and bury their distinguished dead there, it will be a bad precedent. Naturally it will be opposed, and opposed more strongly when the District is settled around it, and if we grant this legislation to this church there will come the same applications from other denominations in the city that they may bury their distinguished dead in their church, and I think it will be a bad precedent, and the bill should be defeated.

Mr. GAINES. I would like to ask the chairman of the committee a question.

Mr. BABCOCK. Certainly.

Mr. GAINES. Why should there be limit, or, in other words, why do you want to remove the limitation?

Mr. BABCOCK. Because it requires a special permit for the burial of the dead on any ground within the city limits or within the District.

Mr. GAINES. Why are all these limitations established?

Mr. BABCOCK. That is under the present law.

Mr. GAINES. But why the present law?

Mr. BABCOCK. Certainly I can not answer that question. It is for the public health and for the regulation of sanitary conditions.

Mr. GAINES. Exactly so. That is what I wanted you to say. Up to this time we have had these limitations to protect the health of the people, and yet you want to take away those limitations and let the people bury their dead out there.

Mr. BABCOCK. I want to say that if there is any serious objection to this bill I will withdraw it, but I want to state a few facts first. This organization has about 31 acres there which they are improving for a school, and the improvements are magnificent. It provides a limit to the burial of four each year and not more than four. There have been several persons who have contributed very largely to the establishment of this church and educational institution, and it is proposed to be a second Westminster Abbey, or, in other words, an honorable burial place for those who have distinguished themselves in the establishment of the institution. That is all there is of it. The Commissioners have recommended the bill, and so have all those connected with it.

Mr. GAINES. Does the gentleman think we ought to have a burying ground in the city?

Mr. BABCOCK. It is on the outskirts; way out on the Tennallytown road.

A MEMBER. What denomination is it?

Mr. BABCOCK. It is a Protestant Episcopal church.

Mr. GAINES. I do not care if it is a Methodist church, in which I take a great interest. [Laughter.]

The bill was ordered to be read a third time; and it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BABCOCK) there were 64 ayes and 30 noes.

So the bill was passed.

THEATER LICENSES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up Senate joint resolution No. 163, in relation to licensing theaters in the District of Columbia.

The joint resolution was read.

Mr. BABCOCK. I move to strike out all after the enacting clause of the Senate resolution and substitute what I send to the desk, which is the language of House joint resolution No. 311, reported by the Committee on the District of Columbia.

The Clerk read as follows:

That any license issued by the assessor of the District of Columbia to the proprietor of a theater or other public place of amusement in the District of Columbia may be terminated by the Commissioners of the District of Columbia whenever it shall appear to them that, after due notice, the person holding such license shall have failed to comply with such regulations as may be prescribed by the said Commissioners for the public decency.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BABCOCK. I move to reconsider the votes by which these various bills and joint resolutions have been passed, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, in which the concurrence of the House was requested.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6050. An act to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes.

The message also announced that Mr. PROCTOR was excused at his own request from further service as a conferee on the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, and that Mr. LODGE had been appointed in his place.

ST. LOUIS INTERNATIONAL EXHIBITION.

Mr. TAWNEY. I ask unanimous consent to take from the Speaker's table, in order that the House may agree to the conference asked by the Senate, the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri.

Mr. SHEPPARD. I object.

RETURN OF A SENATE BILL.

The SPEAKER laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5912) entitled "An act granting an increase of pension to Katharine J. Gilman."

The SPEAKER. In the absence of objection, the request of the Senate will be complied with.

There was no objection.

FRANCISCO V. DE COSTER.

Mr. HEATWOLE. Mr. Speaker, the gentleman from California [Mr. LOUD] has withdrawn his objection to Senate bill 1293.

The SPEAKER. Is there further objection?

Mr. SHEPPARD. I object.

HOUSE PENSION BILLS AMENDED.

The SPEAKER laid before the House pension bills of the following titles, with amendments of the Senate:

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3861) granting an increase of pension to Jesse Millard;

A bill (H. R. 8650) granting an increase of pension to William C. Whitney;

A bill (H. R. 12442) granting an increase of pension to Mary E. Starr;

A bill (H. R. 13049) granting a pension to Elizabeth Fury;

A bill (H. R. 13086) granting an increase of pension to Eunice Henry;

A bill (H. R. 13118) granting a pension to Rebecca J. Gray;

A bill (H. R. 13154) granting a pension to Ernestine Lavigne; and

A bill (H. R. 13569) granting a pension to the minor children of Henry R. Hinkle.

The amendments of the Senate were successively read; and, on motion of Mr. SULLOWAY, concurred in.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the Senate amendments were concurred in was laid on the table.

FRANCISCO V. DE COSTER.

Mr. SHEPPARD. I withdraw my objection to the bill of the gentleman from Minnesota, Senate bill 1293, for the relief of Francisco V. De Coster.

The SPEAKER. Is there further objection?

Mr. LOUD. I desire to make a very brief statement.

I withdrew my objection to the consideration of this bill because the gentleman from Minnesota stated to me that I had agreed not to object. It is possible I did enter into such an agreement.

I accept the gentleman's word for the fact, although I have no recollection of it. I still believe that the bill is vicious in its character; but if in an unguarded moment I did make the promise which the gentleman assures me I did, I feel bound, of course, to adhere to that promise, whether given or implied. Therefore, not desiring to exercise my physical or vocal right to prevent the passage of the bill, I am perfectly willing to leave the matter to the House.

Mr. GAINES. Reserving the right to object, I would like to

hear some explanation of the bill. As I understand, this man makes claim to the pay of a captain on the ground that, though he has not been commissioned as such, he has been doing service in that capacity. As I understand, he has been paid only for his service in the inferior rank, not for his service as a captain.

Mr. HEATWOLE. He was paid as a first sergeant.

Mr. GAINES. If the bill becomes a law, as I understand, he will get back pay dating, I believe, from 1860, as though he had been a captain during all this period.

Mr. HEATWOLE. He will get the difference between the pay of a first sergeant and that of a captain for a short period.

Mr. GAINES. What will be the amount of this additional pay?

Mr. STEELE. Allow me to explain this matter to the gentleman. I happen to have examined the case. This man was assigned to the duty of a captain, having been recommended to the Secretary of War for the performance of that duty. He served for a certain time as a captain (not having been commissioned), and was then honorably discharged. Now, the proposition is to give him the difference between the pay of a sergeant and that of a captain for a very short time—I forget how long.

Mr. GAINES. Extending back to 1860?

Mr. STEELE. Oh, no; only for four or five months.

Mr. HEATWOLE. He is not in the service now.

Mr. GAINES. As I read the bill, you want to make this party a captain.

Mr. HEATWOLE. No.

Mr. GAINES. That he has never been a captain, but he has served in some other office; the duties he performed were those of a captain. He has received a salary, and now you want to make him a captain and give him from back the sixties the salary of a captain. Are you not?

Mr. HEATWOLE. Oh, no.

Mr. STEELE. It will give the difference between the pay of a sergeant and a captain from the 8th day of July, 1863, to the 9th day of August, 1864.

Mr. LOUD. Does the gentleman know how many privates there were in the company?

Mr. STEELE. There were above the minimum number.

Mr. LOUD. They were not deprived of their captain.

Mr. GAINES. It is only a few months' back pay of a captain.

Mr. HEATWOLE. Yes.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

EASTERN DIVISION OF NORTHERN FEDERAL JUDICIAL DISTRICT OF GEORGIA.

Mr. HOWARD. Mr. Speaker, I ask for the present consideration of the bill H. R. 11102.

The SPEAKER. The Chair lays before the House the bill S. 6050, taken from the Speaker's table.

Mr. HOWARD. Mr. Speaker, after the bill is read, I ask that the Senate bill 6050 be substituted for it, it being identical with the House bill.

The SPEAKER. That is the bill now being read.

The Clerk read as follows:

A bill (S. 6050) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes.

Be it enacted, etc., That the eastern division of the northern judicial district of Georgia is hereby created and established, to be composed of the counties of Banks, Clarke, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Walton, Rabun, White, and Elbert.

SEC. 2. That there shall be held at the city of Athens, in said eastern division of the said northern judicial district of Georgia, two terms of the district and circuit courts in each and every year, on the third Monday in April and the first Monday in November, and it shall be the duty of the clerk or his deputy and other officers of the northern judicial district aforesaid to attend said terms of said court and perform all the duties appertaining to their position, and no additional district attorney, clerk, or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed by the court to attend to the duties of that office in the eastern division. All pleadings and other papers may be filed in the clerk's office at Atlanta, and all process may issue therefrom, except while court is in session at Athens. The compensation of the clerks shall not be changed or affected by the failure to appoint a deputy clerk at Athens: *Provided*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

SEC. 3. That all actions at law and all suits in equity against a defendant who shall be a resident of said eastern division shall be brought therein. Suits for the recovery of lands shall be brought in the division of the district where the land is situated; but in all cases at law or in equity against more than one defendant, in which some of the defendants shall reside in the western and some in the eastern division, such action at law may be brought in either division, and such suit in equity may be brought in either division in which a defendant may reside against whom substantial relief is prayed. Cases removed from any of the courts of the State of Georgia to the circuit court of the United States for the northern district shall be removed to the circuit court in and for the division in which said court is held from which it was removed.

SEC. 4. That all prosecutions for crime or offense committed after the date at which this act takes effect, in any of the counties composing the said eastern division, shall be cognizable within such division, and all prosecutions begun and pending when this act takes effect shall be proceeded with as if this act had not been passed.

SEC. 5. That all grand and petit jurors summoned for service in said eastern division shall be residents thereof and shall be selected from such counties as the court may direct, and all laws heretofore applicable to the northern district of Georgia regulating writs, actions, suits, and other proceedings therein shall be applicable to the eastern division of said district hereby created so far as the same may relate to any right, action, suit, or other proceeding of which the courts of said eastern division shall have jurisdiction.

SEC. 6. That this act shall be of force from and after the 30th day of June, 1901, and all acts and parts of acts inconsistent therewith are hereby repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

The SPEAKER. Without objection, the House bill, similar in character, will be laid on the table.

There was no objection.

On motion of Mr. HOWARD, the motion to reconsider the vote by which the bill was passed was laid on the table.

DONATION OF LETTERS TO STATE OF IOWA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 157) authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.

Resolved, etc., That the Secretary of the Interior be, and is hereby, authorized to remove from the files of the Department and donate to the State of Iowa such letters of Robert Lucas, John Chambers, and James Clark, addressed to the Commissioner of Indian Affairs, as may be designated by the curator of the historical department of said State, copies being retained in the files of the Department of the Interior if the Secretary shall deem such letters or any of them of any value to the Government.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Has this bill been reported, I will ask the gentleman?

Mr. LACEY. It is a joint resolution, which has passed the Senate. It has been reported from the Committee on Indian Affairs of the House. It simply permits the withdrawal of some original papers filed by the early governors of Iowa, copies being left.

Mr. RICHARDSON of Tennessee. It has been considered by the committee and reported?

Mr. LACEY. Oh, yes; it is the unanimous report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 152. Joint resolution in relation to monument to prisonship martyrs at Fort Greene, Brooklyn, N. Y.—to the Committee on the Library.

H. R. 12396. An act to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, with Senate amendment—to the Committee on Insular Affairs.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3233. An act granting an increase of pension to Nicholas B. Ireland;

H. R. 12180. An act granting an increase of pension to Gilbert L. Price;

H. R. 13447. An act granting an increase of pension to Benjamin Eason;

H. R. 10718. An act granting an increase of pension to James Gatton;

H. R. 10689. An act granting an increase of pension to Michael Falkoner;

H. R. 11807. An act granting an increase of pension to John H. Bliss;

H. R. 9584. An act granting an increase of pension to Samuel F. Bell;

H. R. 8380. An act granting an increase of pension to Reamus G. Morris;

H. R. 3754. An act granting an increase of pension to Solomon Delzell;

H. R. 12686. An act granting a pension to John W. Conely;

H. R. 154. An act granting an increase of pension to Benjamin F. Shott;

H. R. 2473. An act granting a pension to Mary J. Foutz;

H. R. 2506. An act granting an increase of pension to Joseph Kempér;

H. R. 3883. An act granting an increase of pension to William H. Ransom;

H. R. 3820. An act granting an increase of pension to Edgar Hill;
H. R. 9526. An act granting a pension to N. Marietta Chapman;
H. R. 4232. An act granting an increase of pension to Philip Volkner;
H. R. 5639. An act granting a pension to Harlin Keeling;
H. R. 10748. An act granting an increase of pension to Julius Sporleder;
H. R. 12860. An act for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin;
H. R. 12456. An act to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes;
H. R. 5553. An act to correct the military record of William T. Pratt;
H. R. 6417. An act granting a pension to Eliza C. Johnson;
H. R. 6503. An act granting an increase of pension to William Gross;
H. R. 12434. An act granting a pension to Marie Barton Greene;
H. R. 12775. An act granting a pension to Sarah Miller;
H. R. 12997. An act granting an increase of pension to Thomas J. Young;
H. R. 12883. An act granting an increase of pension to Condy Menalis;
H. R. 10331. An act granting an increase of pension to Sylvanus A. Gifford;
H. R. 10995. An act granting a pension to William Mitchell;
H. R. 11529. An act granting an increase of pension to Don Farrington;
H. R. 11798. An act granting an increase of pension to Lealdes F. Laverty;
H. R. 11085. An act granting a pension to Mary M. Sprandel;
H. R. 8577. An act granting an increase of pension to Levi C. Hare;
H. R. 12304. An act granting a pension to Mary B. Whiteley;
H. R. 10382. An act granting an increase of pension to James Mason;
H. R. 10046. An act granting a pension to Rosa Cox;
H. R. 11618. An act granting an increase of pension to John Burns;
H. R. 12121. An act granting a pension to Caroline H. Wright;
H. R. 13088. An act granting an increase of pension to Peter Brunette;
H. R. 13567. An act granting a pension to Martha M. Stephens;
H. R. 13214. An act granting an increase of pension to Jacob C. Hansel;
H. R. 13160. An act granting a pension to Sarah M. Lowell; and
H. R. 10978. An act granting an increase of pension to Augustus L. Chetlain.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3270. An act for the relief of Nathan S. Jarvis; and
S. 879. An act for the relief of Levi Stoltz.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CURTIS, for this day, on account of sickness.

To Mr. BUTLER, for this day, on account of sickness in family.

LEAVE TO PRINT.

By unanimous consent, requested by Mr. MOODY of Massachusetts, leave was granted the committee appointed February 23, 1901, to inquire concerning the appointment of and payment to employees of the House, to have printed such documents for its use and testimony taken by them as they may deem necessary.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 8 minutes) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the American National Red Cross, transmitting the first annual report—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of State, with a letter from S. J. Barrows, inclosing a paper on "The cost of crime," prepared for the National Prison Association of the United States—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a copy of a letter from the United States Commissioners on the International Prison Commission, monographs on the penal codes of France, Germany, Belgium, and Japan—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14200) to authorize the Birmingham, Mobile and Navy Cove Harbor Railway Company to construct and maintain a bridge across the Mobile River at or near Mount Vernon, in Mobile County, Ala., reported the same without amendment, accompanied by a report (No. 2953); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill H. R. 12230, reported in lieu thereof a bill of the House (H. R. 14280) to authorize the construction of hydraulic works for the purpose of making the waters of the arid and semiarid region available for use in irrigation, accompanied by a report (No. 2954); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 13303) to make the currency responsive to the varying needs of business at all seasons and in all sections, reported the same with amendment, accompanied by a report (No. 2955); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 13530) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*, reported the same with amendment, accompanied by a report (No. 2962); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 14271) for the relief of Rasmussen & Strehlow, reported the same without amendment, accompanied by a report (No. 2951); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 14269) confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians, reported the same without amendment, accompanied by a report (No. 2952); which said bill and report were referred to the Private Calendar.

Mr. THROPP, from the Committee on Claims, to which was referred the bill of the House (H. R. 9871) for relief of John Breen, lately postmaster at Gladwyne, Pa., reported the same without amendment, accompanied by a report (No. 2956); which said bill and report were referred to the Private Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy, reported the same with amendment, accompanied by a report (No. 2963); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FORDNEY: A bill (H. R. 14278) amending an act relating to forest reserves, selection of lands in lieu of relinquished claims or lands in forest reservations, national parks, and amending the act of June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes"—to the Committee on the Public Lands.

By Mr. RANSDELL: A bill (H. R. 14279) authorizing the Texas and Pacific Railway to construct a bridge across Red River, Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL, from the Committee on the Public Lands: A bill (H. R. 14280) to authorize the construction of hydraulic works for the purpose of making the waters of the arid and semiarid region available for use in irrigation—to the Union Calendar.

By Mr. BELL: A joint resolution (H. J. Res. 312) to prohibit use of public buildings for the inauguration of the President—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 14281) for the relief of George W. Raney—to the Committee on Military Affairs.

Also, a bill (H. R. 14282) granting an increase of pension to Benjamin R. Hackney—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 14283) granting an increase of pension to George Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14284) granting an increase of pension to Peter Tuper—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14285) granting a pension to Adella C. Chandler—to the Committee on Pensions.

Also, a bill (H. R. 14286) granting a pension to Andrew Baird—to the Committee on Invalid Pensions.

By Mr. PEARCE of Missouri: A bill (H. R. 14287) for the relief of Emma Templeton Wood—to the Committee on War Claims.

Also, a bill (H. R. 14288) for the relief of Catherine Barry Meeha—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of James Bishop, secretary of the Manchester, Iowa, Creamery Company, announcing resolutions in favor of the Grout bill—to the Committee on Agriculture.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Irrigation of Arid Lands.

By Mr. GIBSON: Petition of Benjamin R. Hackney, of Knox County, Tenn., to accompany House bill for his relief—to the Committee on Pensions.

Also, petition of Woman's Christian Temperance Union, of Deerlodge, Tenn., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. GILBERT: Petition of the Kentucky Woman's Christian Temperance Union, Mrs. F. G. Beauchamp, president, favoring the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRIFFITH: Petition of Indiana State Letter Carriers' Association, praying for the passage of House bill No. 10315, relating to certain claims of letter carriers for pay for extra services—to the Committee on Claims.

By Mr. KITCHIN: Petition of citizens of Halifax County, N. C., favoring the passage of the Gillett bill for the protection of the native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTLEFIELD: Petitions of John G. Paton Club, of Germantown, Pa., and various churches and societies in Auburn, Me., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. McALEER: Petition of legislative committee of Allied Printers, in relation to action on annual leave of Census Office printers—to the Committee on Appropriations.

Also, petition of Philadelphia Chapter of the American Institute of Architects, in favor of a commission to consider certain improvements in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MERCER: Resolutions of the physical science department of the Nebraska State Teachers' Association, in favor of the establishment of the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. NAPHEN: Protest of James Jeffrey Roche, editor Boston Pilot, against the passage of the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hall & Ruckel, of New York City, N. Y., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Willis J. Beecher and 5 others, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. PEARCE of Missouri: Paper to accompany House bill for the relief of Emma Templeton Wood—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of E. J. Mowry, of Columbia City, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, petition of the Indiana State Association of Letter Carriers, in relation to House bill No. 10315, being a claim of letter carriers for extra services performed—to the Committee on Claims.

By Mr. RYAN of New York: Petitions of Woman's Christian Temperance Unions of Waverly and Sing Sing, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Religious Society of Friends, of Philadelphia, Pa., for cessation of the war in the Philippine Islands—to the Committee on Military Affairs.

Also, petition of N. C. Newerf, of Buffalo, N. Y., against ship-subsidy bill and favoring Government ownership of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. SPERRY: Petition of citizens of North Haven, Conn., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULLOWAY: Petition of the Young Woman's Temperance Union of Epping, N. H., favoring the passage of the Gillett and Littlefield bills, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. TAWNEY: Petition of citizens of Olmsted County, Minn., to accompany House bill granting a pension to George Johnson, of Eyota, Minn.—to the Committee on Invalid Pensions.

By Mr. TERRY: Petition of citizens of Perry County, Ark., in regard to the navigability of Lafourche River—to the Committee on Rivers and Harbors.

By Mr. THOMAS of Iowa: Petition of Rev. E. E. Hastings and others, of Hastings, Minn., urging the banishment of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. VAN VOORHIS: Petition of M. H. Thompson and other citizens of Zanesville, Ohio, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. VREELAND: Petition of W. H. Thomas and others of Rushford, N. Y., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADSWORTH: Petition of Rev. W. E. King and congregation of the Methodist Episcopal Church at Wyoming, N. Y., relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, resolutions of the Rice Association of America, asking for liberal appropriations for the Department of Agriculture—to the Committee on Agriculture.

By Mr. WANGER: Petition of Christian Endeavor Society of Ambler (Pa.) Presbyterian Church, urging the passage of the Gillett bill, protecting the New Hebrides from intoxicants—to the Committee on the Judiciary.

By Mr. WILSON of Idaho: Resolutions of the Northwest Fruit Growers' Association at Portland, Oreg., February 7, 1901, in favor of the passage of House bill No. 96, to prevent the introduction of insect pests and plant diseases into the United States—to the Committee on Agriculture.

SENATE.

TUESDAY, *February 26, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ORDNANCE AND ORDNANCE STORES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in connection with his letter of the 14th instant, a further communication from the Chief of Ordnance, United States Army, requesting that the balance remaining unexpended on June 30, 1901, of the appropriation for national defense, allotted by the President for expenditure under his direction, may be incorporated in the general deficiency appropriation bill, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Industrial Commission, transmitting volumes 6 and 7 of the reports of that commission; which, with the accompanying documents, was referred to the Committee on Printing.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting an additional

list of judgments entered against the United States under the provisions of the act of March 3, 1887, to provide for the bringing of suits against the Government of the United States, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

AGREEMENT WITH THE WICHITA INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior relative to the necessity for an appropriation to provide payment under the decree of the Court of Claims rendered January 31, 1901, in the cause of the Choctaw Nation and the Chickasaw Nation *vs.* The United States and the Wichita and affiliated bands of Indians, fixing the price per acre to be paid the Wichita and affiliated bands of Indians for certain lands, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

VISITORS TO WEST POINT.

The PRESIDENT pro tempore appointed Mr. KEAN and Mr. TALIAFERRO members of the Board of Visitors on the part of the Senate to attend the annual examination of cadets at the United States Military Academy at West Point, N. Y.

TRUSTEES OF REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore appointed Mr. DILLINGHAM consulting trustee on the part of the Senate of the Reform School of the District of Columbia, under section 16 of the act approved May 3, 1876, revising and amending the various acts establishing and relating to the Reform School of the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print and bind 8,000 copies of the second report of the United States Board on Geographic Names.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 14,000 copies of the general summary entitled Review of the World's Commerce, for the year 1900, and 8,000 copies of Commercial Relations of the United States, for the year 1900.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;

A bill (H. R. 3861) granting an increase of pension to Jesse Millard;

A bill (H. R. 8650) granting an increase of pension to William C. Whitney;

A bill (H. R. 12442) granting an increase of pension to Mary E. Starr;

A bill (H. R. 13049) granting a pension to Elizabeth Fury;

A bill (H. R. 13086) granting an increase of pension to Eunice Henry;

A bill (H. R. 13118) granting a pension to Rebecca J. Gray;

A bill (H. R. 13154) granting a pension to Ernestine Lavigne; and

A bill (H. R. 13569) granting a pension to the minor children of Henry R. Hinkle.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898;

A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized;

A bill (H. R. 13752) to regulate the collection of taxes in the District of Columbia;

A bill (H. R. 13866) to provide for the proceedings for admission to the Government Hospital for the Insane in the District of Columbia in certain cases; and

A joint resolution (H. J. Res. 306) concerning printing of additional copies of the annual report of the Geological Survey.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill of the House (H. R. 4963) granting an increase of pension to Charles E. Churchill; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill of the House (H. R. 8998) granting an increase of pension to Alexander F. Hartford; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind 2,000 copies of "A Digest of all the Contested-Election Cases in the House of Representatives from the First to the Fifty-sixth Congress, Inclusive," etc.; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5233) granting an increase of pension to Philetus B. Axtell.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented sundry petitions of citizens of Brooklyn, N. Y., and a petition of the Central Trades' and Labor Council, American Federation of Labor, of Rochester, N. Y., praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry war veterans of Brooklyn, N. Y., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Woman's Christian Temperance Union of Penn Yan, N. Y., and the petition of M. F. Sheppard and sundry other citizens of Penn Yan, N. Y., praying for the enactment of legislation providing for the improvement of the rations and general comforts of soldiers; which were referred to the Committee on Military Affairs.

He also presented the petition of W. H. Thomas and sundry other citizens of Rushford, N. Y., and the petition of J. S. Lindsay and sundry other citizens of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the inhabitants of the New Hebrides and other Pacific islands; which were ordered to lie on the table.

He also presented a petition of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., praying for the enactment of legislation providing that all the remaining public lands shall be held for the benefit of the whole people and that no grants of title shall be made to any but actual settlers and builders thereon, and also for the construction of storage reservoirs to save the flood waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. KEAN presented a petition of the State Teachers' Association of Newark, N. J., praying for the enactment of legislation providing certain reforms in the Indian Service; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of New Jersey praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed in the RECORD:

Senate joint resolution No. 7.

Adopted in senate, February 5, A. D. 1901.

F. J. BRANDON,
Secretary of the Senate.

Adopted in assembly, February 13, A. D. 1901.

CLIO LLOYD,
Chief Clerk of the Assembly.

This resolution was received by the governor this 16th day of February, A. D. 1901.

W. J. FOLEY,
Private Secretary of the Governor.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of chapter 21, resolutions of 1901, with the original now on file in my office, and that the same is a correct transcript therefrom, and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State at office in Sacramento, Cal., the 16th day of February, A. D. 1901.

[SEAL.]

C. F. CURRY, *Secretary of State.*
By J. HOESCH, *Deputy.*

Chapter 21. Senate joint resolution No. 7. Resolution as to making upon the island of Molokai a leper hospital for the care of all lepers within the United States.

Whereas there has been lately annexed to these United States a large island known as Molokai, one of the Hawaiian group; and

Whereas upon the said island of Molokai there is a leper hospital, devoted entirely to the care and cure of lepers, and which island, on account of its locality and conditions, is peculiarly adapted for such purposes: Therefore, be it

Resolved by the senate and assembly jointly, That we hereby recognize the great necessity of having all those afflicted with leprosy confined within and upon the said island of Molokai, both because of its isolated condition and equable climate: Now, therefore, be it

Resolved by the senate and assembly jointly, That our Senators in Congress be instructed, and our Representatives therein requested, to vote for and use all honorable means to secure such legislation as will enable every leper found within these United States, or thereafter to be found therein, to be sent to the island of Molokai for care and treatment: And be it further

Resolved, That the governor of this State is hereby respectfully requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

THOMAS FLINT, Jr.,
President pro tempore of the Senate.
W. C. RALSTON,
Speaker pro tempore of the Assembly.

Attest:

C. F. CURRY,
Secretary of State.

[Indorsed.]

Filed in the office of the secretary of state the 16th day of February, A. D. 1901.

C. F. CURRY, *Secretary of State.*
By J. HOESCH, *Deputy.*

Mr. PERKINS presented a petition of Pope Valley Grange, No. 320, Patrons of Husbandry, of California, praying for the enactment of legislation providing for the election of United States Senators by direct vote of the people; which was ordered to lie on the table.

He also presented a petition of sundry citizens of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the inhabitants of the New Hebrides and other Pacific islands; which was ordered to lie on the table.

He also presented a petition of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of the congregation of the United Presbyterian Church of Thompsonville, Conn., and a petition of sundry citizens of South Manchester, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. MCMILLAN presented a petition of sundry citizens of Harrisville, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. QUARLES presented a petition of sundry citizens of Wisconsin praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. SCOTT presented a petition of 500 citizens of Fairmont, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

Mr. HOAR presented a petition of the congregation of the First Congregational Church of Shelburne, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Frank E. Bullard and 20 other citizens of Lynn, Mass., and a petition of J. H. Wheeler and 37 other citizens of Lawrence and Methuen, Mass., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of sundry citizens of Holden, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. PENROSE presented a petition of the congregations of the Salem Evangelical, United Brethren, First Baptist, Methodist Episcopal, First Presbyterian, and Trinity Reformed churches, all of Pottstown, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Butter Makers' Association of Pennsylvania, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of the Woman's Indian Association of Bethlehem, Pa., praying that an appropriation be made providing for an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians in Arizona; which was referred to the Committee on Indian Affairs.

He also presented petitions of 30 citizens of Philadelphia, of the Woman's Missionary Society and the congregation of the Presbyterian Church of Clearfield, of 50 citizens of Chester County, and of the congregation of the Presbyterian Church of Hoboken, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides and other Pacific islands; which were ordered to lie on the table.

INDIANS IN ALASKA.

Mr. GALLINGER. I have a very interesting letter from Rev. Dr. William Duncan, of Metlakahtla, Alaska, in which he makes recommendations concerning legislation as to the Indians of that Territory. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 568) for the relief of W. T. Fitzpatrick, Bedford City, Va.; and

A bill (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 11998) granting an increase of pension to John W. Horner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13186) granting an increase of pension to Francis M. Thompson, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 13329) granting a pension to Grotius N. Udell, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;

A bill (H. R. 12004) granting an increase of pension to George B. Smith;

A bill (H. R. 1215) granting a pension to Charles M. Neet;

A bill (H. R. 11197) granting an increase of pension to Eugene Leahy;

A bill (H. R. 13520) granting an increase of pension to Cornelia Hays;

A bill (H. R. 13699) granting an increase of pension to Samuel C. F. Seabury;

A bill (H. R. 13725) granting a pension to Emily S. Knight; and

A bill (H. R. 7995) granting a pension to Jane Hunter.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12080) granting an increase of pension to John F. Carbee, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the amendment submitted by himself on the 25th instant, proposing to appropriate $500 to pay John H. Walker for extra services as clerk to Committee on Pensions, and also $500 to pay Dennis M. Kerr for extra services to Committee on Pensions, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9539) granting an increase of pension to Ella V. Coston;

A bill (H. R. 7544) granting an increase of pension to Florence L. Stuart;

A bill (H. R. 13794) granting a pension to Hix Patterson; and

A bill (H. R. 12392) granting a pension to Henry Smith.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon; and

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. CHANDLER on the 14th instant, providing for the printing of 1,600 copies of the proceedings in connection with the reception of the Webster statue, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred

to the Committee on Appropriations and printed; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 12232) granting a pension to Hannah Martha Dusenberry, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, referred them severally without amendment, and submitted reports thereon:

A bill (H. R. 1769) granting an increase of pension to Isaac H. Duvall;

A bill (H. R. 5644) granting an increase of pension to Charles Alfred de Arnaud; and

A bill (H. R. 13568) granting an increase of pension to James Hickey.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (H. R. 11161) to refund excessive postage paid on certain newspapers, reported it without amendment.

He also (for Mr. KENNEY), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter;

A bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson;

A bill (H. R. 7354) granting an increase of pension to Milbre V. Douglass;

A bill (H. R. 7055) granting a pension to John G. Barr;

A bill (H. R. 5645) granting an increase of pension to William H. H. Bouslough;

A bill (H. R. 1730) granting an increase of pension to Alfred H. Jones; and

A bill (H. R. 4132) granting an increase of pension to Elijah Baxter.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4193) granting a pension to Levi C. Mann;

A bill (H. R. 6409) granting a pension to Maria E. Hamill;

A bill (H. R. 364) granting an increase of pension to Lewis Black;

A bill (H. R. 3648) granting an increase of pension to Charles W. Little;

A bill (H. R. 4588) granting an increase of pension to Peter M. Hill;

A bill (H. R. 9843) granting an increase of pension to John A. Hardy;

A bill (H. R. 12386) granting an increase of pension to William N. Hall;

A bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds; and

A bill (H. R. 12816) granting an increase of pension to Samuel A. Needham.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 10334) granting an increase of pension to Nellie T. P. Koehler; and

A bill (H. R. 2163) granting an increase of pension to Mary L. Cramer.

Mr. TURNER (for Mr. LINDSAY), from the Committee on Pensions, to whom was referred the bill (H. R. 13998) granting an increase of pension to Margaret L. B. Parsons, reported it without amendment, and submitted a report thereon.

Mr. SHOUP (for Mr. BAKER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12747) granting a pension to Arline E. McNutt;

A bill (H. R. 7321) granting a pension to Armilda J. Luttrell;

A bill (H. R. 9503) granting an increase of pension to Samuel Baughman; and

A bill (H. R. 12204) granting an increase of pension to Mary A. Tunis.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7072) granting a pension to Mary Barron;

A bill (H. R. 7688) granting a pension to Katy Kurth; and

A bill (H. R. 13173) granting an increase of pension to Ellen Pratt.

Mr. TELLER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 573) for the relief of Arthur Connell;

A bill (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;

A bill (H. R. 2659) for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;

A bill (H. R. 427) for the relief of heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 8946) to pay to J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina; and

A bill (H. R. 6591) for the relief of Austin A. Yates.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 12333) to provide for the extension of the charters of national banks, to report it without amendment. I give notice that I will call it up at an early day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN. I have in my hand several different House bills which I report from the Committee on Claims, and there are perhaps twice as many more, making some twenty bills in all, for very small amounts, some of them for less than $100, that come in here from the Committee on Claims. I am requested to ask for their immediate consideration. I shall not do that, but I shall ask at a later time that we may take up the Calendar of unobjected House cases and proceed with its consideration.

The PRESIDENT pro tempore. The reports will be received.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 5220) for the relief of Charles M. Kennerly;

A bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout;

A bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779;

A bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services; and

A bill (H. R. 3696) for the relief of the administrator of Mary R. Frost, deceased.

OLIVIA M. CLIFFORD.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 6204) for the relief of Olivia M. Clifford, to report it favorably without amendment. As a similar bill has passed the Senate, and it is very short, I ask that it be now considered. It has passed the Senate at the present session.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to refer to the Court of Claims the claim of Olivia M. Clifford for compensation for the alleged use and occupation by the United States, through its Corps of Engineers, of two certain docks or piers located in the Erie Basin, at the city of Buffalo, N. Y., while engaged in building the new breakwater, from January 8, 1887, to July 8, 1891, notwithstanding the bar of the statute of limitations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TELLER. I move that the House of Representatives be requested to return to the Senate the bill (S. 2471) for the relief of Olivia M. Clifford.

The motion was agreed to.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the report of the assistant inspector-general on the State Homes, and 150 copies of the record of members, for the use of the Home.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the report of the dedication of the Chickamauga and Chattanooga National Military Park, of which 8,000 shall be for the House of Representatives, 4,500 for the Senate, 600 for the office of the Secretary of War, 500 for the Chickamauga Park Commission, and 25 copies for each of the speakers at the dedication.

REPORT OF THE GOVERNOR OF NEW MEXICO.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print 500 additional copies of the Report of the Governor of New Mexico for 1900, and to deliver the same to the Department of the Interior.

THE PEOPLE OF THE PHILIPPINES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the junior Senator from Massachusetts [Mr. LODGE] on the 19th instant, to report it with an amendment, changing the form from a

concurrent to a Senate resolution, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to strike out the words "(the House of Representatives concurring);" so as to make the resolution read:

Resolved by the Senate, That there be printed 5,000 copies of the article prepared by the division of insular affairs of the War Department entitled "The people of the Philippines," of which 2,000 copies shall be for the use of the House of Representatives and 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the War Department.

The amendment was agreed to.

The resolution as amended was agreed to.

PUBLICATION OF MILITARY LAWS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the senior Senator from Vermont [Mr. PROCTOR] on the 19th instant, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 2,000 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives.

Mr. COCKRELL. I see no provision made for copies for the War Department.

Mr. PLATT of New York. There is no provision made in the resolution for the Department.

Mr. COCKRELL. I think there ought to be some copies furnished. Each head of a Department ought to have a copy of these laws.

Mr. PLATT of New York. Will the Senator from Missouri suggest an amendment?

Mr. COCKRELL. I move to insert "and 200 copies for the use of the War Department," and to increase the aggregate number 200 copies.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

REPORT OF THE GOVERNOR OF OKLAHOMA.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print 1,000 additional copies of the Report of the Governor of Oklahoma for 1900, and to deliver the same to the Department of the Interior.

ESTATE OF SILAS BURKE AND OTHERS.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 2063) for the relief of the estate of Silas Burke;

A bill (S. 2823) for the relief of the estate of Samuel J. Hays, deceased;

A bill (S. 5253) for the relief of the estate of John Kerr, deceased;

A bill S. 3585) for the relief of the estate of Mrs. M. A. Walker, deceased;

A bill (S. 4663) for the relief of John B. Boggs;

A bill (S. 5003) for the relief of the estate of James A. Ford, deceased;

A bill (S. 5131) for the relief of Capt. Jefferson Dickerson;

A bill (S. 5344) for the relief of the heirs of Andrew S. Core, deceased; and

A bill (S. 5903) for the relief of Margaret Hallum, administratrix of Joel Hallum, deceased—

reported the following resolution; which was read:

Resolved, That the claims represented by the following bills, to wit, S. 2063, S. 2823, S. 3585, S. 4663, S. 5003, S. 5131, S. 5344, and S. 5903, for the relief of the estate of Silas Burke; for the relief of the estate of Samuel J. Hays, deceased; for the relief of the estate of Mrs. M. A. Walker, deceased; for the relief of John B. Boggs; for the relief of the estate of James A. Ford, deceased; for the relief of Capt. Jefferson Dickerson; for the relief of the heirs of Andrew S. Core, deceased, and for the relief of Margaret Hallum, administratrix of Joel Hallum, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of said act and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BUTLER. Let it go over until to-morrow.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. BUTLER subsequently withdrew his objection; and the foregoing resolution was considered by unanimous consent, and agreed to.

NEW ORLEANS AND BAYOU SARA MAIL COMPANY, ETC.

Mr. TALIAFERRO, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 591) for the relief of the New Orleans and Bayou Sara Mail Company, of New Orleans, La.;

A bill (S. 1125) for the relief of the estate of Charity Clements, deceased;

A bill (S. 3863) for the relief of Mrs. Harriet Miles;

A bill (S. 4244) for the relief of Jane T. Williams; and

A bill (S. 5607) for the relief of Bettie Brooks Metcalf and the estate of Lucie Brooks Bell, deceased—

reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the claims represented by the following bills, to wit, S. 591, S. 1125, S. 3863, S. 5607, and S. 4244, for the relief of the New Orleans and Bayou Sara Mail Company; for the relief of the estate of Charity Clements, deceased; for the relief of Mrs. Harriet Miles; for the relief of Bettie Brooks Metcalf and the estate of Lucie Brooks Bell, deceased, and for the relief of Jane T. Williams, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and the said Court of Claims shall proceed with the same in accordance with the provisions of said act, and report to the Senate in accordance therewith.

OPENING OF LANDS IN OKLAHOMA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., to report it with amendments, and I ask for its present consideration.

The Secretary read the bill.

Mr. PLATT of Connecticut. I wish to have the second section read again.

The Secretary read the second section.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Mr. President——

Mr. BERRY. I hope the Senator will not object.

Mr. COCKRELL. The bill has just been reported?

Mr. BERRY. Yes; it is a House bill, and it has been reported. There are two amendments.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on Public Lands was, in section 1, page 2, line 10, to strike out "President" and insert "Secretary of the Interior;" so as to read:

That before the time for opening to settlement or entry of any of the lands in the Territory of Oklahoma, respectively ceded to the United States by the Wichita and Affiliated Bands of Indians, and the Comanche, Kiowa, and Apache tribes of Indians, under agreements respectively ratified by the acts of March 2, 1895, and June 6, 1900, it shall be the duty of the Secretary of the Interior to subdivide the same into such number of counties as will, for the time being, best subserve the public interests, and to designate the place for the county seat of each county, and to set aside and reserve at such county seat, for disposition as herein provided, 320 acres of land.

The amendment was agreed to.

The next amendment was, in section 1, page 1, line 15, after the word "land," to insert the following proviso:

Provided, That the Secretary of the Interior may attach any part of said lands to any adjoining county in said Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ARTICLES FOR EXPOSITIONS IN TEXAS.

Mr. CHILTON. From the Committee on Finance I report back favorably, without amendment, the joint resolution (H. J. Res. 74) authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair, and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty under regulations prescribed by the Secretary of the Treasury; and as there can be no possible objection to the joint resolution, I ask for its immediate consideration.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK B. CASE.

Mr. TILLMAN. I am instructed by the Committee on Naval Affairs, to whom was recommitted the bill (H. R. 11598) for the relief of Frank B. Case, to report it favorably with an amendment. As it is a very short bill and must be acted on at once in order to get it to conference, I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Naval Affairs was to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint upon the retired list of the Navy, with the rank of ensign, Frank B. Case, formerly a midshipman in the United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TILLMAN. I ask that a conference be requested with the House of Representatives on the bill and amendment.

Mr. HALE. I suggest to the Senator not to do that. Let the bill go to the House; and if they agree to our amendment, that will end it. That is the better course.

Mr. TILLMAN. I will take the Senator's advice. I merely want to get the bill through the two Houses.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. ALDRICH, from the Committee on Finance, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal revenue, customs, currency and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

ESTATES OF MARIA JOHNSON AND OTHERS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 3988) for the relief of the estates of Maria Johnson and Sarah E. Ware, deceased;

A bill (S. 4303) for the relief of the estate of John P. Caruthers, deceased;

A bill (S. 4343) for the relief of R. M. Lay, administrator of Henry Lay, deceased;

A bill (S. 224) for the relief of Joseph F. Travers;

A bill (S. 5379) for the relief of Ella A. Hall;

A bill (S. 5902) for the relief of the legal representatives of Clarissa Lee, deceased; and

A bill (S. 5991) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased—

reported the following resolution:

Resolved, That the claims represented by the following bills, to wit, S. 3988, S. 4303, S. 4343, S. 224, S. 5379, S. 5902, and S. 5991, for the relief of the estates of Maria Johnson and Sarah E. Ware, deceased; for the relief of the estate of John P. Caruthers, deceased; for the relief of R. M. Lay, administrator of Henry Lay, deceased; for the relief of Joseph F. Travers; for the relief of Ella A. Hall; for the relief of the legal representatives of Clarissa Lee, deceased, and for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said Court of Claims shall proceed with the same in accordance with the provisions of said act, and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BUTLER. Let it go over, Mr. President.

The PRESIDENT pro tempore. The resolution goes to the Calendar, objection being made.

Mr. WARREN. I do not wish to have the resolution go to the Calendar, if it is objected to, because it is simply a reference, under the Tucker Act, of claims to the Court of Claims to find the facts. If it is to go to the Calendar, it will simply appear that the committee had reported these bills, when, in fact, it has only reported the resolution which has just been read.

If the Senator insists upon his objection, I will ask that the resolution lie on the table, so that I may call it up at another time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming [Mr. WARREN]? The Chair hears none, and it is so ordered.

Mr. WARREN subsequently said: I wish to call up the resolution with reference to referring certain bills to the Court of Claims. The objection has been withdrawn, and I ask that the bills may be referred to the Court of Claims.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 6055) authorizing Lieut. William S. Sims, United States Navy, to accept a decoration tendered to him by the President of the French Republic; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6056) authorizing Mr. Leo Bergholz, consul of the United States at Erzerum, Turkey, to accept a decoration tendered to him by His Majesty the Shah of Persia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. HANNA introduced a bill (S. 6057) granting an increase of pension to John S. Snyder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6058) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 6059) to correct the military record of Daniel Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SULLIVAN introduced a bill (S. 6060) for the relief of Mary E. Brewer; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 6061) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SEWELL submitted an amendment proposing to appropriate $50,000 to enable the Secretary of the Treasury to provide a necessary vessel to be used by the Marine-Hospital Service in boarding arriving steamers at Reedy Island quarantine station, Delaware River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURNER submitted an amendment proposing to appropriate $504 to pay the heirs of Charles P. Culver for the translation from the German of House Miscellaneous Document No. 8, Forty-fifth Congress, third session, made by order of the chairman of the Committee on Coinage, Weights, and Measures, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to increase the limit of cost for the completion of the post-office and court-house at Columbus, Ga., from $156,000 to $159,000, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FORAKER submitted an amendment authorizing the Secretary of the Treasury to reopen and adjust the claims of the several States for interest paid on the bonds sold, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DANIEL submitted an amendment authorizing the President of the United States to nominate and appoint, with the advice and consent of the Senate, five commissioners to revise, codify, and report to the Attorney-General for submission to Congress, all the laws of the United States of a permanent and general nature, etc., intended to be proposed by him as a substitute for the amendment submitted by Mr. FAIRBANKS on the 23d instant to the sundry civil appropriation bill; which was ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $20,000 for completing the allotments provided in the agreement with the Wichita and affiliated bands of Indians in Oklahoma, ratified by act approved March 2, 1895, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment proposing to appropriate $250 to reimburse C. W. De Knight in full for his services and necessary assistance in preparing and furnishing a revised and complete index, together with marginal and foot notes for the war-revenue law, second session, Fifty-fifth Congress, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

REVISION OF POSTAL LAWS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CUBAN CONSTITUTION.

Mr. FAIRBANKS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to send to the Senate an English translation of the proceedings of the constitutional convention of the island of Cuba, as contained in the Diario de Sessiones.

PAYMENT OF STENOGRAPHER.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs be paid out of the contingent fund of the Senate.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. TELLER. I submit a resolution, and ask that it may be now considered. I have examined the subject and find that the cost is within the Senate limits.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of the Report upon the Introduction of Domestic Reindeer into Alaska for 1900, by Dr. Sheldon Jackson.

HOURS OF LABOR ON GOVERNMENT WORK.

Mr. PETTIGREW. I offer a resolution, which I ask to have printed and laid over until to-morrow. I call the attention of the chairman of the Committee on Education and Labor to the resolution.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that the Senate proceed to consider the same.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table.

REPORT ON GEOGRAPHIC NAMES IN THE PHILIPPINES.

Mr. FOSTER submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of the Special Report of the United States Board on Geographic Names, relating to geographic names in the Philippine Islands, transmitted to Congress by the President February 21, 1901; 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 7,000 copies for distribution by said board among the Government Departments, public libraries, and other suitable depositories.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the act (S. 2432) granting an increase of pension to James A. Thomas.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898;

A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized;

A bill (H. R. 13752) to regulate the collection of taxes in the District of Columbia; and

A bill (H. R. 13866) to provide for the proceedings for admission to the Government Hospital for the Insane in the District of Columbia in certain cases.

The joint resolution (H. J. Res. 360) concerning printing of additional copies of the Annual Report of the Geological Survey was read twice by its title, and referred to the Committee on Printing.

CHARLES E. CHURCHILL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 4663) "granting an increase of pension to Charles E. Churchill."

ALEXANDER F. HARTFORD.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 6098) granting an increase of pension to Alexander F. Hartford.

DIGEST OF ELECTION CASES.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and substantially bound 2,000 copies of "A digest of all the contested election cases in the House of Representatives of the United States from the First to the Fifty-sixth Congress, inclusive," compiled by Chester H. Rowell, 1,500 for the use of the House and 500 for the use of the Senate; and that in addition to said number there be printed and substantially bound 500 copies, the same to be deposited in the office of the Clerk of the House and distributed from time to time on his order; and that there be further printed and substantially bound the additional number of 50 copies, 10 each to be deposited in the Library of the House of Representatives and in the rooms of the Committee on Elections and 10 to be delivered to the compiler.

LYNCHING AT TALLULAH, LA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Congress:

I transmit herewith, for the consideration of Congress, in connection with my message of January 29, 1901, relative to the lynching of certain Italian subjects at Tallulah, La., a report by the Secretary of State touching a claim for $5,000 presented by the Italian ambassador at Washington on behalf of Guiseppe Defina, on account of his being obliged to abandon his home and business.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 26, 1901.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I desire to call up the conference report on the District of Columbia appropriation bill.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes.

Mr. ALLISON. The report is printed in the RECORD. I do not know whether it is necessary to read it in full or not.

The PRESIDENT pro tempore. Will the Senate agree to the report?

Mr. BUTLER. I desire to ask the Senator from Iowa to make a statement as to the agreement of the conference committee on the important controverted points in the bill. I do not suppose that Senators have had time to read the report of the conference committee in the RECORD. I have not; nor have other Senators, I think, when we consider the length of the sessions we are now having. It seems to me that when a bill goes to the House, which we have debated for hours here and patiently considered, when it comes from conference there should be some statement made for the information of the Senate as to what has been done with the amendments which we adopted. For the information of the Senate I think the Senator from Iowa ought to give us such a statement.

Mr. ALLISON. In brief, the matters in difference between the two Houses were chiefly matters of amount. There was no legislation in controversy upon the bill, so far as I can recollect.

The Senate increased the appropriations in the aggregate amount to over a million dollars, or about that sum. In conference all these items were gone over, and the Senate yielded nearly one-half of the total, retaining, however, what they considered the most important items, to wit, those items relating to country roads, to sewage, and to filtering the water which flows into this city from the Potomac River.

There is no legislation in the conference report, so far as I know. I shall be glad to answer any questions in respect to items in the bill which Senators may desire to propound.

Mr. BUTLER. Mr. President, it is probably my own fault that I have not read the conference report, which I was trying to do; and not having been able to do so, I am not in a position to ask the Senator specific questions, but will accept his statement. I thought it but proper that we should have some statement regarding what had been done by the conferees.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

Mr. HANSBROUGH. I understand the Senator from Maine [Mr. HALE] desires to offer an amendment to the resolution.

The PRESIDENT pro tempore. The resolution will go over, retaining its place.

Mr. HANSBROUGH. The resolution may lie over another day to enable the Senator from Maine to prepare his amendment, and I ask that it retain its place.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

CENSORSHIP OF TELEGRAMS FROM MANILA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW; which was considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether all telegrams from Manila were subject to censor prior to February 4, 1899; and if so, for how long prior to that date were all telegrams subjected to the examination of a censor.

The President is also requested to send to the Senate a copy of General Otis's first telegram informing the Administration that hostilities had commenced; also the hour at which said telegram was filed in the cable office at Manila.

The President is also requested to send to the Senate all instructions sent by the Administration or any of the officers of the Government to our officers in the Philippines between December 10, 1898, and February 5, 1899.

THE NICARAGUA CANAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That House bill No. 2538, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," which was made a special order of business for the 10th day of December, 1900, by the order of the Senate, is entitled to its place and privileges as a special order of the Senate, and shall be placed on the Calendar of the Senate as a special order, entitled to such privileges under the rules of the Senate.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Alabama to the fact that if this resolution should pass the special order named in it would be subject to a special order already on the Calendar relating to the salaries of judges.

Mr. MORGAN. Well, Mr. President, I differ with the Chair most respectfully as to what the effect of the resolution would be. I think it would restore the special order to all its privileges under Rule IX and Rule X, and those privileges are that it shall take precedence of any special order set for a later date than was fixed for the special order by unanimous consent of the Senate, the 10th day of December, 1900.

I wish to say, Mr. President, that the object of this resolution on my part is merely to get the judgment of the Senate upon a proposition relating to our rules, which is a very important one to the entire body. It will have no effect whatever upon the status of the Nicaragua Canal bill. I do not offer it with a view to affecting the status of the Nicaragua Canal bill, which I recognize as under the control of the Senate and which will remain under the control of the Senate until it shall either be destroyed or passed.

This resolution of mine is to correct what I think is a very serious error of opinion in the Senate on this question, and I propose, after the conclusion of a very few observations, to ask that the resolution be referred to the Committee on Rules for their consideration.

I wish to call attention, Mr. President, to the action of the Senate of the United States——

Mr. HOAR. If the Senator from Alabama will kindly pardon me a moment, when my attention was called away something was done in regard to a bill which I have in charge. Will the Chair be kind enough to state what was done in regard to the judges' salary bill? Is that the bill in order?

The PRESIDENT pro tempore. If the Senator from Alabama will yield one moment, the Secretary will read the pending resolution.

The Secretary again read the resolution yesterday submitted by Mr. MORGAN.

The PRESIDENT pro tempore. The Chair called the attention of the Senator from Alabama to the fact, as it seemed to the Chair, that, there being now a special order known as the judges' salary bill, if the resolution of the Senator from Alabama should be adopted by the Senate, it would make the bill named in that resolution subject to the judges' salary bill as a special order.

Mr. HOAR. Mr. President, I desire to raise a question of order. The rules of the Senate provide that a motion to take up any measure shall be dealt with without debate. Therefore it is not competent to introduce a resolution that a certain measure is now up and shall be proceeded with and make that debatable. This is in substance an effort on the part of the Senator, who is the mover of the resolution, simply by an order to take up that Nicaragua Canal bill and displace the bill which I have in charge; and my point of order is that that is not debatable.

Mr. MORGAN. Mr. President, the Senator from Massachusetts has either not heard or read what is before the Senate.

Mr. HOAR. Perhaps I have not. My attention was called away.

Mr. MORGAN. I announced distinctly that this resolution of mine had no effect upon the Nicaragua Canal bill, and is not intended in anywise to affect its status before the Senate at the present moment of time.

The PRESIDENT pro tempore. The Senator from Alabama asked unanimous consent that he might make a few remarks before the reference of the resolution to the Committee on Rules.

Mr. HOAR. I would not for all the world put myself in any position of antagonism, much less of discourtesy, toward the Senator. I do not understand, then, that the Chair has ruled that this resolution, if adopted, will displace the judges' salary bill.

The PRESIDENT pro tempore. The intimation of the Chair was that it would not.

Mr. HOAR. Very well, then. I have nothing further to say.

Mr. MORGAN. The Senator is entitled to the benefit of that intimation, but I feel constrained to say that I can not concede the ruling of the Chair as being a correct ruling under clause 2 of Rule X of the standing rules of the Senate, which provides:

When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

What I was trying to call the attention of the Senate to, and particularly the attention of the Chair, was the fact that in 1858 the same question was raised as was made by the Senator from Rhode Island [Mr. ALDRICH] in the course of the debate on Saturday upon the bringing up of the Nicaragua Canal bill, and it was decided by the Senate. I will read that decision. The question of order was submitted by Mr. Stuart—and I think Mr. Stuart was pretty high authority——

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CLARKE.

Mr. CHANDLER. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Mr. President, I think I had much better take my seat and let Senators get through with everything they desire to do before I proceed with my remarks.

Mr. CHANDLER. The Senator will recognize the propriety of my request when I make it.

Mr. MORGAN. I recognize the propriety of every request made by the Senator from New Hampshire when he first conceives it, of course, and before he makes it.

Mr. CHANDLER. Then, I desire to give notice that I shall ask the Senate to proceed to the consideration of resolutions paying tribute to the memory of Hon. FRANK G. CLARKE, late a Representative from New Hampshire, at 5 o'clock this afternoon, instead of half past 5 o'clock.

I beg pardon of the Senator for interrupting his eloquence.

NICARAGUA CANAL.

The Senate resumed the consideration of the resolution yesterday submitted by Mr. MORGAN.

Mr. MORGAN. Mr. Stuart, on the 16th of February, 1858—

submitted a question of order, whether a subject made the special order of the day for half past 12 o'clock, or for any other hour, for a particular day, and not during that day finally acted on, did not on any future day become a special order for the hour of 1 o'clock, unless the Senate should specifically determine otherwise?

The Vice-President thereupon took the sense of the Senate on the subject; and the Senate decided—

That the special orders which have been, or shall be, assigned for an earlier or later hour than 1 o'clock for a particular day shall, if not acted upon or completed on that day, be taken up or called on any future day, under the thirty-first rule, at the hour of 1 o'clock, unless otherwise determined by the Senate.

I read that in answer to the point which was made by the Senator from Rhode Island the other day when this case was up for the judgment of the Senate.

Here is the thirty-first rule, to which reference was made in that decision of the Senate:

31. When the hour shall arrive for the consideration of a special order, it shall be the duty of the Presiding Officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

That, Mr. President, is all that the thirty-first rule contains. After that decision by the Senate the rules of the Senate were changed so as to conform to it and an addition was made to the rules.

Rule X provides:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and, if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Clause 2 provides:

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

I now lay before the Senate the state of the law as ruled by the vote of the Senate—Rule XXXI, which was corrected or which was added to by that vote of the Senate, and Rule X, which is the outgrowth of the debate on that resolution.

Now, what is the effect of it? It is that a bill which has been made a special order by a vote of two-thirds of the Senate shall not lose its privileges on the day, or any subsequent day, for which it was set, unless the Senate has finally disposed of the bill by its passage, by its defeat, or by a refusal to consider it. I will modify that last remark by saying its passage or by its defeat. Refusing to consider it at that time would not deprive a special order of its privileges.

Every Senator here is as much interested in this question as I am; and when the Senate has voted a special order for a certain time and the Senate on that day has not found it convenient to proceed with the consideration of it, that does not repeal the former order made upon the vote of two-thirds of the Senate; but that vote making the special order stands, and the Chair is bound to execute it against everything except the unfinished business coming over from a previous day.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. ALDRICH. Is there any parliamentary method, in the opinion of the Senator from Alabama, by which the Senate may reconsider its action?

Mr. MORGAN. Of course there is.

Mr. ALDRICH. In making a special order?

Mr. MORGAN. I should think not when it was done by unanimous consent.

Mr. ALDRICH. The Senate, then, is powerless forever after, if it once makes any order of business a special order, to displace it?

Mr. MORGAN. The Senate may have the power to reconsider within the limit of time which applies to all orders, bills, and resolutions on reconsideration, if it proceeds to reconsider by a motion for that purpose and to that effect. But, Mr. President, I must say that the Senate can not be held to the idea of having reconsidered its unanimous-consent agreement, because when I got up and asked unanimous consent that the appropriation bill then offered in the Senate should be considered without prejudice to the special order, and the objection came from the Senator from Rhode Island alone, which prevented that unanimous consent, and the vote was taken thereupon, I could not consider that that was a reconsideration of the special order. There was no motion to reconsider it, or anything of that kind.

Mr. President, I have disclaimed——

Mr. ALDRICH. I hope the Senator will pardon me. I did not use the word "reconsider" in any technical sense.

Mr. MORGAN. I thought you did.

Mr. ALDRICH. No. My idea was to find out whether, in the opinion of the Senator from Alabama, the Senate having fixed that special order, that special order remained good forever and that there was no way by which the Senate by a majority vote could displace it.

Mr. MORGAN. No; not by a majority vote. You can not displace an order made by a two-thirds vote of the Senate by a majority vote any more than you can revoke a treaty by a majority vote of this body after it has been ratified by a two-thirds vote by the Senate when acting as part of the treaty-making power.

Mr. ALDRICH. If the Senator will examine the precedents, he will find that the Senate has done that repeatedly.

Mr. MORGAN. If the Senate has ever done that, it must have been at some time when the Senate was slumbering in its views of its own privileges and its own rights. I have never heard of such a case before.

The Senator from Rhode Island is wiser than I am in the lore of parliamentary procedure.

Mr. ALDRICH. I will find a case for the Senator.

Mr. MORGAN. But that is not the question here, for no motion to reconsider has been made in this case at all, and I presume none will be made. If a motion to reconsider that special order is made, I shall be heard, of course, in opposition to it and will state the reasons why it should not be done.

I state again what I am trying to do now is not to give any preference or privilege to the canal bill or to advance it in any respect. I know its enemies in the Senate will take advantage of every possible advantage and opportunity to destroy it. I understand that perfectly well. All I can do is to perform my duty on this floor in regard to it, and I announced when I got up that my purpose in the introduction of this resolution was to bring the subject to the attention of the Committee on Rules. I now move to refer the resolution to that committee.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama to refer the resolution to the Committee on Rules.

The motion was agreed to.

INSTRUCTIONS TO PEACE COMMISSIONERS AT PARIS.

Mr. PETTIGREW. Mr. President, the Senate on the 5th of February passed a resolution to print as a document 3,000 copies of the instructions and all accompanying papers of the President to the commissioners to negotiate the treaty with Spain at Paris. I find upon examining the papers sent to the Senate in this connection that one important telegram is not printed in the document, and I therefore ask that there be a reprint of the document of 3,000 copies, to contain this telegram.

After we had passed the order to print these instructions there was a delay of about two weeks. The papers were sent to the State Department, but I presume this telegram was overlooked, either by the printer or by the people who read the proof at the State Department. It appears to me that the telegram is important in connection with this matter. It reads as follows:

[Telegram.]

Hay to Day.

DEPARTMENT OF STATE,
(About November 1, 1898.)

Surely Spain can not expect us to turn the Philippines back and bear the cost of the war and all claims of our citizens for damages to life and property in Cuba without any indemnity but Porto Rico? Does she propose to pay in money the cost of the war and the claims of our citizens, and make full guaranties to the people of the islands, and grant to us concessions of naval and telegraph stations in the archipelago, and privilege to our commerce the same as enjoyed by Spain, rather than surrender the archipelago?

HAY.

The first instructions issued to the commissioners at Paris were of a very high-toned order. The President said to the commissioners:

It is my wish that throughout the negotiations intrusted to the commission the purpose and spirit with which the United States accepted the unwelcome necessity of war should be kept constantly in view. We took up arms only in obedience to the dictates of humanity and in the fulfillment of high public and moral obligations. We had no design of aggrandizement and no ambition of conquest.

Those were the instructions with which the commissioners started on their mission to Paris. On October 26, 1898, however, Mr. Hay telegraphed to Mr. Day, one of the commissioners, as follows:

The information which has come to the President since your departure convinces him that the acceptance of the cession of Luzon alone, leaving the rest of the islands subject to Spanish rule, or to be the subject of future contention, can not be justified on political, commercial, or humanitarian grounds. The cession must be of the whole archipelago or none.

On the 28th of October, 1898, Mr. Hay sent to Mr. Day the following dispatch:

While the Philippines can be justly claimed by conquest, which position must not be yielded, yet their disposition, control, and government the President prefers should be the subject of negotiation as provided in the protocol.

Showing we had finally reached the point where we were going to claim, and our commissioners were instructed to claim, the Philippines by conquest. We started out with the proposition that we had no design of aggrandizement, no ambition of conquest. This position, however, was declared untenable, and on the 3d of November Mr. Day telegraphed to the Department as follows:

UNITED STATES PEACE COMMISSION,
Paris, November 3, 1898—10 a. m.

(For the President.—Special.)

After a careful examination of the authorities the majority of the commission are clearly of opinion that our demand for the Philippine Islands can not be based on conquest. When the protocol was signed Manila was not captured, seige was in progress and capture made after the execution of the protocol. Captures made after agreement for armistice must be disregarded and status quo restored as far as practicable. We can require cession of Philippine Islands only as indemnity for losses and expenses of the war. Have in view, also, condition of islands, the broken power of Spain, anarchy in which our withdrawal would leave the islands, etc. These are legitimate factors. Have written fully.

Thursday, 11.30 morning. DAY.

In response to an inquiry addressed to me by the Senator from Massachusetts [Mr. LODGE] as to what I am trying to get at, I will simply say that I am trying to illustrate from this correspondence the complete mental somersault of the President. The President starts out with a high philanthropic motive and he ends up with this proposition:

DEPARTMENT OF STATE,
Washington, November 5, 1898.

Yours of November 4, special, and that of Senator Davis received. The President has no purpose to question the commission's judgment as to the grounds upon which the cession of the archipelago is to be claimed. His only wish in that respect is to hold all the ground upon which we can fairly and justly make the claim. He recognizes fully the soundness of putting forward indemnity as the chief ground, but conquest is a consideration which ought not to be ignored. How our demand shall be presented, and the grounds upon which you will rest it, he confidently leaves with the commissioners. His great concern is that a treaty shall be effected in terms which will not only satisfy the present generation but, what is more important, be justified in the judgment of posterity.

In view of the original position that we had no desire for conquest and then of the demand that we should claim the Philippines as conquest, and finally the abandonment of that position

and the invention of the claim of indemnity as the chief ground for acquiring territory, I say there is little force in the message of the President of last December, wherein he said:

> The fortune of war has thrown upon this nation an unsought trust which should be unselfishly discharged, and devolved upon this Government a moral as well as material responsibility toward these millions whom we have freed from an oppressive yoke.

Here is a clear chain of circumstances, starting from an exalted position, fixing our claim on moral grounds in response to the resolution through which we declared war against Spain, and degenerating into a proposition of indemnity and a demand that we shall assume any position necessary to enable us to acquire the islands.

> His only wish—

Mr. Hay says on November 5—

> in that respect is to hold all the ground upon which we can fairly and justly make the claim.

In view of these facts, this telegram, which is rather a remarkable one, ought to become a part of the document. It is one of the papers sent to the Senate by the State Department when we were considering the Spanish treaty, and therefore it is a paper from which the injunction of secrecy was removed.

It is stated on page 212 of Senate Document 62, third session Fifty-fifth Congress, in the proceedings relating to an agreement upon the protocol, that the president of the Spanish commission presented to the American commissioners the final answer of the Spanish Government to the proposition of the American commissioners to take the Philippines. From that answer I quote the following, and believe it to demonstrate that the Philippines were not thrust upon the United States—that the fortune of war did not load the Philippines upon us—that Divine Providence can not be held responsible for what has occurred:

> Examined solely in the light of the legal principles which have guided the action of the Spanish commissioners during the course of these negotiations, the latter consider the American proposition in every way inadmissible, for the reason repeatedly set forth in previous documents forming a part of the protocol.
>
> Neither can they consider the said propositions as a satisfactory form of agreement and compromise between two opposing principles, since the terms which by way of concession are offered to Spain do not bear a proper proportion with the sovereignty which it is endeavored to compel us to relinquish in the Philippine Archipelago. Had they borne such proportion, Spain would have at once, for the sake of peace, made the sacrifice of accepting them. The American commission knows that the Spanish commission endeavored, although fruitlessly, to follow this course, going so far as to propose arbitration for the settlement of the principal questions.
>
> Spain then having on her part exhausted all diplomatic resources in the defense of what she considered her rights, and even for an equitable compromise, the Spanish commissioners are now asked to accept the American proposition in its entirety and without further discussion or to reject it, in which latter case, as the American commission understands, the peace negotiations will end and the protocol of Washington will consequently be broken. The Government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of the victor, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for concluding of the treaty of peace. (Senate Doc. No. 62, pp. 212-213.)

President McKinley in his message says:

> The fortune of war has thrown upon this nation an unsought trust.

After reading the above, do you believe the trust was unsought?

The PRESIDENT pro tempore. What is the request of the Senator from South Dakota?

Mr. PETTIGREW. I request that there be a reprint of 3,000 copies of the instructions and papers transmitted by the President to the commissioners at Paris, to include the undated telegram of about November 1.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. LODGE. I do not know what proof we have that it is one of the papers. I have no recollection of it. I have looked over the papers three or four times. I do not think anyone can say from the reading of the papers. I think we ought to have an authentic copy of the telegram before we agree to print it.

Mr. PETTIGREW. Of course, I know it is very difficult to get information on this subject, and all the papers are not yet here. In transmitting these papers to the Senate the Secretary of State says:

> Only certain matters of collateral import which, in the opinion of the undersigned, it would be inconsistent with the public interest to communicate, but which, however, in no wise affected the negotiation as between the United States and Spain—

Are withheld.

This telegram was a part of the papers sent, and for what reason it was not printed with the others I do not know. I had the original and I copied it. I want it to become a part of the printed instructions.

Mr. LODGE. We have the originals here. They were all sent to the Printing Office. I should like to have an opportunity to examine it and see what the difficulty is. Nothing was suppressed here.

Mr. PETTIGREW. This evidently was either suppressed or left out by neglect. We were two weeks getting these instructions when we should have secured them in twenty-four hours.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. LODGE. I object, Mr. President.

Mr. PETTIGREW. I will make another suggestion if the Chair will permit. I should like to refer this matter, and I move that the request, with the dispatch, be referred to the Senator from Massachusetts as chairman of the Committee on the Philippines, to investigate and report to the Senate.

Mr. ALDRICH. It must be referred to a committee.

Mr. LODGE. I suggest that it be referred to the Committee on Printing.

Mr. PETTIGREW. I move to refer it to the Committee on the Philippines.

Mr. LODGE. Then the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from South Dakota moves to refer the matter to the Committee on the Philippines. Is there any objection?

Mr. FORAKER. I do not think it is necessary to refer it. If it should turn out that that dispatch was sent with the papers which we certainly have on file here, I certainly think it ought to be printed along with the others, especially in view of the fact that attention has been called to it, and whether or not it is one of the official dispatches we can ascertain by investigation.

Mr. LODGE. That is what I want to find out. I read these papers over three times. They all went through the hands of the Secretary of the Senate to be printed for the Senate, and nobody had a right to suppress any paper, and I want to see whether any paper has been suppressed. I will report it back to-morrow.

Mr. FORAKER. That can be ascertained by to-morrow, and I think we all feel an interest in having everything printed that was ordered to be printed.

Mr. PETTIGREW. I desire its reference to the committee.

The PRESIDENT pro tempore. Is there objection to the reference of the matter to the Committee on the Philippines? The Chair hears none, and it is so ordered.

AMERICAN REGISTER FOR STEAM YACHT MAY.

Mr. PENROSE. I ask unanimous consent to call up the bill (S. 6012) to provide an American register for the steam yacht *May*.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. ALLISON. After this bill is disposed of, I shall call for the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. SHOUP. I move that the Senate resume consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

The motion was agreed to.

Mr. BATE. Will the Senator from Idaho yield to me for a moment to secure the passage of a bill?

Mr. SHOUP. Certainly.

CLAIMS OF EX-CONFEDERATE SOLDIERS.

Mr. BATE. I ask unanimous consent, by the courtesy of the Senator who has the Army bill in charge, to call up the bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States.

Mr. HOAR. Is the bill reported from any committee?

Mr. BATE. Yes, sir; the Committee on Military Affairs.

Mr. HOAR. Is it the unanimous report of the committee?

Mr. BATE. There is no objection to it now that I know of. There was the other day, but it has been explained.

Mr. BURROWS. Let me ask the Senator how much is carried by the bill?

Mr. BATE. I can not tell exactly. It depends upon the number; but it will not exceed $30,000.

Mr. BURROWS. How much in the aggregate?

Mr. BATE. Twenty-five or thirty thousand dollars will cover the whole thing. A great many of them are dead and gone.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BURROWS. One inquiry. Would the Senator have any objection to referring this matter to the Court of Claims?

Mr. BATE. Yes, sir; it would be a denial of justice comparatively. There are so many cases there. This matter has been gone over by Senators.

Mr. SPOONER. Will the Senator permit me? I looked at this bill, and as it came from the House it was an improperly drawn bill. It would amount to a denial of justice to refer it to the Court

of Claims. The claims are all small, and I have found in my experience as chairman of the Committee on Claims that the Quartermaster-General's Department has always made very careful and much more satisfactory investigation of such claims than the Court of Claims. This really is a bill of honor, if I may be permitted to say so. It does not assume that there was any violation by the soldiers of the United States Army, acting under orders, of the terms of surrender, which authorized officers to take home with them their side arms and their private baggage and their horses, and also authorized private soldiers to do so.

Mr. BURROWS. It was not my purpose to object to this bill, but I desire to know from the Senator whether it would be agreeable to him to have it referred to the Court of Claims. But if he objects to that, I shall not interpose any objection. So he need not waste time on it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment of the Committee on Military Affairs was, on page 2, to strike out section 1, as follows:

SEC. 1. That the Quartermaster-General is directed to adopt such rules and instructions as may be necessary, so that those entitled may be protected, and the Government also protected from any fraud or impositions; and he shall issue his voucher to the claimant, which shall be paid out of any money in the United States Treasury not otherwise appropriated.

And insert the following:

That the Quartermaster-General is directed, under such rules and regulations as may be approved by the Secretary of War, to investigate, or cause to be investigated, the claims of artillery and cavalry officers and private soldiers of the Confederate army for horses, side arms, and baggage alleged to have been taken from them by Federal troops, acting under orders, in violation of the terms of surrender of the Confederate armies, and he shall, subject to the approval of the Secretary of War, issue his voucher to such persons as shall be shown by such investigation to be entitled thereto, which voucher shall be paid out of any money in the United States Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 22, to strike out:

That no one shall be entitled to or receive any voucher as herein provided unless he shall satisfy the Quartermaster-General that he was paroled at the time of said surrender; that he has faithfully kept his parole in good faith.

And insert:

That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of surrender under which he was paroled.

So as to make the section read:

SEC. 2. That no claimant shall be entitled to or receive any voucher as herein provided unless he shall establish to the satisfaction of the Quartermaster-General that he, or the person through or from whom he asserts said claim, was paroled at the time of said surrender; that he had kept his parole in good faith; that he was the actual owner of the horses, side arms, and baggage for which he claims compensation; that such property was taken from him by troops of the United States acting under orders and in violation of the terms of the surrender under which he was paroled. And if the soldier has died since his parole was received, the sum he may be entitled to shall be paid to his wife; if she be dead, then to his children; if he has no wife or child or children living, then to his parents or either of them if one of them be dead; and no other shall be entitled to receive the same. If he has minor children, the same may be paid to their guardians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Military Affairs reported an amendment, to strike out the preamble; which was agreed to.

AGREEMENT WITH MUSCOGEE OR CREEK INDIANS.

Mr. HARRIS. Will the Senator from Idaho yield to me for a moment?

Mr. LODGE, Mr. CHANDLER, and others called for the regular order.

The PRESIDENT pro tempore. The regular order is demanded, which is the Army appropriation bill.

Mr. THURSTON. Will not the Senator from Idaho yield to me for a moment while I ask for a vote on two conference reports? They were last evening ordered to be printed in the RECORD. The reports relate to two treaty agreements with the Creek and Cherokee nations.

Mr. SHOUP. I yield.

The PRESIDENT pro tempore. The Chair lays before the Senate the report referred to by the Senator from Nebraska.

The Secretary proceeded to read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The PRESIDENT pro tempore. The report has been read at length, and it appears in this morning's RECORD.

Mr. THURSTON. I ask unanimous consent that the reading be waived, and that the Senate agree to the report.

Mr. CULBERSON. Before I consent that the reading shall be dispensed with, I desire to ask the Senator from Nebraska if this includes the recent agreement with the Choctaw and Chickasaw nations?

Mr. THURSTON. No, it does not. These are the Creek and the Cherokee agreements.

Mr. PETTIGREW. I should like to ask whether any material changes were made in conference?

Mr. THURSTON. There are no changes in the Creek bill at all, except the change in dates made necessary by the fact that the agreement has been delayed. It is simple to carry the agreement into effect. The one principal amendment was simply embodying a law that we referred to. We embody it now in terms.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

AGREEMENT WITH CHEROKEE INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate another conference report, submitted last evening by the Senator from Nebraska [Mr. THURSTON], which appears in full in this morning's RECORD, which will be stated.

The Secretary read as follows:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

WHITE MOUNTAIN APACHE RESERVATION.

Mr. THURSTON. I submit a conference report. It is very brief. The Senate recedes from its amendments. I ask for the present consideration of the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment on page 2, line 13, and agree to the same.

That the Senate recede from its amendment on page 3, line 6.

That the Senate recede from its amendment on page 3, lines 6 and 7.

That the Senate recede from its amendment on page 3, line 10.

JOHN M. THURSTON,
J. V. QUARLES,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
C. D. SHELDEN,
JOHN S. LITTLE,
Managers on the part of the House.

Mr. PETTIGREW. I should like to have the report printed and lie over, because there is a principle involved in this matter, although the tract of land is very small. The question is whether we shall recognize the title of the Indians to the mineral. If we do, it involves a precedent which would in the future carry to the Indians hundreds of millions of dollars worth of property that does not belong to them and ought not to belong to them. It would be to their detriment and to the injury of the development of that entire country.

Mr. THURSTON. I have no objection to that course.

Mr. PETTIGREW. I wish to examine the report.

The PRESIDENT pro tempore. Without objection, the conference report will be printed in the RECORD and go over.

SPANISH WAR CLAIMS.

Mr. FORAKER. I wish to call up a conference report on Senate bill 2799.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair lays before the Senate the conference report, which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, having met, after full and free conference have decided to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill of the Senate, and agree to the said bill with the following amendments:

Section 1, page 1, line 4, strike out the word "three" and insert in lieu thereof the word "five."

Section 3, page 2, line 22, strike out the word "one" and insert in lieu thereof the word "order."

Section 5, page 3, line 7, strike out all after the word "clerk," to and including the word "languages," in lines 7 and 8.

Section 6, page 4, line 17, strike out all after the word "commission" and insert in lieu thereof a period.

Section 8, page 5, line 1, strike out the word "affidavits."

In section 8, page 5, line 8, strike out all after the word "commission" to the end of the section and insert in lieu thereof a period.

Section 9, page 5, line 17, after the word "based," insert the words "together with an itemized schedule, setting forth all damages claimed."

Section 9, page 5, line 17, strike out the word "It" and insert in lieu thereof the words "Said petition."

Section 9, page 5, line 21, after the word "attorney" insert the words "or legal representative."

Section 9, page 5, line 22, after the word "agent" strike out the word "or," and after the word "attorney" insert the words "or legal representative."

Section 12, page 7, line 5, strike out all after the word "commission" to the end of the section, and insert in lieu thereof the words "and no new trial or rehearing shall be had except upon motion made within sixty days of said award."

Strike out all of section 13, pages 7 and 8, and insert in lieu thereof the following: "When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same."

Section 14, page 8, line 20, strike out all after the word "commission" to and including the word "claimant," in line 22.

Section 14, page 8, line 22, strike out the word "adjudged" and insert in lieu thereof the words "found to be."

Section 14, page 9, line 1, strike out all after the word "award" to and including the word "affirmance," in line 2.

J. B. FORAKER,
S. M. CULLOM,
JOHN T. MORGAN,
Managers on the part of the Senate.
GILBERT N. HAUGEN,
THAD. M. MAHON,
Managers on the part of the House.

Mr. BACON. I presume the Senator from Ohio will state what is the substance of the report.

Mr. FORAKER. In response to the request of the Senator from Georgia, I will remind the Senate that this bill as originally passed by the Senate when it went to the House was amended by striking out all after the enacting clause and adopting a substitute. The bill as it originally passed the Senate provided for a commission of three to hear and determine all claims of citizens of the United States against Spain, for which we were required by the treaty of peace to become responsible. The House amended it by providing that all those claims should be sent to the Court of Claims and be there passed upon.

When the bill came back to the Senate so amended, the Senate refused to concur. Therefore when a conference was had it was upon the Senate bill, and the conferees agreed to substitute five for three commissioners and to eliminate the provision which provided for an appeal from the award of the commissioners to the supreme court of the District of Columbia, substituting instead of that a provision that the commissioners might, when they had any difficulty about any question of law, certify the same to the Supreme Court of the United States and take the judgment of that court. It further provided that section 8 of the bill as passed by the Senate should be so amended as not to require the commissioners, when they receive ex parte testimony from the State Department, which they were authorized to call for, to treat it as evidence.

The original provision was that they might call for all documents on file in the State Department, and that they should attach to the same such credibility or give to the same such weight as evidence as they might choose. That provision as to how they should treat it as testimony was eliminated by the conferees. I do not remember any other change that was made, except only such verbal changes as were necessary to be made to cause the bill to conform to those several amendments.

Mr. PLATT of Connecticut. How many commissioners are provided for?

Mr. FORAKER. Five commissioners instead of three, the award by the commissioners to be final, no appeal to be taken; but the commissioners are authorized to certify any question of law that may arise upon which they want the judgment of the Supreme Court of the United States to that court for its opinion.

Mr. PLATT of Connecticut. May I ask what the salaries of the commissioners are to be?

Mr. FORAKER. Five thousand dollars.

Mr. PLATT of Connecticut. I wish it were more.

Mr. FORAKER. Yes; I thought myself that the salary ought to be more, but that question was considered and decided adversely by the conferees.

Mr. BACON. I do not wish to be understood by my inquiry as affirming anything to the contrary, but at the same time I should like to know from the learned Senator whether there is any doubt in his mind as to the constitutionality of the provision which authorizes the certification of a question from a commission to the Supreme Court, with the implied obligation of law upon the Supreme Court to answer the question? There may be a precedent for it; I do not know; but in the absence of such a precedent, I should very greatly doubt its constitutionality.

Mr. FORAKER. I should not doubt the constitutionality of our provision that the commission should make the certification, but whether the Supreme Court would feel obligated to give an opinion is another matter.

Mr. BACON. The question I suggest is not whether the Supreme Court would feel obligated to give an opinion, but whether by legislation we can confer that power upon the Supreme Court. That court is not a statutory court, but a constitutional court. Congress can not by legislation either add to or subtract from the powers conferred upon it by the Constitution.

Mr. FORAKER. I do not know of any reason why a commission created by Congress could not be authorized to do that, as the courts already are authorized to do it.

Mr. BACON. I do not intend to object. I simply thought it was not proper that that provision should be passed without some suggestion upon the subject for the consideration of the Senator in charge of the report.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. PETTIGREW. I desire that the report shall be printed and lie on the table.

Mr. FORAKER. The report is printed in the RECORD of yesterday in the House proceedings.

Mr. PETTIGREW. In the House proceedings, but not in the Senate proceedings. It has not been called to my attention, and I desire to have it lie over in order that I may examine it.

Mr. FORAKER. Very well. Then the conference report will be printed in to-day's proceedings of the Senate, as I understand.

The PRESIDING OFFICER. It will be printed in to-day's proceedings.

EVENING SESSION.

Mr. SHOUP. I move that at 5.30 o'clock this afternoon the Senate take a recess until 8 o'clock this evening.

Mr. CARTER. I wish to call the attention of the Senator from Idaho to the fact that notice has been given that eulogies will be delivered, commencing at 5 o'clock. It is questionable whether the eulogies will be concluded as early as 5.30. I therefore suggest to the Senator a modification of his request, so that immediately after the conclusion of the eulogies the Senate stand in recess until 8 o'clock.

Mr. SHOUP. I accept that modification.

Mr. BACON. We can not hear on this side of the Chamber.

Mr. PLATT of Connecticut. The notice for the eulogies is for 5.30 o'clock.

Mr. PETTIGREW. It has been changed to 5 o'clock.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that the Senator from New Hampshire changed the notice to 5 o'clock. Is there objection to the request of the Senator from Idaho, that at half past 5 o'clock, or as soon thereafter as the eulogies shall have been concluded, the Senate take a recess until 8 o'clock? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; further insists upon its disagreement to the amendments of the Senate numbered 45, 51, 52, 56, and 62, upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 5978) authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands.

The message further announced that the House had passed a bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats; in which it requested the concurrence of the Senate.

The message also announced that the House had passed with an amendment the joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government, etc., to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of the bill as relates to the officers and employees of the House of Representatives; in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore. The Army appropriation bill is before the Senate as in Committee of the Whole.

Mr. CLARK. I ask the Senator from Idaho to yield to me for one moment for a matter of pressing importance.

Mr. SHOUP. I must decline to yield further to anyone.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

Mr. HOAR. The Senator from Alabama [Mr. MORGAN] yields to me for a moment. I proposed an amendment to the amendment yesterday, excluding substantially the granting of franchises. It removes one difficulty from the amendment, and it has found favor on both sides of the Chamber to some considerable degree.

If a vote could be taken upon my amendment now, or if the committee having in charge the matter would accept the amendment, it might direct the discussion which proceeds to other parts of the measure. I ask leave of the Senator from Alabama to move that amendment now and see whether it will be accepted by the Senate or by the committee. I understand the Senator will have the right to proceed at any time he chooses.

Mr. MORGAN. I have not had an opportunity to hear the amendment, and I will yield that it may be read.

Mr. HOAR. Let the amendment be read.

The PRESIDENT pro tempore. The amendment to the amendment will be read, if there be no objection.

The SECRETARY. At the end of line 15, page 39, insert the following proviso:

Provided, That no sale, or lease, or other disposition of the public lands, or the timber thereon, or the mining rights therein, shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof and which can not without great public mischief be postponed until the establishment of permanent civil government, and all such franchises shall terminate one year after the establishment of such permanent civil government.

Mr. LODGE. Mr. President, the Committee on the Philippines reported the amendment favorably, and in their behalf I desire to say that I accept this amendment to their amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of this amendment?

Mr. MORGAN. I wish to say——

Mr. BACON. Mr. President——

Mr. MORGAN. I will yield to the Senator from Georgia.

Mr. BACON. I simply desire to say, Mr. President, with the permission of the Senator from Alabama, that I see no reason why we should not go as far in the matter of franchises to be granted in the Philippine Islands as we went in the franchises to be granted in Porto Rico. We there expressly stipulated that they should be submitted to Congress, and that Congress should have the power to annul them. In the original Porto Rican bill there was a provision substantially the same as that contained in this amendment, and after full discussion, which we have not now the opportunity to give, it was stricken out and the power was given to Congress.

Mr. HOAR. If the Senator will pardon me, it has occurred to me that there might be some little railroad or a street railroad that was wanted in a hurry; and it is made terminable in twelve months, and is to be held by the President to be indispensably necessary. I ought not to abuse the courtesy of the Senator from Alabama. If this amendment may be treated as accepted, then it will be in order for the Senator from Georgia to move an addition, if he sees fit, hereafter.

Mr. LODGE. If my colleague will allow me, I will state to the Senator from Georgia that the revocation is already in the amendment.

Mr. BACON. The revocation of what?

Mr. LODGE. A provision for revoking the franchise.

Mr. BACON. Not by Congress. It does not say by Congress.

Mr. LODGE. It is to be done by the Government of the United States, as a matter of course.

Mr. BACON. I do not think so.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the proposed amendment?

Mr. BACON. I have no objection if it is understood that the acceptance of this amendment does not preclude an amendment to the amendment.

Mr. LODGE. Of course.

Mr. HOAR. It will be amendable in the Senate.

Mr. BACON. I wish the Senator would so determine——

Mr. MORGAN. Mr. President, I must decline to permit a debate to spring up on a collateral matter about which there is a strong disagreement among Senators as to what the amendment should express, and I prefer to go on.

Mr. HOAR. Very well.

Mr. MORGAN. I am willing to state, however, that the amendment offered by the Senator from Massachusetts——

Mr. HOAR. Let the amendment be printed as it appears, modified.

Mr. MORGAN. As far as I have had an opportunity of examining it at all from its reading here for the first time it impresses me favorably, but I could not give my consent to have it now adopted without looking into the matter further. My preference in regard to amendments of this kind would be for the Foraker resolution, which was adopted here soon after we started in this enterprise of governing foreign territories.

Mr. HOAR. Will the Senator allow the amendment to be printed at once?

Mr. MORGAN. I have no objection to having it printed.

Mr. HOAR. Let the amendment be printed.

The PRESIDENT pro tempore. It will be printed.

Mr. BURROWS. As modified?

The PRESIDENT pro tempore. As modified.

Mr. MORGAN. I understand that the amendment is accepted by the committee that reported this bill.

Now, Mr. President, before I proceed with my remarks this morning I wish to make a statement which I very rarely feel called upon to make, in regard to an article that appeared in a newspaper of the city this morning, stating that it had been agreed between Democrats that no vote on this bill or this amendment should be taken before the 4th day of March. I wish utterly to deny the truth of that statement in every possible way and in every possible particular. No agreement has been made, no conference has been held, no interchange of opinion on that subject has taken place between the Democrats on this side of the Chamber so far as I know or believe.

Mr. BACON. And no suggestion.

Mr. MORGAN. And no suggestion. Why that paper should have indulged itself in that fabrication it is impossible for me to say. I do not care anything about it except merely I do not wish to have the Senate understand that I have occupied or will occupy one moment of the time of this body otherwise than in a fair debate of the bill which is before us on principles that I think are entirely justifiable and commendable.

I see that the chairman of the Committee on Relations with Cuba is in the Senate, and I wish to ask that Senator before I proceed with my remarks whether it is the intention of his committee to press the Cuban amendment to a vote upon this bill?

Mr. BACON. Mr. President, I hope we may have order in the Chamber. I can not hear the Senator from Alabama, although I am only 10 feet from him. It is not his fault, but it is the fault of the conversation by others.

The PRESIDENT pro tempore. Senators will resume their seats and conversation in the Senate will cease.

Mr. PLATT of Connecticut. I had hoped, Mr. President, I will say in reply to the inquiry of the Senator from Alabama, that there would be a practical unanimity of the Senate for the putting of this amendment on the Army appropriation bill.

Mr. MORGAN. There can not be a unanimity upon the paper that has been presented here by the committee without some effort to amend it in particulars that are not therein stated or alluded to. Neither do I think that the Senate is in a condition where it can possibly give intelligent consideration to that great proposition. I think we are venturing upon ground of extreme peril to the Government of the United States and also to the people of Cuba by taking up this matter to be discussed at this time and under the state of information we now have in respect of it. If it is the intention of that committee to press this amendment upon the bill, of course I want to devote some attention to it; but if the amendment should be withdrawn or a statement should be made that it would not be pressed, of course that is a different matter.

Mr. PLATT of Connecticut. Mr. President, I should not feel justified in withdrawing the amendment. I think it is very important that it should be passed at this session and upon this bill. I believe that it will settle what may be called the Cuban question satisfactorily to the people of Cuba and satisfactorily to our people. I trust that there will be no serious opposition to it.

Mr. MORGAN. Mr. President, I must therefore include in my remarks on this occasion both of these great amendments. I wish to say in regard to the Cuban feature of this business that it has not been, I think, an hour since a resolution passed this body requiring the Secretary of State or somebody to furnish us with an English translation of the Cuban constitution as it appeared in a Cuban paper, the Diario, I believe it was, and that is as near an approach as we have had yet to anything like official action in regard to that constitution or official information as to what it contains. I am totally ignorant of the provisions of that constitution. If I had an opportunity even for an hour to look it over, I might possibly become satisfied that there was no want of harmony between the proposed amendment to this bill and that constitution as resolved upon by the Cuban people.

Mr. PLATT of Connecticut. Will the Senator from Alabama permit me?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. I am advised that there is being made now in Cuba an unofficial translation of the constitution as far as it has progressed. I suppose it can not reach here——

Mr. BACON. Mr. President, this is certainly a very grave matter, and we are very anxious to hear; but the Senator does not speak in a tone of voice that makes it possible to hear what he says, although there is comparative quiet in the Chamber.

Mr. PLATT of Connecticut. I am speaking about as loudly as I can. If the Senate will be in order, I think I can be heard.

A SENATOR. Louder.

Mr. PLATT of Connecticut. Well, Mr. President, I will take my seat.

Mr. MORGAN. Now, Mr. President, for one I am without information as to what is the constitution of Cuba or that there is such an instrument in existence; that the Cuban constitutional convention has finally acted upon any document that is intended to stand in the place of the organic law of that island when it is erected into a separate and autonomous government, and inasmuch as the Senator from Connecticut, the chairman of the committee, is not willing to say that he will withdraw that amendment, I hope the Senate will not feel that I am filibustering if I undertake to express my opinion about as much of the case as I understand. I know a good deal about the case outside of the constitution, and I have it by me in black and white on Cuban authority as well as other authority.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. Yes, sir.

Mr. PLATT of Connecticut. I do not like to be put in the position of declining to give any information in my power in relation to this matter. I endeavored to do so, and I thought that Senators were not inclined to listen. I was saying that I understood there was being prepared in Cuba what might be called an unofficial translation of the constitution, but manifestly it could not reach here in three or four days, but that the draft of the proposed constitution has been published in this country, and I supposed that Senators who were interested in the matter had kept track of any changes that have been made therein. There have been very few, so far as I know, so the original draft of the constitution as published in the papers in this country gives to the Senate the practical information as to the provisions of that constitution.

Mr. MORGAN. Now, Mr. President, I still have no information about it, and surely I can not get any information about it before I am obliged, for the sake of propriety, on this occasion to close my remarks, as the Senate will proceed with its business upon this bill and upon other measures. So I am in doubt about it, and if I vote for or vote against the proposition of the Committee on Cuban Relations I must do it in the dark. That is all that I can say.

Mr. PLATT of Connecticut. May I say one word more?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. It has been very manifest, Mr. President, that Congress could not act upon this matter up to the present time. The Senator yesterday, in speaking of the Philippine question, complained—I do not know that I ought to use that word—but he stated that it had been before the Senate at the last session and had not been acted upon. He thought there had been little disposition to act upon it, and therefore it was not fair to bring it forward at this time as an amendment to the Army appropriation bill; that it ought to have been brought forward earlier.

But it is very manifest that the matter of the Cuban relations could not have been acted upon until the constitution in Cuba had been practically completed by the convention, and the convention was considering what the future relations between Cuba and the United States should be. I do not think there can be any complaint that the matter has not been brought forward as soon as it could be, and I think it is of the utmost importance that these relations should be settled now, at this session of Congress, if it is possible to do so.

Mr. MORGAN. I am not complaining, Mr. President, that the matter has not been brought forward as soon as it could be. I am complaining about this Cuban affair; that it is brought forward sooner than it can be properly brought forward, for we have not got the facts. We are anticipating in every respect what Cuba has done and what Cuba desires to do and what we ought to do in a certain event of which we are not as yet informed or upon certain conditions which are as yet obscure to us entirely. We do not know what objection they have made; we do not know whether they have made provisions that will admit of the contentions that are suggested by us and the contentions of the Government of the United States, which in their character are far more diplomatic than legislative, it seems to me.

Mr. President, I wish to do the Republican party of this Chamber all possible justice, and I am particularly anxious that nothing I shall say in this matter shall touch at all upon the merits, the character, the patriotism, or the fidelity of the President of the United States in the proper administration of this Government under the Constitution, for I hold that gentleman in very high personal esteem and I would say nothing that would reflect upon him. But he is the President of the United States, and when he permits himself to be drawn into a condition or into an attitude which I conceive to be contrary to the best interests of this Government and contrary to fair dealing and contrary to the proper methods of legislation, I shall deal with him as if he was my personal enemy so far as liberty of speech is concerned.

Now, Mr. President, I call the attention of the Senate again—for this question can not down until we have finished our action upon it—to the very strange attitude in which the President of the United States is placed before this body, I hope and believe through the anxieties of his friends. He comes to us with estimates which he is required to make under the law through his officer, the Secretary of War, for appropriations for the Army of the United States, to take effect on and after the 1st day of July, 1901.

The House framed its bill upon those estimates and sent it to the Senate, containing no reference whatever to affairs in the Philippines or in Cuba except merely to make provision for the Army that might be employed in both places upon the missions or expeditions that they are discharging there now. The Senate, however, through its committees, have brought forward two very important amendments to the bill. I must assume from the anxiety which is exhibited here and from some statements which have fallen from Senators that the President of the United States is very anxious to have both these amendments put upon the bill. I shall therefore treat the matter as if he were very anxious, though from what I happen to have heard about it from sources worthy of credit I can hardly believe that he is very anxious.

The President may be very anxious to avoid an extra session of Congress, but if he is, Mr. President, he has changed his mind within a few days, because a few days ago I might say that he was very anxious to have it and that he has never been afraid of an extra session of Congress. I do not want an extra session of Congress for the sake of staying here and laboring at a time when I should like to have relief from the duties that I have to share in with the balance of you; but I will not shrink from it at all if our duties to the country require that such a session should be held. But I will do nothing to promote that view of the question or to force the Senate of the United States or the Congress of the United States into an attitude where an extra session is necessary. That is not a part of my duty. But, Mr. President, I will not abstain or refrain from doing what I conceive to be incumbent upon me under my oath as a Senator in dealing with any measure before the Senate, though that might result in the holding of an extra session of Congress.

Now, sir, it is an unfortunate thing for any Administration that in the last week of the session of Congress now about to expire, and upon an appropriation bill of the most vital necessity and importance to this country, the President of the United States should require us to pass that bill for the support of the Army, but that in passing it he should load it with two amendments to which we are strongly and earnestly opposed, and that we shall not have a bill for the supply of the Army after the first day of July next unless we will accept from the Administration the load of these two amendments.

We have been hearing here for years and years debated at every session of Congress the great question as to whether or not general legislation should be loaded upon appropriation bills. What is the object of that rule, which is "more honored in the breach than in the observance," in the Senate of the United States? It is that the Government shall have its supplies, without reference to other great questions pending before Congress or agitating the country, and without their being loaded upon those measures which are requisite for the carrying on of the operations of the Government. And here the President of the United States asks us to pass this Army appropriation bill, knowing that if we do not pass it now, or in an extra session to be held between this and the first day of July, the Army of the United States must necessarily go to pieces.

Under the Constitution it must go to pieces. There is no law that will exist after the first day of July under which the President of the United States can supply the Army with money, pay the soldiers and the officers and the transportation, the quartermaster and the commissary supplies, unless this bill or some bill like it is passed at this session or an extra session shall be held between this and that period of time.

Now, this is the most emergent bill of appropriation that can possibly be brought before the Senate of the United States, and the emergency is intensified in this case for the reason that in China, in the Philippines, in Cuba, and in Porto Rico, countries that

are outside of the former limits of the United States, we are now maintaining armies that are necessary to be maintained in each of those places for the purpose of preserving the rights of the United States Government. That is what we are doing. The President demands supplies for those things, and when we stand ready to vote them, anxious to supply the Army, he comes in at the very last hour of this Congress and loads these bills down with two propositions to increase his powers in Cuba and in the Philippines.

Now, was an Administration ever before put in that shape? Did an Administration ever before undertake to load upon its own appropriation bills a measure which it might consider very advantageous to the country? Sir, you might just as well put the subsidy bill or the oleomargarine bill on this appropriation bill, or any other bill that the President might want to pass, and say to the Congress of the United States: "Unless you will swallow these measures which I demand shall be put as amendments upon this bill you shall be accused of breaking up the Army supply for the United States."

Mr. President, the injustice of that attitude toward the minority in this Senate is horrible. It can not be explained away. Sir, if I felt that this measure in regard to the Philippines was a constitutional measure, but unwise in policy, I would yield to that demand of the President of the United States and put it upon his bill and let him take the responsibility of it. If I did not feel that the Cuban measure is extremely dangerous in defining the policy of this Government toward those islands I would withdraw my objection to that and let that amendment go on this bill rather than be compelled to vote so as to refuse to supply the Army after the 1st day of July next with the soldiers in China, in the Philippines, in Cuba, and in Porto Rico.

I would, sir, for the sake of the patriotic duty resting upon me to supply those troops with money, forego any opinion I might entertain in respect of the policy of this measure brought before the Senate on this occasion. But when these measures are grossly unconstitutional, and when each one of them undertakes to enlarge the power of the President of the United States inconceivably, I am confronted with the demand made by the President of the United States: "You shall vote against the Army and the supplies to the soldiers unless you stand here and deliver what I further demand of you—the putting of an unconstitutional load upon this Army bill."

Senators and their friends, in their anxiety to get whatever advantage there may be or may be supposed to be out of this Philippine amendment, may be able to justify themselves in their own estimation for putting the Senate of the United States in this peculiar attitude to-day. But, sir, I resent it. Whether it comes from that side of the Chamber as a political organization or from the President of the United States—it makes no difference how—I resent it as an outrage upon the rights of the minority in this Chamber. Here is the Democratic party to be accused before this country of refusing to vote supplies for the Army in the field and engaged in military operations—in actual open hostilities—because the President of the United States thinks he has got us in a corner and he can claim this opportunity to force upon this bill an enlargement of his powers so extraordinary that it shocks the common sense of the whole country as well as the conscience of every man in it.

Why is the President of the United States here making this demand upon us that we shall delegate to him all the powers of Congress, that he may go into the Philippines as a legislator, judge, chief magistrate, as well as commander in chief, and there execute his will in his own fashion, and direct every man he appoints to an office in that country as to the manner in which he shall discharge his duties? Why does he come here and ask the Congress of the United States to yield up this extraordinary power to him? Who can excuse it? Who dares even apologize for it?

When I had the floor yesterday, Mr. President, I was discussing the parallel between the pending Philippine amendment and the acts of the Eighth Congress, in 1803, in respect of the government of the territory of Louisiana. I have nothing more to add upon that particular branch of the proposition except to discuss the next proposition which arises in my mind, when I shall have to refer to some authorities applying to both.

The government instituted in 1898 for Hawaii has been appealed to as the precedent for this legislation. I wish now to enter upon a comparison of that act of Congress with this proposed amendment. In doing so I shall have to ask leave to insert that act in my remarks, as it is not long.

The PRESIDING OFFICER (Mr. FORAKER in the chair). If there be no objection, permission to do so will be granted.

The act referred to is as follows:

[PUBLIC RESOLUTION—No. 51.]

Joint resolution to provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided, said government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, July 7, 1898.

Mr. MORGAN. In order that the country may understand perfectly what the situation is—for, Mr. President, I am speaking not to the Senate of the United States to-day, though I would fain address some remarks to the Senate that might affect their fixed purpose to do an act of great injustice to the country and to themselves also; but it is not in my province to take charge of their opinions or their consciences—but I have an appeal to make to the people of the United States which will not fail to address itself to men who are conscientiously considering public subjects and who uphold the balance of justice so evenly upon all public occasions and on all public subjects that I do not fear to trust my poor judgment into their hands.

Their judgment I am always willing to abide by, but I want to inform them as we go along, so that they may understand the situation and excuse me if I am wrong in the attitude I assume before the Senate.

In the Hawaiian act, which I have just caused to be inserted in the RECORD, there is this provision:

> Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

All of this power, and a great deal more, is given to the President of the United States in the pending amendment, and he is not put under the restraints which are contained in the Hawaiian act. In that act he was restrained and confined to the persons who were officers of the existing government in said islands at the time the act was passed. We did not leave the authority open to him to go out and explore all the islands of Hawaii to find such persons as he might choose to take up and install into office there. We recognized the existence of a government there and the existence of officers who were then in commission under the authority of the republic of Hawaii. We said as to those, he may remove them at his pleasure, as he removes officers of the United States Government here amongst us, and fill the vacancies so occasioned.

Suppose he had removed the governor, who was at that time

called the president of Hawaii, and was the president of Hawaii, or suppose he had removed the judges of the supreme court, or any other court of Hawaii, and had come to fill the vacancies, where would he have come? Would he go to Hawaii and fill those vacancies without coming to the Senate of the United States? Certainly not. The Constitution and laws of the United States, which were expressly carried into Hawaii by that act, would have compelled him to come with those appointments to the Senate. But in the pending amendment he does not have to do that. He can go to the Philippine Islands and make his appointments without coming to the Senate. We see, in that particular, how far these two acts parallel each other. They are not even ninety-ninth cousins of each other. This act continues:

The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

The Senator from Missouri [Mr. VEST] offered an amendment here on yesterday to put a similar provision—one not quite so strong as that—into the pending amendment, but the Senator from Wisconsin [Mr. SPOONER] said it was entirely useless, and he objected to it; and it will not go in here unless Senators on that side of the Chamber overrule the Senator from Wisconsin, who is in charge of this bill.

Mr. SPOONER. I am not in charge of the bill.

Mr. MORGAN. I beg the Senator's pardon; I supposed he was.

Mr. President, why did that committee not put into this provision "not inconsistent with this act" (or joint resolution as in that case) "nor contrary to the Constitution of the United States nor to any existing treaty of the United States?" Why did they put into that act that the municipal legislation of Hawaii should remain in force until Congress should otherwise determine? What was the municipal legislation of Hawaii? It was a body of laws, beginning with a constitution and passing through every phase of legislative procedure and contemplation which was the equal of any constitution and the equal of any body of laws in any State in the American Union.

Hawaii was a republic to begin with. It had all the qualities and the purposes and the powers of a republican government conformed to our Government. In every respect its laws were conformed to the laws of the United States, except in some trifling differences, and we were perfectly justified in recognizing that municipal code as a body of laws that should continue to exist in Hawaii, so far as they were not inconsistent with the Constitution of the United States, and that the officials, who had been appointed and were then in discharge of the duties of office under that government, should remain, subject to the powers of the President of the United States to remove them and to fill the vacancies thereby occasioned.

What parallel is there between that act and this amendment, which makes no provision of this kind, but, on the contrary, excludes this very provision by its necessary terms from being a part of this amendment?

We then went on to legislate about the public debt of Hawaii and about the revenue, and provided:

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Did you put that into this bill? No; and you will never do that. You will never do it for the very reason that one of the purposes of this bill is to get the tariff or customs laws into the grasp of the President of the United States and ratify his acts in advance by act of Congress, so that he may do in the Philippine Islands for all time to come, until this act is repealed, exactly what he did in Porto Rico between the date of the signature and promulgation of the treaty of Paris and the establishment of a Territorial government in that island.

During that time the President of the United States controlled with absolute power, at his discretion, all the customs laws and revenues of Porto Rico as well as the laws of internal taxation according to his will and pleasure, and nobody thought to rise in Congress and say that he had no right to do it, for he had the right to do it under those conditions, but now Congress feels the necessity, urged to it by the demand, I think, by speculators and contrivers, of forming a government, a Congressional government, in the Philippine Islands, and in doing so it wants to leave in the hands of the President of the United States the same powers he exercised in Porto Rico and would exercise in the Philippine Islands for the purpose of reaping for his friends a harvest of gold out of those tariff laws for their enrichment.

There is no other conclusion, Mr. President, that can be reached upon a fair analysis of this bill, and there is no other conclusion that can be reached historically, when we come to look at what the President did, and what he had the right to do, in the island of Porto Rico, between the time of the ratification of the Paris treaty and the time we instituted a Territorial government there.

That lease of arbitrary and uncontrolled power in the hands of the President of the United States is what is contended for in this bill. It is the necessary effect of this bill, and the history of our dealings with Porto Rico shows that that is the purpose of this bill.

We went further in that act and provided that there should be no immigration of Chinese into the Hawaiian Islands. How is it about Chinese in the Philippines? They have been pouring into those islands for three centuries, and they are in a large sense, a very large sense, the merchants of the Philippines. They work the natives, the Igorrotes, the Negritos, and even the Tagalogs on their rice farms, on their sugar plantations and banana fields, and in whatever else they want to work them in. They pay them and become the lords and masters of the country in a very extensive sense in all of those different islands, and particularly in Luzon.

Our laws here protecting the people and the Government of the United States against a surging immigration of Chinese that threatened the overflow of this country, threatened its labor, and all that—our laws went so far in the direction of checking this Chinese immigration that it has been said time and again, and with great truth, that the Congress let the treaty with China stand, but deliberately violated some of its most important provisions in their enactments. I voted for those violations, if they are such.

I must state, however, that at the time I gave, and I now give, the reasons or the excuse for that, that the Emperor of China had passed a decree forbidding his people to come to the United States or to go to any foreign country, and I voted to carry out that decree of the Emperor, which, while it did not violate the Burlingame treaty or any other treaty, was necessarily in antagonism to the principles of free immigration of Chinamen into the United States. But did we not pass laws here, and are they not yet upon the statute books, filled up with penalties and with definitions of crimes and punishments which we are now exerting against Chinese who come to this country? Are we not now earnestly engaged in using all the powers of this country, executive and judicial, for the purpose of excluding Chinese immigration to the United States?

What are we going to do about it in this bill? When we passed the Hawaiian bill we put in an express provision which prevented the further immigration of Chinese into that country, except under the laws of the United States. In this bill there is no such provision. The men who can go down there under corporate charters or for private gain to establish sugar and rice and banana plantations and other important industries in that land, such as the cultivation of manila hemp, out of which mints of money have been realized by the owners of property in the Philippines, are at perfect liberty to do what Hawaii did before we interposed our power to prevent it—to invite Chinese labor or Japanese labor, or contract labor from any nation in the world on terms that will suit them—they are perfectly at liberty to do so—and Congress does not dare to raise its voice in this amendment to this bill for the purpose of enforcing its policy and its laws against Chinese immigration, while in the Hawaiian bill we came out expressly and made this provision:

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

We put that provision in that act as a necessary precaution, harmonizing perfectly with our national policy for the exclusion of Chinese immigration and hired or contract labor into the United States and also into Hawaii. We protected the United States as well as Hawaii by this act of annexation, and yet that is quoted as authority here to support this amendment.

Mr. President, it is an impossible conception that that act annexing Hawaii can have any sort of bearing as a rule of interpretation for the measure that is now before the Senate.

Let me ask again, Why did we not put that provision into this amendment? For reply to that question I can not go to the Senate, but I can go to the holders of great sugar and rice estates, and manila-hemp properties, and the like of that. I can go to them, and if they made a candid answer it would be this: "We shall need Chinese labor in the Philippines to develop the industries of that country, and we want free access to China for all the laborers that we can carry there." We have got to take it and swallow it if we carry this amendment. You gentlemen who pass it will have to account for it hereafter. Thank God, I will not have to account for it, for I disclaim all responsibility for it.

Here is the Constitution of the United States recognized in Hawaii, a country that was allowed to remain under the government of a republican President, an independent President, from the time of the passage of that act until such time as we instituted there a Territorial government. What was the result? I happened to have the honor—and I appreciated it very highly—of being one of the commissioners sent to Hawaii for the purpose of organizing a system of laws and to introduce a Territorial government into those islands. The first question I had the honor to

suggest to my brother commissioners was this: "Your courts are in session here"—two of those commissioners were Hawaiians; one was the governor or the President and another was the chief justice of the supreme court, and they were men of very great ability and of the highest possible character—I put to that tribunal this question: "Your courts are in session here. The constitution of Hawaii requires that all process of every kind shall run in the name of the Republic of Hawaii, but here is an act of annexation which has extinguished your sovereignty, and which has brought Hawaii within the limits of the United States, where the Constitution of the United States is supreme. What are we going to do about that?" The President was consulted; his opinion and his order was taken; and it was that process in Hawaii should still run in the name of the Republic of Hawaii; that the constitution and laws of Hawaii for the government of that country had been adopted by Congress in solido, and without exception or amendment, for the further government of that country until the Congress of the United States should organize there a Territorial government.

So it went, and men were indicted by the Republic of Hawaii, tried upon a jury system that allowed capital punishment to be inflicted upon the vote of eight out of twelve jurors, and dispensed with a grand jury entirely. Men were convicted of capital offenses and hanged in Hawaii under that state of law before we formed a Territorial government. They were indicted in the name of the Republic of Hawaii.

So much, Mr. President, for the potency of an act of Congress in the adoption of a state of law existing in a foreign country for its government until such time as Congress might choose to adopt a different form of government. We have never done anything of that kind in regard to the Philippines. We have allowed the Spanish law to stand there, and without any sort of change. It is there to-day.

I wish now to call the attention of the Senate to some decisions of the Supreme Court of the United States which show the effect of that situation. I will repeat that statement, Mr. President, in order, if I can, to emphasize it, that the Congress of the United States has not inaugurated any government in the Philippines, but it found a government there, which is in full force and effect, according to what the Supreme Court of the United States has decided to be the law of the United States, and the effect of the Constitution of the United States upon those laws. I read from the case of Pollard's Lessee *vs.* Hagan, 3 Howard, page 225:

> If it were true that the United States acquired the whole of Alabama from Spain, no such consequences would result as those contended for. It can not be admitted that the King of Spain could, by treaty or otherwise, impart to the United States any of his royal prerogatives, and much less can it be admitted that they have capacity to receive or power to exercise them. Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it.

I do not think it is necessary to enlarge upon that, Mr. President. I think that the judicial establishment of the United States in all of its parts and in every locality in this country not only will recognize that as being the law, but has oftentimes recognized it and never disputed it.

But it does not seem to settle all the questions that can possibly arise out of this category that we are struggling with now, for it appears that the Supreme Court of the United States is now ruminating or consulting upon questions that challenge the correctness of that decision of the Supreme Court of the United States, some of them contending that there is no modification of Spanish law in Porto Rico or in the Philippines, of course, by the effect of the operation of the Constitution of the United States, for the simple reason that the Constitution is not there; that it has never been extended by act of Congress into that country.

I wish to excuse myself from the discussion of a proposition that is so absurd as that. I think I can just content myself with relying upon its gross absurdity, and let the argument on the other side go.

Then it appears from this decision that when we acquired the Philippines by the treaty of Paris we acquired the government that was there and the laws of Spain that governed those people until they should be changed by Congress, but under the condition, that those laws gave way to the statutes of the United States applicable to that territory, and also to the Constitution of the United States applicable to all the Territories and all the places that are in the territorial limits of this Government. That is the present situation.

Now comes the repealing clause in this act, which has been put upon it by the vote of the Senate. I want to read it, so as to get the text of it in my remarks. Here it is:

> All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

We find that the decision in the case of Pollard's Lessee *vs.* Hagan carried the laws of the United States that were applicable to the Territories at large, to all the Territories alike, into those islands. Here comes, then, the provision of this act which says that—

> All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

That sweeps by the board, Mr. President, all the general statutes that we have enacted in Congress now for more than a hundred years applicable alike to all the Territorial governments in this country. They are all swept out of the way of this amendment and of the administration of the law in the Philippines. They are abolished. They are all actually repealed.

If it said they are actually repealed so far as they are inconsistent with this act or the purposes of this act, then there might have been some part of them reserved from the repealing power of Congress; but here is a broad, sweeping declaration that these laws, because they are inconsistent with this act, these laws not specially reenacted in this act, are repealed, and all of that body of law that we have ordained from time to time and instituted for the purpose of controlling the Territories by general laws is swept out of the way of this tremendous amendment, this rider upon an appropriation bill.

I have concluded all I wanted to say in regard to the acts which were attributed to Mr. Jefferson and the acts attributed to the Congress in 1898 in the enactment of the Hawaiian annexation law, and which were supposed to justify this measure, and I feel that I have sufficiently demonstrated that there is no precedent in either of those laws for what we are doing now. The law that we are now trying to enact stands exactly opposed, not only to those acts in regard to Louisiana territory and Hawaii, but stands confessedly opposed to every general law that Congress has ever enacted for the government of the Territories at large.

Mr. President, I will now return to the further consideration of the power of the Congress to delegate its civil, military, and judicial powers necessary to govern the Philippines to the President, to be by him vested in such persons as he may select for executing these offices. That is a question of very great importance, and one that is fundamental in this Government as in all free parliamentary governments. In support of my proposition that the Congress has no such power, I desire to have read by the Secretary, for the information of the Senate, a note that is appended to Hayburn's case in Second Dallas, which, I suppose, is a note prepared by Judge Curtis, and I will read a few of the initiatory statements that brought the subject to the attention of the court:

> The circuit court for the district of New York, consisting of Jay, chief justice; Cushing, justice, and Duane, district judge, proceeded on the 5th of April, 1791, to take into consideration the act of Congress entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions;" and were, thereupon, unanimously of opinion and agreed.

I ask the Secretary to read, commencing at the point marked with cross marks.

The Secretary read as follows:

> That by the Constitution of the United States the Government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from and to oppose encroachments on either.
>
> That neither the legislative nor the executive branches can, constitutionally, assign to the judicial any duties but such as are properly judicial and to be performed in a judicial manner.
>
> That the duties assigned to the circuit courts by this act are not of that description, and that the act itself does not appear to contemplate them as such, inasmuch as it subjects the decisions of these courts, made pursuant to those duties, first to the consideration and suspension of the Secretary at War, and then to the revision of the legislature; whereas by the Constitution neither the Secretary at War nor any other executive officer, nor even the legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court.
>
> As, therefore, the business assigned to this court by the act is not judicial, nor directed to be performed judicially, the act can only be considered as appointing commissioners for the purposes mentioned in it by official instead of personal descriptions.
>
> That the judges of this court regard themselves as being the commissioners designated by the act, and therefore as being at liberty to accept or decline that office.
>
> That as the objects of this act are exceedingly benevolent and do real honor to the humanity and justice of Congress; and as the judges desire to manifest on all proper occasions and in every proper manner their high respect for the National Legislature, they will execute this act in the capacity of commissioners.
>
> That as the legislature have a right to extend the session of this court for any term which they may think proper by law to assign, the term of five days, as directed by this act, ought to be punctually observed.
>
> That the judges of this court will, as usual, during the session thereof, adjourn the court from day to day, or other short periods, as circumstances may render proper, and that they will, regularly, between the adjournments, proceed as commissioners to execute the business of this act in the same court room or chamber.
>
> The circuit court for the district of Pennsylvania, consisting of Wilson and Blair, justices, and Peters, district judge, made the following representation in a letter jointly addressed to the President of the United States on the 18th of April, 1792:
>
> "To you it officially belongs to 'take care that the laws' of the United States 'be faithfully executed.' Before you, therefore, we think it our duty to lay the sentiments which, on a late painful occasion, governed us with regard to an act passed by the Legislature of the Union.
>
> "The people of the United States have vested in Congress all legislative powers 'granted in the Constitution.'
>
> "They have vested in one Supreme Court and in such inferior courts as the Congress shall establish 'the judicial power of the United States.'
>
> "It is worthy of remark that in Congress the whole legislative power of the United States is not vested. An important part of that power was exercised

by the people themselves when they 'ordained and established the Constitution.'

"This Constitution is 'the supreme law of the land.' This supreme law 'all judicial officers of the United States are bound, by oath or affirmation, to support.'

"It is a principle important to freedom that in government the judicial should be distinct from and independent of the legislative department. To this important principle the people of the United States, in forming their Constitution, have manifested the highest regard.

"They have placed their judicial power not in Congress, but in 'courts.' They have ordained that the 'judges of those courts shall hold their offices during good behavior,' and that 'during their continuance in office their salaries shall not be diminished.'

"Congress have lately passed an act to regulate, among other things, 'the claims to invalid pensions.'

"Upon due consideration, we have been unanimously of opinion that under this act the circuit court held for the Pennsylvania district could not proceed:

"First. Because the business directed by this act is not of a judicial nature. It forms no part of the power vested by the Constitution in the courts of the United States; the circuit court must, consequently, have proceeded without constitutional authority.

"Second. Because if upon that business the court had proceeded, its judgments—for its opinions are its judgments—might, under the same act, have been revised and controlled by the legislature and by an officer in the executive department. Such revision and control we deemed radically inconsistent with the independence of that judicial power which is vested in the courts and, consequently, with that important principle which is so strictly observed by the Constitution of the United States.

"These, sir, are the reasons of our conduct. Be assured that though it became necessary, it was far from being pleasant. To be obliged to act contrary either to the obvious directions of Congress or to a constitutional principle in our judgment equally obvious, excited feelings in us which we hope never to experience again."

The circuit court for the district of North Carolina (consisting of Iredell, justice, and Sitgreaves, district judge), made the following representation in a letter jointly addressed to the President of the United States on the 8th of June, 1792:

"We, the judges now attending at the circuit court of the United States for the district of North Carolina, conceive it our duty to lay before you some important observations which have occurred to us in the consideration of an act of Congress lately passed, entitled 'An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions.'

"We beg leave to premise that it is as much our inclination as it is our duty to receive with all possible respect every act of the legislature, and that we never can find ourselves in a more painful position than to be obliged to object to the execution of any, more especially to the execution of one founded on the purest principles of humanity and justice, which the act in question undoubtedly is. But however lamentable a difference in opinion really may be, or with whatever difficulty we may have formed an opinion, we are under the indispensable necessity of acting according to the best dictates of our own judgment after duly weighing every consideration that can occur to us, which we have done on the present occasion.

"The extreme importance of the case and our desire of being explicit beyond the danger of being misunderstood will, we hope, justify us in stating our observations in a systematic manner. We therefore, sir, submit to you the following."

Mr. MORGAN. That was a splendid, noble act of self-abnegation. It was worthy of the judiciary of North Carolina and also of the United States, both of the judicial establishments having declined to execute that act of Congress, which was for very benevolent purposes—the granting of pensions to widows and the like. In the amendment presented here the hand of Federal power, wielded by the President of the United States, grasps authority that is not judicial and grasps power that is preeminent over the judiciary and claims the right from Congress to create the judgeship, to appoint the holders of the office without the consent of the Senate, to define their jurisdiction, and whenever they have acted in accordance with his will, unrestrained by any act of Congress or in any other way, he shall direct, as this act says, the manner in which they shall exercise their offices.

If the President had had the power over these two courts, and if he had been as much wedded to that bill for pensions as the President of the United States is asserted to be wedded to this amendment to increase his powers, he would have directed those courts as to the manner in which they should render their judgment, and they would have taken a jurisdiction that they very reluctantly declined.

This measure comes from the consolidation of the powers of government in the hands of one man in this country. I wish to read now, in order to call the attention of the Senate further to this subject, from Story on the Constitution, a great and eminent writer. He says, after having written very much that is very pertinent and very instructive, in section 520, page 364 of his work:

In the establishment of a free government, the division of the three great powers of government, the executive, the legislative, and the judicial, among different functionaries has been a favorite policy with patriots and statesmen. It has by many been deemed a maxim of vital importance that these powers should forever be kept separate and distinct. And accordingly we find it laid down with emphatic care in the bill of rights of several of the State constitutions. In the constitution of Massachusetts, for example, it is declared that "in the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."

This amendment institutes in the Philippine Islands a government of a man and not a government of the law; but Congress, in delegating this power to the President of the United States, expressly refuses to prescribe any law for his government at all, but leaves him to enact the law.

Other declarations of a similar character are to be found in other State constitutions.

He then goes on to quote what Montesquieu had to say about it, and in section 522 the author continues:

The same reasoning is adopted by Mr. Justice Blackstone in his Commentaries.

The English law writer, laying down the law that controls in the British monarchy, says:

In all tyrannical governments the supreme magistracy, or the right both of making and of enforcing laws, is vested in the same man or one and the same body of men, and wherever these two powers are united together there can be no public liberty. The magistrate may enact tyrannical laws and execute them in a tyrannical manner, since he is possessed, in quality of dispenser of justice, with all the power which he, as legislator, thinks proper to give himself. But where the legislative and executive authority are in distinct hands the former will take care not to intrust the latter with so large a power as may tend to the subversion of its own independence, and therewith of the liberty of the subject.

Again:

In this distinct and separate existence of the judicial power in a peculiar body of men, nominated, indeed, by, but not removable at, the pleasure of the Crown, consists one main preservative of the public liberty, which can not long subsist in any state, unless the administration of common justice be in some degree separated from the legislative and also the executive power. Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would then be regulated only by their opinions, and not by any fundamental principles of law, which, though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an overbalance for the legislative.

I wish I could take the time to lay this subject before the American people, not before the five Senators upon the other side of the Chamber, the four Senators, the three Senators, the two Senators. A number of gentlemen whom I recognize there are not Senators. There are only two on the other side of the Chamber now, and neither of them is listening to what I have to say. Therefore, my time would be needlessly consumed here in reading.

Mr. BACON. Mr. President, I want to do justice to the Senator from Indiana [Mr. FAIRBANKS]. He is giving very close attention to the Senator from Alabama.

Mr. MORGAN. I beg his pardon.

Mr. FAIRBANKS. I think I have not lost a word that has fallen from the Senator's lips.

Mr. MORGAN. The country, however, all of the country, is interested in those ancient writers in respect of the institutions of our Government, who laid down and defined the boundaries of power between the different departments of a government that has separate departments and is not a pure autocracy or tyranny. Therefore, I read with great pleasure what I find in this author, whose authority, I believe, nobody in this country is brave enough or bold enough to dispute, so that my fellow-citizens in the country may have an opportunity of looking again at the foundations of their liberty, notwithstanding the Senate pays no attention to them, and may call us, myself included, into severe account for our disobedience to the organic law upon which the liberties of the people of the United States are based.

The author goes on in section 530:

It is proper to premise that it is agreed on all sides that the powers belonging to one department ought not to be directly and completely administered by either of the other departments; and, as a corollory, that, in reference to each other, neither of them ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers. Power, however, is of an encroaching nature, and it ought to be effectually restrained from passing the limits assigned to it. Having separated the three great departments by a broad line from each other, the difficult task remains to provide some practical means for the security of each against the meditated or occasional invasions of the others. Is it sufficient to declare on parchment in the Constitution that each shall remain and neither shall usurp the functions of the other?

No one well read in history in general, or even in our own history during the period of the existence of our State constitutions, will place much reliance on such declarations. In the first place, men may and will differ as to the nature and extent of the prohibition. Their wishes and their interests, the prevalence of faction, an apparent necessity, or a predominant popularity will give a strong bias to their judgments and easily satisfy them with reasoning, which has but a plausible coloring. And it has been accordingly found that the theory has bent under the occasional pressure, as well as under the occasional elasticity of public opinion, and as well in the States as in the General Government under the confederation. Usurpations of power have been notoriously assumed by particular departments in each: and it has often happened that these very usurpations have received popular favor and indulgence.

The Federalist is cited in support of what I have just read.

In the next place, in order to preserve in full vigor the constitutional barrier between each department, when they are entirely separated, it is obviously indispensable that each should possess equally and in the same degree the means of self-protection. Now, in point of theory this would be almost impracticable if not impossible, and in point of fact it is well known that the means of self-protection in the different departments are immeasurably disproportionate. The judiciary is incomparably the weakest of either, and must forever, in a considerable measure, be subjected to the legislative power. And the latter has, and must have, a controlling influence over the executive power, since it holds at its own command all the resources by which a chief magistrate could make himself formidable. It possesses the power over the purse of the nation and the property of the people. It can grant or withhold supplies; it can levy or withdraw taxes; it can unnerve the power of the sword by striking down the arm which wields it.

Omitting to read the five hundred and thirty-second section:

The truth is that the legislative power is the great and overruling power in every free government. It has been remarked with equal force and sagacity that the legislative power is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex. The founders of our Republic, wise as they were under the influence and the dread of the royal prerogative which was pressing upon them, never for a moment seem to have turned their eyes from the immediate danger to liberty from that source, combined as it was with an hereditary authority and an hereditary peerage to support it. They seem never to have recollected the danger from legislative usurpation, which, by ultimately assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpation.

The representatives of the people will watch with jealousy every encroachment of the Executive Magistrate, for it trenches upon their own authority. But who shall watch the encroachment of these representatives themselves? Will they be as jealous of the exercise of power by themselves as by others? In a representative republic, where the executive magistracy is carefully limited, both in the extent and duration of its power; and where the legislative power is exercised by an assembly, which is inspired by a supposed influence over the people with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate the multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is easy to see that the tendency to the usurpation of power is, if not constant, at least probable, and that it is against the enterprising ambition of this department that the people may well indulge all their jealousy and exhaust all their precautions.

I will not read more from that work, although there is much more in the chapter from which I have been reading that is extremely interesting and extremely important at the present time. That reference to the aggressive power and the aggressive tendency of the legislative bodies of this country and of all countries is remarkably apposite just at this moment of time. We have seen here in very recent date various measures brought before Congress in which the opposition to the measures have charged that there were combinations of great monetary power in the recent form of fraudulent usurpation that we call trusts that were pressing upon the Congress of the United States personal demands for an opportunity to take money out of the Treasury of the United States.

I need not specify those cases. The recent debates in the Senate of the United States show the cases to which I refer. Now, when measures before the Senate claiming millions and hundreds of millions of dollars are charged upon just or at least probable ground with being actuated by persons and personal interests outside of the legislative circles in this Capitol, it is time that the legislators should look with some degree of jealousy and circumspection and with regard to their own powers and the exercise of them in this country when such opportunities are being made by our legislation; and it is an apt time for the quotation of this great writer to whom I have just referred, and whose writings I have just read for the purpose of causing the Congress of the United States to guard its own step lest in the desire to usurp power it should ride over the rights and liberties of the country.

Here, Mr. President, is not only a usurpation of power but a consolidation of power and a transmission of it by delegation into the hands of a single man, and from him into the hands of his inferiors or subordinates, the persons to whom he chooses to intrust it. There is no conception that I can possibly have of the virtue of the best man in the world which justifies me as a member of the Senate in conferring upon any living human being or any who has lived powers like this which may be wrested for the purposes of personal gain to the friends of the Executive and to the destruction of the interest of many poor and dependent people. Such, Mr. President, is a proper characterization of the project that is contained in this measure.

I will read another extract from Blackstone's Commentaries, which, while it repeats in a measure what has already been read in the decision of the Supreme Court of the United States to which I have alluded, is very important, and comes to us as a warning against what we are now about to do in this body:

In this distinct and separate existence of the judicial power in a peculiar body of men, nominated, indeed, but not removable at pleasure by the Crown, consists one main preservative of the public liberty, which can not subsist long in any state unless the administration of common justice be in some degree separated from the legislative and also from the executive power. Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions and not by any fundamental principles of law, which, though legislators may depart from, yet judges are bound to observe.

I have read that before.

Were it joined with the executive, this union might soon be an overbalance for the legislative.

I read that.

For which reason, by the statute of 16 Car. I, c. 10, which abolished the court of star chamber, effectual care is taken to remove all judical power out of the hands of the King's privy council, who, as then was evident from recent instances, might soon be inclined to pronounce that for law which was most agreeable to the prince or his officers. Nothing, therefore, is more to be avoided in a free constitution than uniting the provinces of a judge and a minister of state. And, indeed, that the absolute power, claimed and exercised in a neighboring nation, is more tolerable than that of the Eastern empires is, in great measure, owing to their having vested the judicial power in their parliaments, a body separate and distinct from both the legislative and executive; and if ever that nation recovers its former liberty it will owe it to the efforts of those assemblies. In Turkey, where everything is centered in the Sultan or his ministers, despotic power is in its meridian, and wears a more dreadful aspect.

I think, sir, that I have sufficiently supported my statements by the highest authority that any man can quote, to be entirely satisfied and content now to leave it to the judgment of the people of the United States. That these opinions will have any effect or will even be drawn in question or considered by the Senate I have no expectation. But they are in the RECORD, Mr. President, not upon my statement or ipse dixit, but upon the statement of the greatest law writers of this country and England. This bill violates every principle in every case that I have quoted. It runs ruthlessly and roughshod over all of the organic law of England and America, and it comes back to sweep out those traditional rights that we got from the great German ancestry that stands at least at the head of all of our civilization.

I probably have said enough on that subject. I probably have gone as far as my duty requires me to go in the investigation of this amendment. There was a point that I wanted to investigate, but I am still unable to do so, for the reason that the Taft report is still incomplete. The last installment of it was sent to the Senate on yesterday and ordered to be printed. It has not yet reached this body, so far as I am advised. Certainly I have had no opportunity to examine those additional acts, running from 55 to 68, which have been enacted by the Taft commission and which are the law of the Philippine Islands. As far as I have seen those enactments, as far as the Administration has seen proper to place them in the possession of the Senate, they cover every phase of legislative authority, and I am not at all warranted or disposed to doubt their authority in the Philippines.

I have seen none of them that violate the Constitution of the United States, and perhaps there may be none (though I have not looked particularly with that view) which violate or repeal the laws of Congress. But this bill repeals the laws of Congress, all of them, by express provisions which stand in the way of anything that the Taft commission may choose to do, if the President shall adopt that as the form of government in the Philippines, or any other government he may establish there through the amazing powers that we propose to confer upon him in this bill.

There have been other quotations made in the CONGRESSIONAL RECORD with respect to the opinions of American statesmen, to one of which I wish to make a short reference. I will read a short extract from a debate that occurred in the House of Representatives for the purpose of getting at the state of the law, as reported in 10 Howard, page 96. The speaker on that occasion said:

The ordinance applied not to the States, but to the Territories exclusively.

That was the ordinance of 1787.

Hence, it can not be said that the ordinance extended to the States and conflicted there with the Federal Constitution. In 10 Howard, page 96, the Supreme Court held that the people of the Territories were parties to our Constitution, and that it was the "supreme law throughout the United States," clearly showing the term "United States" included States and Territories.

The court says:

The Constitution was, in the language of the ordinance—

That is the ordinance of 1787—

adopted by common consent, and the people of the Territories must necessarily be regarded as parties to it and bound by it, and entitled to its benefits as well as the people of the then existing States. It became the supreme law throughout the United States. And so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the new Government.

In the Millikin case (4 Wallace) the court said:

This Constitution of ours operates in war as well as in peace, in all places, and under all circumstances. It is a law for the rulers as well as for the people; each and every one everywhere within our political jurisdiction is bound by it.

I read now a statement made by Thomas H. Benton, which was quoted in the CONGRESSIONAL RECORD, I think, by the present junior Senator from Iowa [Mr. DOLLIVER]:

Maj. Gen. Andrew Jackson, governor of the provinces of the Floridas, exercising the powers of the captain-general and intendant of the island of Cuba over the said provinces and the governors of said provinces, respectively.

In the United States, where the people are accustomed to the regular administration of justice, the summary proceedings of General Jackson appeared to be harsh and even lawless; but they were all justified by the Administration and sanctioned by the negative action of Congress.

In reply to the statements that were made by Mr. Benton, and which are here quoted in part, General Jackson wrote a letter from the Hermitage on the 27th March, 1845, while he was almost in extremis, but he still had that vitality which hung about his reputation and the grandeur of his character and made him quick and alert in every matter which concerned his personal or his political history. He said, addressing Commodore J. D. Elliott:

Your letter of the 18th instant, together with the copy of the proceedings of the National Institute, furnished me by their corresponding secretary, on the presentation by you of the sarcophagus for acceptance on condition it shall be preserved and in honor of my memory, have been received, and are now before me.

That is not the point I wished to read. However, I will insert that letter in the RECORD [illegible] appropriate place. What I

wanted to read was General Jackson's refusal to accept from the Government of the United States certain powers that they wanted to confer upon him in Florida. Here is what he said:

I am clothed with powers which no one under a republic ought to possess, and which I trust will never again be given to any man. Nothing will give me more happiness than to learn that Congress, in its wisdom, shall have distributed them properly and in such a manner as is consonant to our earliest and deepest convictions.

When powers were given to him as a ruler in the Floridas which he thought were inconsistent with the laws and Constitution, the institutions and spirit of the United States, he declined to exercise them, and recommended to Congress that they would never again attempt a matter like that. It is with the utmost pleasure that I quote the statements made by that eminent statesman and lawyer, and that true American citizen, that lover of the independence and the Constitution of his country, when declining powers that the Government of the United States tendered to him as a ruler in Florida.

I would be glad to-day, sir, that the President of the United States would do justice to his own character and to his own political career by saying to the Senate of the United States, "I decline to accept at your hands the powers you propose to confer upon me in the Philippines." But instead of that his friends and supporters and partisans are here making this terrible demand upon Congress, making it upon an appropriation bill as a rider, making it under circumstances which means that if you do not pass this Philippine resolution or amendment and with it the Army appropriation bill you shall be gibbeted before the world as unpatriotic men who are unwilling to supply their Government with money for the carrying on of the war in the Philippines or in China, or for military operations in those countries, or in Cuba, or in Porto Rico.

I wish I could to-day realize that the President of the United States would rise up and rebuke the men who are trying to confer upon him powers that violate the Constitution of the United States. Suppose that they are simply doubtful, what business has a President of the United States to exercise doubtful constitutional powers bearing upon great measures like the rule of 10,000,000 of people in the Philippines and the disposal of the destiny of Cuba? How can he dare to approach a subject of this magnitude without a tremor, such as a grand, supreme Executive must feel when the ground under him trembles in doubt, and when the people are in consternation at the thought that he is about to grasp a new scepter of power, and we now about to pass through our coronation.

It takes place next Monday. He is to participate in that and become the honored object of that vast and beautiful pageant which is to sweep through the streets of Washington, in which the acclaim of the American people will be devoted in a large measure to a eulogy upon the character of Mr. McKinley, as it has been established in four years of executive administration, but in a still higher and more triumphant eulogy upon the institutions of our country, which preserve the liberties of the least as well as the greatest without touch or contamination.

In that pageant, Mr. President, the power behind the throne may ride in the carriage with the power of the throne—I do not know—but if the power behind the throne exhibits itself with the words of this statute written upon its banner it will receive the just and contemptuous scorn of a free and enlightened people. Not even the President of the United States can save that power behind the throne from the condemnation that is as sure to rest upon it as death is the doom of every man in this Chamber.

Mr. President, I now turn to this new astonishing phase of this measure, the other wing of this amendment to this bill—the Cuban question.

Mr. WOLCOTT. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Yes, sir.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. Mr. President, the Senator from Alabama has kindly consented to yield to me for a few moments while I present the conference report on the Post-Office appropriation bill, which may lead to a very short discussion, I think, for which I should like to ask the consideration of the Senate.

The PRESIDENT pro tempore. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, and 8; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of amendment numbered 11, lines 19, 20, and 21, page 2, and lines 1, 2, 3, and 4, page 3, of said amendments and insert in lieu thereof:

"When any publication has been accorded second-class mail privileges the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested."

And the Senate agree to the same.

As to amendments numbered 2 and 3 the conferees are unable to agree.

E. O. WOLCOTT,
WILLIAM E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

E. F. LOUD,
GEORGE W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. WOLCOTT. Mr. President, the conferees of the House and the Senate upon the Post-Office appropriation bill have agreed upon all of the eleven points of difference with the exception of two. There are two amendments to the bill inserted by the Senate to which the House conferees decline absolutely to concede or to yield. We have been for many hours in consultation and deliberation, and it has become my duty, as the conferees on the part of the Senate stood by the amendments of the Senate, to report the amendments to the Senate, and ask the Senate what action we shall take.

The two amendments were both introduced by the Senator from North Carolina [Mr. BUTLER]. The presentation of one of them was cut short by my at once accepting the amendment, believing at the time I accepted it that there would be no objection to it. I had hoped and believed that the amendment would be accepted by the House. The first of the two amendments is this:

For the experiment in cities, towns, and villages not now free-delivery offices of the delivery of mail through mail repositories or compartment boxes, including the cost of the boxes, repository, and salary of person to serve such box or repository, $30,000.

The contention—I believe I may state it without impropriety—of the House conferees has been that this was new legislation; that it committed the Government to an experiment, at least, upon a new measure and a new movement that, if carried out, would eventually cost the Government from fifteen to twenty million dollars a year.

We have now the carrier system in all cities of over 10,000 population or where the revenues of the post-office exceed $25,000 a year. We have appropriated this year $3,500,009 for rural free mail delivery, increasing the appropriation over last year $1,750,000, which service extends to people living, not within incorporated towns, but in farm houses and isolated places, a free delivery of their mail. The Post-Office Department reports the experiment a great success. But that leaves out of the enjoyment of the advantages, if they are advantages, of free mail delivery people who live in hamlets and unincorporated towns and municipalities with less population than 10,000 and with a less post-office income than $25,000 per annum. It is to meet an experiment as to this delivery that the amendment was introduced by the Senator from North Carolina.

The House conferees contend that the pressure for this is not from communities, but from holders of patent post-office boxes who desire that in towns of a shoe-string character, where the street is long or the road is long, and it is some distance in muddy weather to go to the post-office, and not always wholly convenient, that there shall be 20 or 30 boxes bunched or grouped together, with access by a key to all of them by the mail deliverer or carrier, and the rental of the boxes to the different people residing in that end of the place. It is contended that this would be a great convenience to the people who do not desire to go to the post-office for their mail, which may be some hundreds of yards distant.

That is the contention of the House, added to which is their contention that it is general legislation upon an appropriation bill, and that the Senate should not insist upon it if the House refuses to take it. I may say the House conferees were very strenuous in their opposition to this amendment.

The other amendment is as follows:

With a view to securing the transmission through post-offices and over post roads of communications by electricity, the Postmaster-General is hereby authorized and directed to investigate the cost of establishing, as a part of the postal service, a postal telegraph connecting all post-offices in incorporated towns and cities, and connecting therewith all remaining post-offices either by telegraph or telephone, and to report at what cost the Post-Office Department could furnish such increased service to the public and make this department of the postal service self-sustaining.

The contention of the House conferees, unanimous and strenuous, to this amendment is that it is new legislation, that it calls upon the Postmaster-General to give an estimate, which no man living could give unless he might be enlightened by an extended report of a duly authorized commission which would collate the facts, and that it simply stands as a notification to the world that the Government eventually intends to take over to its own uses the telegraph and telephone systems of the United States and apply them to postal purposes. The House conferees decline, therefore, to yield to our contention that this should go upon the appropriation bill. The amendment carries no appropriation with it.

On the other hand, the Senate conferees, led by the Senator from

North Carolina, who is a member of the committee, who introduced the amendment, and who very ably presented it to the conferees, contended that it is of the utmost value that in country post-offices there should be a constant communication by telephone with other offices by which information could be conveyed, and in which, instead of mailing letters, a man in one of the fourth-class post-offices who desired to communicate with another fourth-class post-office some distance away could, by giving the postmaster in the sending office a stamp of a certain sum, call up his customer or his correspondent at the other end of the long-distance telephone and convey his information by telephone.

The Senator from North Carolina also contended that on other matters, meteorological and otherwise, the amendment was of the greatest value; that fourth-class postmasters could give early notice of impending frosts and other circumstances which might develop in the weather, which would convey valuable and important information to other rural communities. But the House conferees refused to accept this view and, as I say, were unanimous and strenuous in their opposition to both amendments.

We have reached agreements, except as to these amendments, and the bill is ready to be reported as soon as these differences can be reconciled. The Senate conferees feel bound to loyally stand by the Senator from North Carolina in his able presentation of the reasons which impelled him to introduce the amendment, and we come back now to the Senate to ask the Senate to determine for us whether we shall recede or whether we shall go back to our conference room and again insist that the House must accept upon this bill the Senate amendments.

Mr. CHANDLER. I move that the Senate insist upon its amendments; and I wish to say a few words only in reference to the principal amendment upon which there is disagreement. That amendment simply directs the Postmaster-General to make an estimate of the cost of establishing, in connection with the Post-Office Department, a postal telegraph, utilizing also for postal purposes the telephone. It was originally proposed by the Senator from North Carolina [Mr. BUTLER] to have the Postmaster-General make an investigation. That is the way the amendment stands as adopted by the Senate; but the conferees have agreed to substitute for that proposition merely a direction to the Postmaster-General to make an estimate, to be submitted to Congress at the next session as to the cost of a postal telegraph system.

Mr. President, it does not occur to me that there is any objection to that. I can not conceive that there is any reasonable objection, at any rate. The Senator from Colorado [Mr. WOLCOTT] states that the House objection is that adopting a direction of this kind to the Postmaster-General is an intimation that Congress wants to consider the subject of a postal telegraph, and that the idea prevails in Congress that such a system of postal telegraph, in connection with the post-office service, might be desirable. That is true, Mr. President, but it is not a violent intimation, and I do not believe that the Senate will think that we are unreasonable in simply asking the Postmaster-General to submit to the Senate an estimate of the cost of establishing a postal telegraph.

Senators will please remember that, under the general telegraph law, the United States has now the right to take possession, at a valuation, of all the telegraph lines in the country. The Senator from North Carolina has the law——

Mr. BUTLER. In that connection, for the information of the Senate——

Mr. CHANDLER. And either now or when he speaks himself, the Senator will read that law.

Mr. BUTLER. Very well; I will read it after the Senator concludes.

Mr. CHANDLER. There it stands, Mr. President—the reserved right already established by a law of the United States to take all the existing telegraph systems at a valuation and make them a part of the postal service. This amendment simply proposes to ask the Postmaster-General to submit to Congress an estimate of what such a system would cost. It does encourage the idea that there may at some time be a postal telegraph in connection with the Post-Office Department. I, for one, am in hearty accord with the Senator from North Carolina in desiring that the Postmaster-General shall perform this duty, not making an expensive investigation, not spending any money whatever in making the inquiry, but that from the best data he has before him, or may be able to obtain without the expenditure of public money, he shall submit to Congress an estimate of the cost of a postal telegraph. Therefore, I hope the Senate will insist on the amendment, and that there will be another conference on the subject.

Mr. BUTLER. Mr. President, the matter in controversy has been so fully and fairly stated by the chairman of the committee [Mr. WOLCOTT] and the Senator from New Hampshire [Mr. CHANDLER] that it is unnecessary for me to make any extended remarks.

There is really no dispute on the first amendment, on extending free delivery, because the conferees agreed to a substitute, which will be brought in when we reach a final agreement for requiring the Postmaster-General to investigate and report as to the feasibility of extending the free delivery of mail to towns and villages and the best methods, without giving him any specific direction and without making any appropriation. He is to make a report to the next session of Congress. That is really not a matter of controversy, because we have agreed unanimously in the conference committee on that point.

The other matter, which is really the hitch, is a very simple one. The only objection that the conferees of the other House made to the amendment calling for information—for that is all it calls for—was that it might be considered a declaration, or at least an intimation, that the Government intended to establish as a part of the postal system a postal telegraph and telephone. Mr. President, every bridge bill which is passed carries that intimation. There is not a bridge bill passed in this body that does not contain a paragraph to the effect that the Government reserves the right to use that bridge for a postal telegraph if the Government should ever establish such a system.

Further than that, here in the permanent statutes of this Government, being chapter 230 of the laws of 1886, is a general telegraph law which provides that every telegraph line built under that law shall be built with a notice and with a condition that the Government can take all of such lines for military purposes or postal purposes or any other purposes at a fair appraisement at any time. So every telegraph line that has been built has not only been built with that notice, but with a written contract in which that reservation has been put into the contract under the provisions of this law.

Therefore, there is absolutely nothing in this question that is an intimation in advance that the Government is going into such a policy. Here is the permanent law that makes the declaration as to every telegraph line that is built the company has to sign a contract containing such a provision, and this amendment simply asks for an estimate from the Postmaster-General as to the cost of putting that law into operation if the Government should at any time see fit to do it. That is all there is in it.

Mr. President, in this connection, while not bearing on this amendment, I will take just a moment to say—and I will be as brief as possible, for I do not want to take unnecessarily the time of the Senate—that as I read the Constitution it is the imperative duty of Congress to use electricity for the rapid transmission of information. The same clause of the Constitution of the United States (Art. I, sec. 8) which empowers Congress to declare war, raise and support armies and a navy, to coin money, regulate commerce, and borrow money on the credit of the United States, includes the provision to "establish post-offices and post-roads."

If that is not an exclusive duty conferred upon Congress, then there is not one in the whole instrument; and I believe to-day that Congress is acting in an unconstitutional manner when it does not exercise that power and establish a postal telegraph and telephone. I believe it is just as unconstitutional for us to allow a part of the communications of the Government to be carried by private individuals as it would be to allow a part of the money coined to be coined by private individuals, or allow private individuals to raise one-half of our Army and support it. Indeed, the power of Congress is exclusive; therefore it is unconstitutional for this most important part of the postal service to be in the hands of a private monopoly.

There can not be any getting around this. Practically the Supreme Court has so held in 96 United States Reports, an extract from which decision is as follows:

> The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new development of time and circumstances. They extend from the horse, with its rider, to the stagecoach; from the sailing vessel to the steamboat; from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth.

This was a unanimous decision of the court.

This same view was held by John C. Calhoun, who was the strictest of strict constructionists. He held that the power of Congress over the transmission of information was an "exclusive power."

Mr. Justice Brown, of the Supreme Court, in a leading article in the August Forum for 1895, said:

> If the Government may be safely intrusted with the transmission of our letters and papers, I see no reason why it may not also be intrusted with the transmission of our telegrams and parcels, as is almost universally the case in Europe.

Mr. Sherman, who was then a Senator from Ohio, in a speech in Congress held that it was the duty of Congress to take charge of the telegraph system, and he discussed the question at some length. Among other things he said:

> I should rather, also, in this connection, consider one other subject of infinitely greater importance than even this proposition (to reduce postage), and that is whether the time has not arrived in this country when the Government should assume to convey intelligence by electricity; not the management of the present telegraph lines, but when we should transmit through our post-offices and our post-roads communications by electricity, by wires

constructed by the Government itself. The Government of the United States might duplicate all the wires and all the means of transportation by electricity for about $20,000,000 or $25,000,000.

If, therefore, we wish to do an actual good to our people; if we wish to confer upon them an enormous benefit, we should assume that which we have a right to assume as a part of the postal service of the country, the transmission of intelligence by electricity. In that way, by the expenditure of probably $15,000,000 or $20,000,000, we would save to the people of the United States $10,000,000 a year and increase our revenue. This has been done by other countries situated in that connection no better than ourselves.

In a speech on the floor of the Senate, January 20, 1883, Senator Edmunds said:

What the United States, in regard to its postal affairs and the welfare of its people, needs more than anything else is the construction of a postal telegraph, beginning moderately between great points in the country and all intermediate points, and then extending it, just as we have the mail system, as the needs of the community and fair economy would require, until every post-office should have or be within the reach of a postal telegraph.

But I beg the stock operators in New York not to suppose that I for one am in favor of the United States buying out any telegraph company anywhere. I am in favor of the United States building its own postal telegraph and managing it in its own way, and leaving the gentlemen who are engaged in private pursuits to pursue their operations in their own way as private pursuits.

We introduced into the postal system not long ago a provision for carrying merchandise, but we did not think it necessary to buy out the operations of the Adams Express Company, or the Southern Express Company, or the Union Express Company, or the United States Express Company, and so on, although what we did very seriously diminished their profits and impaired their business. Everything that the United States does operates in that way upon the interests of its private citizens—everything except the appropriation of money directly.

In 1888 the Committee on Commerce said:

1. That the time has arrived when the Government should construct and operate a postal-telegraph system as a branch of its postal service.
2. That the service will undoubtedly be self-supporting.
3. That the Government has the right to build and operate telegraph lines under the jurisdiction of its Post-Office Department.

In this connection Professor Ely says:

We find that, after long years of experience, practically the whole civilized world except the United States has decided in favor of the public ownership and management of the telegraph. Nowhere has it been found that there is any political objection to public ownership and management. The experience of monarchical and that of republican countries tells the same tale.

Henry Clay made the danger of private ownership an emphatic part of his splendid plea for a national telegraph in 1844. He said:

It is quite manifest that the telegraph is destined to exert great influence on the business affairs of society. In the hands of private individuals they will be able to monopolize intelligence and to perform the greatest operations in commerce and other departments of business. I think such an engine should be exclusively under the control of the Government.

Thus we see that Henry Clay held that it was the duty of the Government to establish a postal telegraph. Cave Johnson, the Postmaster-General at the time, held that that was the duty of the Government, and Congress so declared, practically, when it reserved this right and when Congress passed this law. The law to which I refer is chapter 230 of the acts of 1866. This law provides that the Government can now, and all the time has had the right to, take charge of all the telegraph lines or establish an independent system as a part of the postal system.

In short, in every country save ours alone the power of the monopoly has failed to maintain a system so unconstitutional and so opposed to the best interests of the public. Hence, in every country except ours the telegraph and telephone are constituent parts of the post-office, with the double result that the post-office facilities of the telegraph and telephone are extended to the country post-offices and the postal revenues show a profit instead of a loss. Notably Great Britain, which has most widely extended the use of the telegraph and telephone as a part of its post-office, shows a large annual profit from its post-office, instead of a deficit, which was usual before the telegraph and telephone were added to that department by Mr. Gladstone in 1870.

Judge Walter Clark, of the supreme court of North Carolina, in a recent magazine article discussing the postal telegraph in England, says:

As taxes upon the diffusion of intelligence among men and deficiences in the postal service affect everyone, I condense the following from the official report on the workings of the Government telegraph in England made to our Government by the United States consul at Southampton, England, and printed in the last number of the Consular Reports. He says:

On January 29, 1870, all the telegraphs in the United Kingdom were acquired by the Government from the corporations which had previously operated them, and thenceforward became an integral part of the post-office. The English people owed this great measure in their interest, like so many others, to Mr. Gladstone, who bore down all opposition from the companies, who were making big profits. Till then the districts paying best had ample service, though at high rates (as is still the case with us), while whole sections off the lines of railway were destitute of telegraphic facilities.

The Government at once extended the telegraph to all sections and reduced the rate to 1 cent a word. The following is the result: In 1870, under private ownership, 7,000,000 individual messages and 22,000,000 words of press dispatches were annually sent. Now that the telegraph is operated by the post-office, the annual number of individual messages sent is 70,000,000 (ten times as many), and over 600,000,000 words of press dispatches (thirty times as many) are used. This at a glance demonstrates the overwhelming benefit to the public of the change and their appreciation of it.

The press rates have been reduced so low that every weekly country paper can afford to print the latest telegraphic dispatches as it goes to press, and a telegraph or telephone is at every country post-office. In London the telegraph has largely superseded the mail for all the small and necessary details of life—to announce that you are going to dine at a certain house, or to inform your wife that you are detained on business and not to keep dinner waiting, and the like—over 30,000 telegrams being sent daily in that city alone.

The following is quoted from the consul, verbatim:

"The service is performed with the most perfect punctuality. It is calculated that the average time employed to-day in the transmission of a telegram between two commercial cities in England varies from seven to nine minutes, while in 1870 (under private ownership) two to three hours were necessary.

"The rate of 1 cent a word includes delivery within the postal limits of any town or within 1 mile of the post-office in the country. Beyond that limit the charge is 12 cents per mile for delivery of a message. The telegraph being operated as a constituent part of the postal service, it is not possible to state how much profit the Government receives from it, but the English Government does not consider that it should be treated as a source of revenue. It regards it a means of information and education for the masses and gives facilities of all kinds for its extension in all directions."

This unbiased and impartial report, officially made to our Government, is worthy of thought and consideration. It may be added that in every civilized country except this the telegraph has long since been adopted as one of the indispensable agencies of an up to date post-office department. Even in half-civilized Paraguay (as we deem it) they have better postal facilities than we, for the post-office there transmits telegrams at 1 cent a word and rents out telephones at $1 per month.

At present, owing to high rates, 46 per cent of all telegrams in this country are sent by speculators (who thus get an advantage over producers) and only 8 per cent are social or ordinary business messages. In Belgium, where the Government rate is less than 1 cent per message, the social and ordinary business messages between man and man are 63 per cent of the whole. Figures could not be more eloquent as to the vast benefit this confers upon the great mass of people, who bear the bulk of the burdens of any government and receive so few of its benefits. With the telegraphs and telephones operated by our Post-Office Department at moderate rates, say 5 or even 10 cents per message, a similar change would take place here. Individual and news messages would increase tenfold to thirtyfold, as elsewhere—probably more—and the monopoly now held by speculators would cease.

The average telegraph rate now charged in this country, by the reports to Congress, is 31 cents per message—three times the average rate in all other countries under post-office telegraph service; and experts say that our Government could probably afford, with the vast increase of business, a uniform rate of 5 cents, as the average cost of a message is about 3 cents. According to experts, the telegraph plants now in use could be superseded by the Government with a superior plant at $15,000,000, while the present corporations are strangling commerce to earn heavy dividends on a watered stock of over $150,000,000.

According to English experience the transfer of the telegraph to the Post-Office Department would result in (1) a uniform rate of 10 cents for 10 words between all points, or possibly less; (2) an increase in individual messages of at least 10 for every 1 now sent; (3) an increase in press dispatches of 30 words or more for every 1 now sent; (4) a popularization of the telegraph for all uses, social or business; (5) an increase in the promptness of delivery, the average there being now seven to nine minutes as against two to three hours formerly; (6) no section would be destitute, but at each one of our 70,000 post-offices there would be a telephone or a telegraph. By adopting the telephone at most post-offices instead of the telegraph the increase in the number of post-office employees would be inconsiderable.

The vast influence of the great telegraph monopoly can be used for political purposes by coloring news and in other more direct ways. When the telegraph service is made a part of the post-office and placed under civil-service rules and subject to the direct force of public opinion, the experience in other countries has been that it exerts no more power on party politics than the army or judiciary. Originally the telegraph (in 1845) belonged to the post-office. When it was abandoned to private corporations on account of its supposed expense, Henry Clay, Cave Johnson, and other leaders of both parties had the foresight to foretell the mischief done in abandoning an essential governmental function to private monopoly.

To prevent this great benefit being given to the masses and to preserve to consolidated capital the control of the most efficient avenues of intelligence, with the great advantages thus given that element in addition to the enormous tolls it can thus levy on the rest of the nation, there is practically only the inexorable will of one powerful and exacting corporation which has fastened itself on the body politic. It is the oldest trust in this country. It is the pioneer on which so many others have been patterned. It is the most burdensome because its oppressive tolls restrict communication between men and levy a tax on knowledge. It is illegal, since the Constitution requires Congress to establish the post-office, to leave this most essential function of a modern, up to date postal service in the hands of private corporations.

The telegraph is a source of gigantic emoluments to these corporations, while the Government restricts its postal services to antiquated and more dilatory processes. It is no wonder that such a postal service is not self-sustaining and shows an annual deficit while the telegraph companies pay enormous dividends. In other countries, where the telegraph is a part of the post-office, that department shows annual profits; but the monopoly fastened on us is intrenched in the sympathy of all other trusts. It has the support of the large city dailies (all owned by large capitalists) who fear the competition of dailies in small towns and of the weeklies if news should become free, and its transmission cheaper over a Government postal telegraph.

It is backed by the powerful lobby which it constantly maintains at Washington, paid out of the excessive telegraphic rates still exacted in this country alone out of a long-suffering and too patient people. And not least, it is said that it distributes franks to every Senator and every member of Congress. How many accept these favors and how many are influenced by them no one knows except the corporation officials, but that they do know may be seen from the fact that tenders of such favors have not ceased.

Mr. President, that goes to the merits of the question, which I do not wish to discuss further at this time because we are not now discussing the question of the postal telegraph, but I simply make this statement to show you how pertinent this amendment is which asks the Postmaster-General to make us an estimate as to what it would cost to carry that law into effect. That is all. Congress certainly can not be afraid of the information. It is a simple matter. I do not think it needs further discussion, and without taking further time I ask for a vote on the motion of the Senator from Colorado.

Mr. BUTLER subsequently said: I request that chapter 230 of the act of 1866, to which I referred in my remarks on the conference report a few moments ago, be included in the RECORD as a part of my remarks. It is short.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

The chapter referred to is as follows:

An act to aid in constructing telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any telegraph company now organized, or which may hereafter be organized, under the laws of any State in this Union, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided*, That such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding 40 acres for each station, but such stations shall not be within 15 miles of each other.

SEC. 2. *And be it further enacted*, That telegraphic communications between the several Departments of the Government of the United States and their officers and agents shall, in their transmission over the lines of any of said companies, have priority over all other business, and shall be sent at rates to be annually fixed by the Postmaster-General.

SEC. 3. *And be it further enacted*, That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however*, That the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 4. *And be it further enacted*, That before any telegraph company shall exercise any of the powers or privileges conferred by this act such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by this act.

Approved July 24, 1866.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] has moved that the Senate further insist upon its amendments disagreed to by the House and ask a further conference with the House.

Mr. WOLCOTT. Mr. President, I do not know whether or not I should ask for the yeas and nays upon this motion. I am not disposed to do it, and unless some other Senators think it should be done. I am willing to have the instructions of the Senate on a viva voce vote.

The PRESIDENT pro tempore. The motion before the Senate is that the Senate insist upon its amendments and request a further conference.

Mr. WOLCOTT. I call for a vote upon that motion.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER were appointed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

Mr. DANIEL. I offer an amendment to the Army appropriation bill, which I ask to have printed and lie on the table.

Mr. MORGAN. Let it be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert after line 10, on page 19, the following:

Provided, That no officer of the Army, whether regular or volunteer and whether in or out of the United States, shall receive by executive or military authority or otherwise any pay or allowance whatsoever than such as is provided for by statute law; and any such officer who shall be convicted by court-martial of violation of this provision of law shall be dismissed the service.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. ALLEN. Mr. President, I have no intention of discussing this bill at any length.

The PRESIDENT pro tempore. Has the Senator from Alabama yielded the floor?

Mr. MORGAN. I consented to yield for five minutes, I believe it was.

Mr. ALLEN. The Senator yields to me?

Mr. MORGAN. Yes.

Mr. ALLEN. Mr. President, I have no desire or purpose to discuss this bill at any length. That the amendments offered by the Senator from Connecticut [Mr. PLATT] and by the Senator from Wisconsin [Mr. SPOONER] are clearly in violation of the Constitution, I have no doubt. I do not think it is possible for Congress to confer upon the President of the United States or upon any other person or any body of persons all of the executive, legislative, and judicial power of this Government, in so far as they may exercise it over the Philippine Archipelago or over any other territory subject to the jurisdiction of the United States.

The Army and the Navy, Mr. President, constitute the armed force of the United States. They are intimately connected; each is indispensable to the Government, and each is indispensable to the other. We have had occasion very recently to discuss the conditions existing at the Military Academy at West Point, and this morning I desire to call the attention of the Senate to an article appearing in the Star of last night, comprising a letter from Charles Morgan, a gunner, to Admiral Sampson, asking for promotion from his present position to that of ensign in the Navy. I desire to read the letter of Morgan and the comments or indorsement of the Admiral. This is the letter of Charles Morgan, gunner in the United States Navy:

UNITED STATES TORPEDO STATION,
Newport, R. I., February 13, 1901.

DEAR SIR: The new bill whereby 6 gunners are to be commissioned ensigns tempts me to write you, trusting you will pardon the liberty I take in so doing.

As I served on the flagship *New York* during your command of the fleet, you will know whether my abilities, whatever they may be, are of such merit as to warrant me in filling the position of ensign. I would say here that I never use tobacco or liquor in any form.

If, in your estimation, I am worthy of this position, I should be most grateful to you if you will recommend me to the Department.

I am, very respectfully, yours,

CHARLES MORGAN,
Gunner, U. S. N.

Admiral WILLIAM T. SAMPSON,
United States Navy.

This letter was indorsed by Admiral Sampson and forwarded to the honorable Secretary of the Navy, as follows:

NAVY-YARD,
Boston, Mass., February 14.

Indorsement 1. Respectfully forwarded to the Navy Department for its consideration.

2. Mr. Morgan has good professional ability. He also has, which distinguishes him from most other warrant officers, a gentlemanly bearing. If he were to be commissioned as an ensign, he would probably compare favorably, both professionally and in personal conduct and bearing, with other officers of that grade, as far as his technical education would permit.

3. It is earnestly to be hoped, however, that the Secretary of the Navy will not find it necessary to take advantage of the authority which I understand is to be granted him to appoint a certain number of warrant officers to the grade of ensigns.

While it is true that these men are selected from a large class of men of very unusual ability, which distinguishes them as perhaps the professional equals of their officers as far as their technical education stands, it is also true that they are recruited from a class of men who have not had the social advantages that are a requisite for a commissioned officer.

It is submitted that in time of peace the Navy's function consists, to a certain extent, of representing the country abroad, and it is important that the Navy's representatives should be men of at least refinement. While there are, perhaps, a certain few among the warrant officers who could fulfill this requirement, I am of the opinion that the vast majority of them could not.

CONSEQUENCES MIGHT NOT BE CREDITABLE.

Once they are commissioned they will have the same social standing as other officers, and no distinction properly could be made in extending general invitations. The consequences that would arise from their acceptance might not redound to the credit of the Navy, or the country which the Navy represents.

I do not mean to detract from the sterling worth of the warrant officers of the Navy; I merely mean to suggest to the Department that, unfortunately for them, they have been deprived of certain natural advantages, and in consequence their proper place is that of leading men among the crew, and not as representatives of the country in the ward-room and steerage.

4. I request that this may be brought to the personal attention of the Secretary of the Navy.

W. T. SAMPSON,
Rear Admiral, U. S. N.

Mr. President, I suppose this letter is genuine. I do not know whether it is or not. I take it, however, that it would not appear as it does in this paper or in any other paper unless it is a correct transcript of the indorsement of Admiral Sampson on the letter of Gunner Morgan. This proves beyond the shadow of a doubt what I have always supposed and what I have always contended, that there is a snobbish aristocracy in both the Army and the Navy that is detrimental to the public service and a disgrace to the country represented by these and other like officers.

That Gunner Morgan has the requisite education, the requisite personal bearing, whatever that may be, is not denied by the Admiral; in fact, he goes on to say that he would compare very favorably in his knowledge of his profession and in his gentlemanly deportment with those who are especially educated for this particular branch of the public service; and yet because Gunner Morgan was not born under an auspicious star, because he comes from the ranks of the plebeians, if I may so speak, the Admiral thinks that the Secretary of the Navy would be warranted in debarring him of the privilege of promotion on account of his birth.

If William T. Sampson is the author of that indorsement he is a conceited ass, and he ought to be so marked down in the world. [Manifestations of applause in the galleries.] We are not rearing in this country a race of snobs. If I am correctly informed, there was a time when Sampson was no better, if as good, as Morgan, the gunner. He comes from no better stock, and I am glad to

say, as a rule, that the true aristocrat, not the brass-jeweled aristocrat, is a man who is considerate of the feelings and of the worth and of the merit of the people whom he may regard as inferior to himself. Is it possible that a great admiral of the Navy of the United States would speak in disparaging terms of a young man like this gunner Morgan, as Sampson has spoken of him here?

Mr. President, if a man is debarred the privilege of an education in the Military Academy or in the Naval Academy is he to be forever stamped with the seal of inferiority, and may the time never come when through gentlemanly deportment, through education, through adaptibility, and through heroic service he may receive the rewards of his country by promotion? And yet if this rank and arrant coward—for a man is a coward who would put that indorsement upon a letter—is to be believed, and if the course he recommends is to be pursued, the time will never come in the history of this country when a poor boy, struggle as he may, meritorious as he may be, can rise to the honor and dignity of a position worthy of his talents and education.

Mr. MORGAN. Mr. President——

Mr. ALLEN. I want to stand here and condemn this thing in the severest possible language I can use, and I want to say to Sampson and his friends that I am responsible for what I say.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. CHANDLER. I wish to make a few remarks in reply to the Senator from Nebraska.

Mr. MORGAN. I had no idea that there was to be any discussion as between Sampson and Schley on the pending bill. Is there any amendment in this bill——

Mr. CHANDLER. The Senator from Alabama allowed a speech to be made, and I should like to say a few words.

The PRESIDENT pro tempore. No Senator can obtain the floor and portion out the time to other Senators to make speeches and still hold it.

Mr. MORGAN. Mr. President, the next branch of this question which I wish to discuss——

Mr. CHANDLER. Mr. President, I claim recognition.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. CHANDLER. I ask the courtesy of the Senator from Alabama to allow me to reply to the Senator from Nebraska. I hope he will not refuse.

Mr. MORGAN. I have not heard what the Senator from Nebraska said. If he said anything personal to the Senator from New Hampshire——

Mr. CHANDLER. I have heard what he said, and I want to reply.

Mr. MORGAN. Is it personal to the Senator from New Hampshire?

Mr. CHANDLER. No, sir; but personal to Admiral Sampson.

Mr. MORGAN. I beg pardon. I should rather the Admiral should be relegated to a time of war instead of a time of peace.

Mr. CHANDLER. Does the Senator decline to allow me to speak?

Mr. MORGAN. Yes, sir.

Mr. CHANDLER. Mr. President, I claim the right to speak.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Alabama.

Mr. CHANDLER. I think the Senator from Alabama had better let me speak a few words.

Mr. MORGAN. I do not propose to lose the floor upon this measure in order to accommodate any friend or any gentleman. I do not think it is required.

Mr. PETTIGREW. I shall desire to reply to the Senator from New Hampshire, if he is allowed to speak on this question.

Mr. CHANDLER. Nothing would delight me more than to have the Senator do so, but I want him to do it after I have spoken. The Senator from Alabama is aware that he allowed quite a long speech to interrupt his speech. It destroyed the continuity of his speech, and it will not destroy it any more if he will allow me to say a few words in reply to the Senator from Nebraska.

Mr. MORGAN. And then the Senator from South Dakota and I do not know who else will wish to speak.

Mr. STEWART. Several others.

Mr. TELLER. Several others.

Mr. STEWART. There will be several others if the Senator from New Hampshire speaks.

Mr. CHANDLER. Does the Senator from Alabama decline?

Mr. MORGAN. I have declined. I do not wish to be abrupt about it, but I wish to hold the floor.

Mr. President, the second amendment is one which presents the most important question that has yet come before the Congress in my recollection in reference to our foreign relations, our relations arising under the treaty of Paris. I enter upon a discussion of that amendment with apprehension and with timidity, for the reason that it may be that even what I may say may have some disadvantageous influence upon the minds of people in Cuba or perhaps upon the minds of the people of the United States, and I think no Senator will venture to discuss this amendment without feeling the same apprehension. I will ask the Secretary to read, so as to have inserted in my remarks, the amendment, in order that the Senate may get a clearer idea of it, and I may, too.

The PRESIDENT pro tempore. To what amendment does the Senator from Alabama refer?

Mr. MORGAN. The amendment reported by the Senator from Connecticut [Mr. PLATT] in relation to Cuba.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. On page 6, line 12, insert:

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Mr. MORGAN. The first question which arises in this matter is whether the action we are about to take is required by the treaty with Spain, or whether it is required by a joint resolution of the two Houses of Congress. This amendment refers to the joint resolution as the basis and foundation of the action we are now about to take. The treaty of Spain was the result of a declaration of war, which is as follows:

First. That war be, and the same is hereby, declared to exist, and that war has existed since the 21st day of April, A. D. 1898, including said day, between the United States of America and the Kingdom of Spain.

Second. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry this act into effect.

The date mentioned in that act as the date at which actual war existed between the United States and Spain did not refer to any special event by the act itself, but we all understand that it refers to the sinking of the war ship *Maine*. That is the date at which actual hostilities are alleged to have commenced between the United States and Spain, and that event is the one upon which those hostilities are predicated as the act of war.

The joint resolution which we adopted on the 20th day of April, 1898, twenty days after that date from which war is said to have existed between Spain and the United States, was a joint resolution of the two Houses, which reads as follows:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by

the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

It will be observed that the war declared against Spain on account of all these things recited in the joint resolution was concluded and resulted in a treaty of peace, the Paris treaty, which contained this article:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

If we were to speak of the effect of Article I of this treaty without reference to the joint resolution which was adopted by Congress, we would find no difficulty in saying that the supreme sovereignty over Cuba had been as much and as thoroughly and fully ceded to us by this treaty as the sovereignty over Porto Rico or the Philippine Islands; for while it does not mention the transfer of the sovereignty, it confers upon the United States, to exercise at its own option, discretion, and according to its own judgment, occupation, under which occupation we have assumed to discharge obligations that may arise under international law, or that result from the fact of occupation, for the protection of life and property. That is as complete sovereignty over a country as can be stated, for the reason that there is no country in the world that has any right to make an objection to it. There is no organized people recognized by acts of Congress who have the right to make an objection to the manner in which we shall exercise, and the time for which and during which we shall exercise, the powers and be held to the responsibilities that devolve upon us by that first article of that treaty.

Now, whatever rights Cuba or the Cuban people may possess, whether they are actual, legal, or simply moral in respect of the United States Government, are not derived from that instrument at all. They have no recognized rights in that treaty, either as a body, a community, a body politic, or government. They have the rights of life, liberty, and property, and that is as far as that article of the treaty goes. But the political rights which are covered in the resolution of the two Houses of Congress are not mentioned in this treaty. One sovereign transfers its supreme jurisdiction by relinquishment to the next, the successor sovereign, without taking any notice of the Cuban people or the manner in which they are to be treated by the United States.

Spain did not go into those joint resolutions for the purpose of determining how we should treat Cuba, and consequently in the transmission of sovereignty there was no qualification of that sort upon the act of transmission, or the act of abandonment—if you please to call it such—or relinquishment, if you please to call it that.

So, in considering the questions now before the Senate we must address ourselves to the relations between Cuba and the United States, and between the United States and the outside world as the Government which has the right to control the relations of Cuba to-day, as to all the nations of the earth, and as to the people who are located there or the people who may go there as visitors, commercial men, or otherwise during the period of our occupation. The most prominent feature of this obligation on our part is to enforce all the rights that belong to all the people of the world who may be in Cuba with their persons or their property, according to the laws of nations.

We have assumed the obligation to do this thing. We have not left Cuba in an irresponsible position without a sovereign head and without a government, and no one at all liable for her or responsible for any wrongs that might be done there to the citizens of other countries. We have assumed the whole burden. It is ours, and it will continue to be ours so long as we choose to occupy it. We have said nothing in that about the pacification of Cuba or about the establishment of a permanent government. None of the questions that are brought forward by this amendment here are questions that grow out of the treaty relations between the United States and Spain, and a government foreign to Spain, foreign to the United States, foreign to Cuba in every possible sense has a perfect right to say to us, "You have assumed responsibility to us which continues until a certain time; that is to say, so long as we have people in that island who need your protection;" and that government has something to say about this business.

We are not left alone to judge of our relations and duties toward the people who may be found in Cuba by our will or caprice, leaving it when we please and abandoning it into the hands of anybody we please. If we had that privilege, we could wait until a moment of time when insurrection and strife of every imaginable character, attended with crimes that belong to a condition of insurrection or rebellion or mobocratic outbreak, existed, and then say to the nations of the world, "We leave your citizens and your property in the island of Cuba to the mercies of such a distracted community."

Now, Mr. President, what I am trying to determine is this: Whether our control in the island of Cuba under that treaty, that being the only instrument in existence that we find to describe what that control shall be, is in the nature of sovereignty. It must be in the nature of sovereignty, because it requires of the sovereign Government of the United States the performance of certain duties under the laws of nations, which duties we could not perform except as a sovereign power, duties that may require not merely judicial intervention, but which may require the intervention of the military arm of the Government of the United States. We can not escape from this responsibility to Christendom, because we have assumed it in this treaty. Neither can we be released or absolve ourselves from these responsibilities toward the people who may be in Cuba, whether they are natives or whether they are Spanish immigrants who have come from the peninsula since the time of peace, or whoever they may be.

In the amendments that are proposed we assume to assert that sovereignty over these islands. We can not legislate, as we are asked to do in this amendment, to confer these rights upon the Cuban people otherwise than as a sovereign possessing the right. When the Cuban people obtain the rights that are proposed to be guaranteed to them by the United States under this amendment, they have obtained them from the sovereignty of the United States. They are not mere waifs that have been lost and are floating about in unknown places and conditions waiting for the period of time when we may choose to give our assent to the Cuban people that they should duly exercise them, but they are rights that pass by the instrument, they are rights that pass by the amendment, they are rights that pass by the law, and only by the law, which we are about to enact.

So in every view of the question, whether you take the duties and obligations that arise out of the treaty or whether you take the proposition which is contained in this amendment, the sovereign Government of the United States proposes to a certain people or to a certain government yet to be instituted and ordained in Cuba what is here proposed to be turned over to them in the way of political power, autonomy, and government.

It occurs to me that the legislative branch of the Government of the United States in limine, in the beginning of this matter, has very little to do in dealing with this subject. It occurs to me that there is presented here a class of questions that the Constitution of the United States devolves upon the diplomatic functions of this Government, and that the recognition of a government in Cuba which is contained here upon conditions that can be made by the Congress of the United States or by the diplomatic power of the Government so as to give them the status of a free, sovereign, and independent country, and thereby capacitate them to treat with us, had better come after the terms of the agreement have been settled between the United States and Cuba by diplomatic action, and have been considered by that function of our Government which is diplomatic and which can not act by a bare majority, but must act by a majority of two-thirds.

I believe, sir, that the future destiny of Cuba, so far as her sovereignty and independence are concerned, is to depend upon the consent of the two-thirds vote of the Senate of the United States in ratification of some agreement or some compact between the United States and a recognized government there. I do not believe that the lawmaking power of the United States can do anything more than make a tentative proposition, which must be followed up and accepted by the Cuban government by an appeal to and an exercise of its treaty-making power. The operation of this amendment, if it should be carried into law, would be merely to enable the President of the United States, upon the performance of certain conditions which, in his opinion, would meet the requirements of this amendment, to recognize that in Cuba there was a government capable of treating, and after that recognition the government there would have to treat with the Government here through our treaty-making power, and it would require a vote of two-thirds of the Senate of the United States as a treaty-making power to consummate this arrangement.

Now, that is perhaps a question which is very debatable, but at the same time it is a question, and it is a serious question, and it is one that the act of Congress upon this appropriation bill can not foreclose. Congress can not make an agreement with a government in Cuba which it undertakes in part at least to create by a legislative act here. Suppose the people of Cuba have some imaginary sovereign power in that island, would it follow from such a condition as that, admitting it as strongly as you please, that

the Congress of the United States to-day would have no right to pass an act which should have its full operation and effect within the limits of the island of Cuba and which would control the destiny of those people?

They are subject to the power of Congress to-day, as far as our sovereignty is concerned, and we can enact laws, if we choose to do so, by which crimes will be punished, by which revenues will be collected, or anything of that kind. If we wish to do so, Congress has the power to enact these laws, so that the very moment of time they are signed by the President of the United States they shall be operative within the limits of the island of Cuba. We have already enacted one law in regard to Cuba, and that is a law for the rendition of fugitives from justice (I believe that is the ground they put it on), but, at all events, a law to send a man there and answer before a tribunal in Cuba for an offense against the government of what? Against the Post-Office Department of the United States.

I do not care now to go into that, but I want to call the attention of Senators to the proposition that in whatever we do here we ought not to undertake finally to foreclose this question by an act of Congress, but we ought so to provide as that by mutual authority of commissioners or otherwise both sides to this question can be heard. For us to-day to enact an iron rule which Cuba must conform to must necessarily be offensive to the pride of those men who feel that they have the right to govern in Cuba and that that is their country. We come at them with an ultimatum, not laid down after a discussion and presentation of their side of the case at all, but an ultimatum fixed in an act of Congress, which neither the President nor anybody else can escape from or deny, and they shall stand up now and subscribe to what we prescribe to you, or else what?

Now, what? We will continue to occupy the country; we will continue to preserve the peace; we will continue to preserve life and property; we will continue to hold our obligations to outside nations in respect of the conduct of the Cuban people toward their citizens. What is the result? What is the penalty? What is the end of this process of legislation that we are about to institute now? Who can execute it, and in what way? It amounts to either an assumption of authority over Cuba that implies an absolute right to govern them and compel them to submit to such terms as we prescribe, or else it amounts to nothing more than a mere tender of a diplomatic agreement to them, and shall there be a tender of an agreement of a diplomatic sort where they shall not be heard to question the rights that we insist upon or to dispute the justice of the ground we take?

The whole matter, Mr. President, is premature, and it is unwise, and it will lead to consequences of which we have now, I fear, no real conception. It is a dangerous attitude for the Government of the United States to take. Then they will ask us the question, and I make the answer to it here, Have you read the constitution of Cuba, formed by a convention which was assembled under an electoral law that was prescribed here by Gen. Leonard Wood, your governmental representative in the island of Cuba? Have you read it? No; we never have read it. Have you ever seen it? We have not seen it. Has it ever been officially communicated to the Congress of the United States? No; it has not. How have you arrived at your conclusion as to what you ought to force us to do until you see the attitude we have assumed, at least in that constitution, and are capable of judging of its wisdom and propriety?

I answer to Cuba to-day, we have seen none of it; we are working now upon our own judgment, our own forecast of the future; our estimate of your right. We are doing that despotic kind of an act which we would not do with a tribe of Indians in the United States. We have often judged what their destinies shall be and what they shall do without ever having consulted or sent an agent amongst them to find out through a talk what they claim that they desire.

Who has the power to rise in the Senate to-day and declare what Cuba is bound to accept or ought to accept in reason, or will accept? Nobody. This is an ultimatum, a legislative ultimatum to Cuba. Take this or die, for they can not resist. Take this and abandon your hopes of an independent, sovereign, autonomous government. Take this and lay your national and your race pride beneath the feet of the Anglo-Saxon and let him walk over you. You must stand and deliver. We make the exaction upon you through a solemn act of the Congress of the United States, and we leave nothing to be adjusted in the future except, perhaps, the mere terminology of the agreement, but in substance all the provisions that we here lay down to you must be adopted by you as conditions precedent to your expectation or your right to demand any sort of autonomy, independence, sovereignty, or freedom.

Then they will appeal to that academic declaration which we made in the joint resolution, which a man can scarcely read without either laughing or weeping. What is that? Before the war with Spain had actually been inaugurated, as a matter of fact before any guns had been fired except by the Cubans, and after we had refused to recognize the republic of Cuba under General Cisneros, that had a written constitution and a pretty well formed government—before any of these events, and in the presence of these events and of our action in that direction, we made the declaration:

Resolved, That the people of Cuba are, and of right ought to be, free, sovereign, and independent.

Well, were they free, sovereign, and independent at the time we made that famous declaration? That is why I say there is a time for tears or a time for laughter, according to the mood that a man may be in; whether he is in a mood of regret for his folly or in a mood of amusement for having been so ridiculous. "The people of Cuba are, and of right ought to be, free, sovereign, and independent." Mr. President, the first declaration in that series can not be proved by anything we can do hereafter, that they were at that time free, sovereign, and independent; and while I admit that the sentimental or, if you please, the moral duty which arises out of that declaration should guide us in our conduct hereafter in Cuba, I can not admit as a matter of fact that there was any truth in it at all. It was not true. Does it stand in the way; does it qualify; does it in any wise release us from the duties and obligations that we entered into with Spain, the sovereign whose recognition we completely confess in this treaty? Not by any means. It has no effect upon it.

Now, in the execution of the engagements that are contained in that treaty it is not necessary for us to repeat to the people of Cuba the words which are contained in that joint resolution. I do not care whether we do or whether we do not. I do not want to depart from them at all. Under that condition we went into Cuba and we found there an organized Cuban army, and we appealed to it. We furnished it with guns, uniforms, and provisions and put them to work fighting Spain, increasing the power of Gomez, Garcia, and other men who were engaged then in open hostilities with Spain, and had been in a state of war with that Monarchy for then five or six years.

We had refused to these same men who belonged to the army of Cuba a recognition of their independence or their autonomy or their existence as a power, either de jure or de facto, when we refused to grant to these Spanish people and the Cuban army or the Cuban government the rights of belligerency under a declaration of neutrality on the part of the United States. We had condemned them by the refusal to grant that privilege to such a condition as that they had no autonomy at all, either de facto or de jure. We treated them as a set of rebellious subjects of Spain, and when we declared war against Spain we declared war against every man, woman, and child in Cuba or elsewhere in the Spanish power or in the Spanish realm, making by law each one of the men who comprised and constituted the so-called republic in Cuba the national enemy of the United States. Does anybody deny that proposition? During all that war, and until the time peace was declared through the Paris treaty, every man, woman, and child in the island of Cuba that owed natural allegiance to the Government of Spain was declared a public enemy of the United States.

So, Mr. President, they were treated at the time the treaty was made. They were public enemies of the United States, and notwithstanding our resolution as to what they wanted and what we intended to do with that country in the event it fell into our hands as a result of the war, we were then making concessions to men who were our national enemies. We might just as well have made concessions to the people in Madrid, Catalonia, or anywhere else in the peninsula of Spain as to have made them to the people in the island of Cuba, for the reason that they all stood on the same ground precisely, and were all of them national enemies of the United States.

I am not mentioning this to get rid of the moral effect of our obligations, self-assumed, self-imposed, and to be self-executed, without any respect at all to the request of the people of Cuba or any faction there, and particularly of the faction in Cuba that we had refused to recognize as a government either de facto or de jure.

Now, let us see what these amendments do propose to the people of Cuba and let us see whether we have the power under our Constitution to do things that are required by this act.

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island,

That is a perpetual covenant, a perpetual obligation. No lapse of time will change it. There is no period for its determination, and there is no event upon which it is to be determined. It can never be determined as long as the United States Government has the power to maintain it own sovereignty and independence as a nation. The obligation runs along with our sovereignty, and we are never released from it, and it can not be taken away from us so long as we are a sovereign and an autonomous nation. That is the first obligation as to the length of time when this amendment of ours on Cuba is to extend. It—

Shall never enter into any treaty.

Now, can you imagine a country so bound to another that it

can never enter into a treaty with any foreign power upon any subject whatever, that is a sovereign power? It is a power under a suzerainty, and according to the terms of the agreement which creates that relation of suzerain it may be a protectorate. But unquestionably in either view Cuba is placed by that declaration in a position where she is not sovereign. So we would be obliged to admit to the Cuban people if they made the question.

Mr. President, the world has had a fresh and recent example of a great national and widespread catastrophe, growing out of such a relation as this between the Orange Free State and the Transvaal Republic and the Government of Great Britain. Great Britain had acquired it, I think, from the Netherlands, by one of those ancient treaties that swept about over the world and gathered in territories and realms, which were inscribed upon maps and written in the body of instruments, but which were not practically attended with occupation by the power to which sovereignty was transferred. One of these treaties, running back upon a line of treaty obligation and transfer that dated centuries before, put the Government of Great Britain in the possession of a certain portion of South Africa which extended above the line where the Transvaal and the Orange Free State were afterwards located.

They were the nominal sovereigns on paper of that part of South Africa. The Boers came up from Cape Colony or Cape Town, the southern part. They made a movement and first settled down in the southern or eastern portion of South Africa, at Natal. The British followed them there, claiming their rights of sovereignty, and the Boers retreated to another part of the same territory, over which this paper title of Great Britain continued to exist.

When they grew into power through their own energies and virtues the British Government found it necessary, particularly after the discovery of the gold and diamond mines in those countries, to assert that ancient title, and did so. They came to a compromise, and the compromise was that Great Britain should be suzerain over these countries and should have the right to assent to all the treaties with foreign powers that these Republics, when they got to be divided into two Republics, should make at any time. But there was an implied understanding, so the Boers insist, that there should be no interference with local government. It was entirely confined to the foreign relations of the Boer people. That subject got into controversy, and as the Boer power increased their laws became, as the British contended, in some sense—perhaps in an extraordinary sense—oppressive on the British subjects and discriminative against British property in taxation. The British Government came down upon the Boer settlements and insisted that they should modify their statutes and that they should not have intercourse with other nations at all.

Who has ever heard of a consul or a minister from the Transvaal or from the Orange Free State in the United States? Why have they not been here? Why have we not had diplomatic or consular relations with that great country? We send consuls there, but they have sent none here. They could issue an exequatur under their arrangement with Great Britain for consuls to reside in their country, but they could send neither consuls nor ministers to the United States. They were hampered.

Let us begin to draw the parallel a little. Here is the rich island of Cuba, with mines of iron in it that are more valuable to the United States and to Cuba than the diamond mines and the gold mines which are found in the Orange Free State or in the Transvaal, and whose agricultural productions are of almost immeasurable and inconceivable value. The time has passed in which there was a transmission of authority from Spain to the United States of some kind or other in regard to the island of Cuba, and in that period of time the Government of the United States has exercised control over Cuba, and our control has been as authentic and very much of the same character as that which the British Government exercised, or undertook to exercise, over the Transvaal.

Now comes the question in dispute, the right of the Cuban people to govern that land according to their own pleasure. We propose to them that they shall put themselves in relations to the Government of the United States very similar to those that exist between the Transvaal and the Orange Free State and Great Britain. Suppose those relations are adopted, suppose that we assume a protectorate over the island of Cuba, or become suzerain over the island of Cuba, have we not a perfect right, Mr. President, to anticipate, and must we not anticipate and expect that in the further development of that island in its mines, in its forests, in the valuable productions of its agriculture, its lands, the same class of questions will arise between the United States and Cuba as have arisen between the Transvaal and Great Britain?

We invite it; we provide for it. We shut our eyes to the lessons of the most recent history of the whole world, and the most disastrous, and we deliberately enter upon a proposition here by which we shall become suzerain over Cuba. What else is it? We say to them in the first branch of this proposition:

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

Suppose, after we have imposed these obligations upon Cuba, she does not comply with them, where is your remedy? War, nothing but war—a renewal of the Transvaal struggle. If Cuba should undertake, after she has entered into that engagement, to shake off the fetters imposed upon her by that article, we manacle her by this proposition, if she accept it, and then we ask her forever to be still; but in the history and course of nature men will not keep still when they are goaded by chains like these. The least of all we have the right to expect is that the Cubans will keep still.

Mr. President, I want to call the attention of the Senate very briefly to the question whether or not we have got the power on our side to enter into a protectorate—for that is a protectorate or a suzerainty—I want to know whether the Government of the United States has got the constitutional power to become the protector of any foreign country? While that question makes no impression upon this Senate, Mr. President, it will arise necessarily. It is one of the most formidable questions that can possibly be suggested, not in respect to Cuba alone, but also in respect of the Philippines. Have we a right, for instance, in the Philippines to relinquish our actual title and drop down to a protectorate?

There is one view of the question which has been very much insisted upon by certain gentlemen in this body—have we a right in the case of Cuba to establish a protectorate? We have no right to establish any State. I care not what it may be, except a State that has a republican form of government. It is very true that by the treaty that was made by one of our military officers we have assumed a certain jurisdiction over the sultan of the Sulu Islands, at the southern extremity of that archipelago. It is equally true that under our authority in the Constitution we make treaties with the Indian tribes. We have assumed authority over them by treaty; some of those tribes, like the Seminoles, being polygamists and also slaveholders, and many of the tribes being addicted to polygamy, and not only addicted to polygamy, but recognizing it distinctly as a law of their tribal government.

So that I do not count those instances as bearing upon us at all, because they are based upon the idea that subject or Indian tribes in this country under our Constitution may be treated with, not because they are sovereign or foreign powers, but simply because they are subject powers or subject organizations. But I am speaking now of the power of recognizing a State, whether it is in the Union or out of the Union. Can we go abroad, for instance, and accept a suzerainty or a protectorate over a foreign monarch? I put it in that view. There is no power in this Constitution to do that, Mr. President, because the Government of the United States can not extend its powers into or over any government that is not republican in form. That is enough to say about that view of the question.

We can not go to any island of the Pacific Ocean, or any other place in the world, neither could we go to China, where we are now with armies and ships hovering about the border, and with the consent of all the civilized powers in the world, including those who have got armies there, we could not accept a protectorate over China. If we had as much physical power as you please to do it, as much inducement as you could imagine for doing it, the question arises, Is it possible that the Government of the United States can accept and exercise a protectorate over an oligarchy or an autocracy in China, retaining that Government in the same fashion as it is now as an autocratic monarchy?

I think, Mr. President, that the answer to that question is at once felt and seen by every person to whom it is stated. There is no answer necessary to a question of that kind. It is not within the powers of the United States to hold the relation of protectorate toward any government, at least that is not republican in form, for our Constitution and our laws are totally at variance with all governments that are monarchic or autocratic; and so our Constitution can not enter such a country, and our laws can not enter there; and that would shut us off from the power to create and carry on the suzerainty in such a country.

Neither can we create a suzerainty or a protectorate over any country, whether republican or otherwise, that is not within the limits of the territory of the United States. We have had offers of that kind from republics. Honduras has made such offers to us, and in a very famous case Haiti has done it; but yet we have refused to accept the annexation of those States, and we have never been called upon to accept a protectorate over them, because everybody knew that we could not and would not do it.

When we go to creating a government independent of us in Cuba, and then to exercising a protectorate or a suzerainty over that government, we simply step outside the lines of constitutional power that this Government possesses, whether in the diplomatic, executive, or legislative branch.

There are, then, two reasons why this proposition should not be submitted. One is that Cuba would never accept it; the other is that the Government of the United States as a government has no right to offer it—two sufficient reasons, in my judgment.

The amendment proceeds:

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

If we have a positive agreement between the island of Cuba and the United States Government, and if Cuba chooses to violate it by creating some debt that runs over the margin of its limit, or if, disregarding it absolutely, she goes along like a free government, making the engagements that she must make suited to her necessities, what is the penalty you impose upon Cuba in this case? What are you going to do with her if, after having made the engagement, she is unable to comply with it and live, or is unwilling to comply with it? Do we not foresee that no government that has a pretension to or expectation of sovereignty will ever consent to enter into such a stipulation as that?

Mr. President, we must not act toward the government and people of Cuba as if we supposed they were children. We must at least assume that they have intelligence enough to take care of themselves when we propose to give them autonomy, and yet that second branch of this amendment assumes everthing else but that. We can not expect Cuba to accept it, and what is the use of putting it in this act, and putting it here as a part of an ultimatum, when it is perfectly obvious that Cuba can not accept it consistently with her own dignity as a free government, as an independent power?

Again, the amendment provides:

III.

That the government of Cuba consents that the United States may exercise the right to intervene—

What is meant by intervening? It means to send troops and ships of war into that country—

for the preservation of Cuban independence.

That means to draw us into any war that Cuba may force herself into with any foreign power, for any war that Cuba might get into with any foreign power of any magnitude whatever would necessarily involve her independence. The result of that war would be that the foreign power would either be defeated, or, if successful, conquer and annex or conquer and appropriate the island of Cuba.

Is not that perfectly manifest? If we intervene with an idea for the prevention of that, how do we intervene? We do it with armies and navies, and we are bound here by a stipulation that we will make war on any power that makes war against Cuba if that power has the ability, or the supposed ability, at last to conquer Cuba and to make intervention necessary for the preservation of her independence. That comes to us. I do not see that I would be willing at this time to make an engagement of this solemn character with Cuba, by which we are obliged to intervene in her wars whenever a war that is made against her would threaten her independence.

How easy it would be for the ruling authorities in Cuba to involve themselves in a war, and thereupon call upon the United States and say, "If you do not come to our support, we will be obliged to yield our independence," and then we have got to go to war with some foreign country to fight, not merely for the independence of Cuba, but to fight in order to preserve her rights and her relations toward the United States. I would not give to any power which exists in this world a compact or a treaty right to draw this Government into her quarrels under such conditions and circumstances. It is an unwise thing to do; it is a dangerous thing to do.

We have a right also under this amendment to intervene for—

the maintenance of a government adequate for the protection of life, property, and individual liberty.

Whose right, whose property, and whose individual liberty? That means, of course, of the people of Cuba.

Suppose that some case occurs down there in which we might suppose that the government was not adequate to the preservation of life, property, and individual liberty, either through the corruption of its authorities or for the want of enough police power or strength to enforce the decrees of its courts or tribunals, then we have the right to intervene; and not merely the right, Mr. President, but when such rights are connected with life, liberty, and the preservation of property it is our duty to intervene, and we have got the privilege of intervening.

Thus we may be drawn into the actual administration of the internal affairs of Cuba, to ascertain from time to time whether her government is adequate to the maintenance of life, liberty, and property in Cuba. Here we are with that kind of a protectorate over the people of Cuba against the government—the people against the government. We say to the people of Cuba, "You are not adequately protected by this government and can not be; and therefore we will intervene under the arrangement we have made with Cuba, in which we have got the right to and it has become a duty on our part to intervene." Then we also have a right to intervene—

for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States.

We recognize obligations there as continuing; we recognize in that phraseology that there is no period of time that terminates our obligations toward Cuba so long as we retain suzerain power or the protectorate power that is conferred under this and other articles of this proposition, for we have the right to intervene with respect to Cuba to discharge all the obligations to Cuba imposed by the treaty of Paris on the United States, and that is an unlimited obligation in point of time; it is not terminated at the time that we give up to Cuba the right to this so-called independent and autonomous government.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

That is clearly right. There is no question about that.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island.

The difficulty in that is that we do not know how we are going to enforce the obligation after she has consented to it. We have not prescribed what sanitation is, and what is effective sanitation; and if Cuba does not apply proper rules as to sanitation she will lose her independence. What are we going to do with it? I am afraid that in any event and under all the circumstances presented in this amendment to the bill we are about to become the owners of a white elephant that we do not know how to control or get rid of. It is extremely dangerous legislation in any aspect of it.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Mr. President, that is giving away the Isle of Pines to Cuba if she can beat us in a negotiation for it hereafter, when this treaty gives us as clear a title to the Isle of Pines as it does to Porto Rico or the Philippines:

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

That follows the first article of the treaty, in which it is said:

Spain relinquishes all claim of sovereignty over and title to Cuba.

And she also—

cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

What can be plainer than that, this being an island under Spanish dominion and authority in the Caribbean Sea, or in the group of islands in the West Indies, that it was passed by this treaty to us without a recognition of one particle of title of Cuba to the Isle of Pines? Why should we palter with this subject when dealing with Cuba, and say to her that we will relinquish to you the title that we have acquired from Spain to the Isle of Pines? Did the Isle of Pines ever belong to Cuba? Never. Cuba never owned any territory outside of her own insular boundaries. She was neither sovereign nor suzerain over any part of the islands in that West India group of islands. She was herself but a province of Spain.

Some time before the last war occurred the Spanish Government had changed its relations to Cuba, and had decreed that she was one of the provinces of the Peninsula, not geographically, but politically, and she had her right to representation in the Cortes accordingly, but she had her separate captain-general, who was not a captain-general of Cuba or of Cuban authority, but a captain-general of Spain assigned to command in Cuba. That was all. He might have included the Isle of Pines or of Porto Rico, for that matter, or any other Spanish islands in his jurisdiction without changing the political or geographical relations between the Isle of Pines and the island of Cuba.

They were both under the Spanish Government, and the Isle of Pines received no part of its government from or through Cuba. All her rights came directly from Spain. We are entitled to that island beyond all question, and why do we put in here this proposition to negotiate with Cuba, after a government is established there, about the ownership of the Isle of Pines? There is no reason for it, you know, except one of these boastful contentions of the Spaniards, or the Cubans, or the Spanish people in Cuba, that they intended to have the Isle of Pines; that it was a necessary part of the geography of Cuba, necessary for her protection and her defense against foreign enemies.

When a suggestion was made, as we were informed by the newspapers, in the Cuban constitutional convention that perhaps the

United States might assert some title under the Paris treaty to the Isle of Pines, there was a general flutter of the cocks all over the main, crowing and carrying on, swearing and insisting that they intended to have that island. That was a mere bluster, a mere idle boast, and we ought not to pay any respect to it. If we want to treat with these people so as to have results, we had better not set out by giving an admission of this sort in their favor, where we have got a perfect title, and trying to settle it by some future negotiations. I oppose that.

The Isle of Pines, as I am informed, is a fruitful island, well inhabited. It was used by the Spanish Government as a penal colony during the time that Spain had the dominion of it. It has a most admirable harbor, deep and well protected, and it lies nearer to Jamaica and nearer to Santa Lucia, and as near to the passage between the island of Cuba and Haiti as Habana. It is in a very commanding position with respect to all future rights that we may have in a canal through the Isthmus of Darien, whether it is in Nicaragua or Costa Rica or elsewhere. It is a very important military possession for the United States, which, above all things else, we ought not to put in question by yielding it as a subject of negotiation when our title under the treaty is absolutely perfect.

I would not vote for any measure that contained that provision in it, for I would feel that I had given away a very important part of the acquisitions from Spain in doing such a thing as that.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

There we transfer the power of diplomacy and negotiation to the President. We here abandon the legislative function of prescribing an ultimatum, and we say, in respect of this particular matter found in the seventh proposition, "We leave that to you and the President to negotiate as to whether it shall be a lease or whether it shall be a sale outright, carrying a title," and not naming the ports or points or the number of them to which we are entitled or would be entitled under the agreement. But "lands necessary for coaling or naval stations" means two at least. It does not mean three. It does not mean four. We can not have naval stations on the island of Cuba that are of any real advantage to us unless they command the entrances or the passageways between that island at either end and the countries that are opposite over the sea. What we want with naval stations at Cuba is to guard the entrance into the Caribbean Sea. We have San Juan. I hope we will get St. Thomas, the Danish possession. It is quite easy, if we choose, to get Samoa, in Haiti.

We ought by all means to acquire a naval station at the easternmost end of the island of Cuba, and we ought to swing around to the west and have one at the westernmost end of the island of Cuba to cover that deep-water passage that all the ships must pass through between that and Yucatan. There is where we need these places. But we need more than two. We need one on the north coast to cooperate with our naval stations and our fortifications at the Dry Tortugas and at Key West. The possession of the Isle of Pines makes unnecessary, or, at least, not very important, that we should have the Bay of Santiago de Cuba. What we have there would probably stand as a substitute for such possessions or such rights as we might want to get in either of the ports I have mentioned; but while we are fixing up for this business, what are we doing it for?

What is our purpose? Why do we want any naval stations in the Gulf of Mexico or in the Caribbean Sea. I can suggest a reason why we want them. It comes from a Government that is wiser than we are, from men who certainly are wiser than I am, for reasons which have materialized in the fortifications from Nova Scotia around to Honduras, in the possession of the British Government, and have been in their possession since the first ordination of our Government here, and upon which they have spent millions and millions of money. For what purpose? Not to protect Great Britain, not to keep our vessels from approaching her coast, but to guard our coasts so that she shall have the shortest lines from her naval stations to every important city in the United States—the picket post of Great Britain that looks right down into the heart of the United States on the Atlantic.

Now, if we shall acquire these ports there, commencing with two or three in Cuba, one in Haiti, one in St. Thomas, to be added to the one we now have at San Juan, we will have a string of fortifications, including the Dry Tortugas and Key West, which will prohibit Great Britain from assuming and holding the absolute military control of the Caribbean Sea, and when we have done that she will lose her interest in the subject and be willing to abandon her fortifications at any place, at least north of that line.

Mr. President, we have not made any acquisition in connection with this whole war that is more important to us than the Isle of Pines, and it is impossible for us, considering our own national defense, to permit Cuba to escape from the situation she is now in and rise to the dignity and power of a free, sovereign, and independent republic until she has stipulated with us as to at least two, perhaps three, perhaps four places which we shall have the right to control, so that we can use them for purposes of national self-defense. We ought not to quibble with this subject and leave so material a matter as that open to a discussion and to a diplomatic controversy with Cuba after she has risen to the dignity of a sovereign power through our assistance.

It must be remembered, on our side of the question, that the republic of Cuba was as prostrate as any people or any person who pretended to be an organized community had ever been in all the history of time. Weyler had persecuted those people with starvation until they had died by hundreds of thousands and until it is said now that you can scarcely find a child who was born in the period of the Spanish struggle. Their mothers were destroyed or else population was interrupted by starvation. The horrors of that period I do not wish to recite. They are very disagreeable to any man, but certainly extremely disagreeable to those of us who had to deal with them while they were in existence.

Look back at the history of the people of Cuba from which we have delivered them. We began with them in the abject extremity of want and desperate disease, and we have raised them and raised them and raised them by our charity, by our benevolence administered through Government agencies, by our laws, by our moral and actual military and legal influence, until now it is said that the island of Cuba is covered with wealth newly sprung from her soil. We see that this convention, met in Cuba, has set itself up as the arbiter of the destiny of the United States, instead of being willing to accept from the United States a fair share of the benevolence that we have bestowed upon them.

Do I imagine that there is any man in the world who has a higher grade of the opportunity of liberty than have I, a citizen of the State of Alabama, in the American Union? If we were to conceive of a higher political status than that, where would we go to find it? Why is not a position of that kind quite sufficient for the security of the life, the liberty, the property, and the pride even of a Spanish hidalgo? Who is it that outclasses an American citizen in his political rights and privileges? And for these men to stand and spurn and with contumely to deride that, the idea of being associated with Americans in an American Union, is something that invokes simply the pity of mankind. That is all. We know what we are doing, and we know that if we could confer those blessings upon that people we would confer the last and the utmost of all the privileges that have ever been conferred by any government in the world upon a people.

So I have very little patience with the kind of obstruction and objection that arises out of the thought that a temporary or, if you please, a perpetual independent government of the people of Cuba, as they are called (a most queer admixture of people after all), is to them or to the world a matter of more consequence than that they should be in, of, and with the Government of the United States, whether as States or Territories. The people of our Territories have as many rights as the people of the States, except that they do not have the trouble of being harassed with Presidential elections.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

What is a permanent treaty? One that can not be broken, or one simply that has the continuity of moral obligation attending it? That is all.

I wish to say to the honorable Senate that I have communications from the officials of Cuba, dating way to February 16, 1899, which show their disposition toward the United State Government as clearly as those people do now, and practically in the same line, and that they are absolutely irreconcilable to the United States unless we would withdraw from the island of Cuba all sovereignty and all suzerainty. If the Senate has doubt about this, at some appropriate time—it may not be during this debate—I will present to it in a secret legislative session what I do not choose to publish to the world, not because there is any ban of confidence about it, but because I do not wish to ever inform our people of the sentiment in the breast of those people.

How do these official papers happen to exist between a Senator of the United States and a Cuban committee? I had been the friend of Cuba during all the struggle of her warfare, and was known as such. I had not had any correspondence with any Cuban whatever. I had a personal acquaintance with only a very few of them. After the struggle was over and the treaty of Paris had been made, in February, 1899, General Garcia, who fought most splendidly along with our troops at Santiago de Cuba, a prominent and splendid officer belonging to the Cuban republic, came here in company with about 20 of the leading men of that island, sent as a committee to the President of the United States for the purpose of making some arrangement with him in respect of the plans and theories upon which the future of Cuba was to be administered and conducted.

When they got to the city of Washington, of which I knew nothing until their arrival, except that the newspapers informed us that they were coming, they did me the honor to write me a note asking me to appear before them at the Hotel Raleigh, intimating in their note that they wanted a conference with me about Cuban affairs.

I instantly took warning from that, and I determined that what I had to say to them should be in writing and not otherwise. I determined also that I would neither see the President nor the Secretary of State nor anybody else to ascertain from them any information whatever about their views in regard to Cuba, because I expected them to try to get information from me, and I intended to be entirely free.

I went to those gentlemen two days after their invitation reached me. I notified them when I would appear, and there they all were, including General Garcia and several gentlemen who are members of the present Cuban convention, and very important members. Mr. Quesada was one, Mr. Sanguilly was another, and there were various others. They were men magnificently educated and in every respect gentlemen; high-toned, splendid people. I was struck with admiration that the island of Cuba could produce a committee of that kind. Where did they come from? They came from a convention which met in the island of Cuba, which was a part of and an advisory body to the Cuban republic, and had been all the time. They came with instructions from that convention to hold their intercourse with the President of the United States.

When I came before them, as I said, what I had to say was in writing, in sixteen propositions, not propositions for settlement, but propositions defining what I believed to be the relations between the United States and Cuba. I can read these propositions without reading the answers, and I think I will do it if the Senate will permit me. They are not long. Immediately after these propositions had been submitted to them in open council and taken under advisement by them for three or four days and replied to by them, I sent the original propositions and the original reply to the Secretary of State to inform him of the actual feeling, opinion, belief, and attitude of this great committee of Cubans; and the Secretary of State wrote me a letter thanking me for having done so.

Since that time I have never mentioned the matter to mortal man, but I have had the papers here to note what changes, if any, have taken place in Cuban sentiment, and there were none. We deceive ourselves when we suppose that we are going to meet in Cuba a set of men who are not bent and determined on having their own way about that government. I think it is my duty to caution the Senate about this business; and in order that you may see the scope of what happened between us, without reading what they had to say, I will read what I said to them. I left the paper in their possession:

1. Congress expressly refused to recognize the existence of any government in Cuba except that of the Spanish monarchy. This refusal included the Cuban republic and the autonomist government.

2. Congress declared war against Spain to avenge the destruction of the *Maine* and for wrongs done to our people and the insult to our flag while it was in Habana Harbor by invitation.

3. In this declaration there was an ultimatum, which, if it was accepted, would have prevented active hostilities. That condition was that Spain should withdraw from Cuba and abandon her claim of sovereignty over the island of Cuba.

4. Spain refused and resented this condition and declared that a state of war existed.

5. This situation made all the people of Spain, including those of Spain and Cuba, national enemies of the United States. No exception was made by Congress as to the supporters of the republic. This was refused by voting down an amendment to that effect—

I offered the amendment which was voted down. The members thanked me for it—

6. But Congress denounced the treatment of the Cubans in arms, by the Spanish army and Government, as being inhuman and contrary to the laws of nations—

7. Congress failed to act on the Senate resolutions that declared the belligerent rights of the Cuban republic, thus leaving its supporters in the attitude of insurrectionists against the authority of the Crown. This was the actual and legal situation when the war commenced and when it ended.

8. But Congress, in its declaration of war, declared that the people of Cuba are, and of right ought to be, free and independent.

9. That declaration is good and is binding in morals upon the United States, but it is not an agreement with anybody, nor is it a decree or a law—

Right there they took sharp issue with me—

It remains to be executed by the United States in such manner and at such time as the competent authority in the United States shall provide.

It will be so executed.

10. In executing this self-imposed policy and duty the initial step is, necessarily, the restoration of peace and industry in the island, and for this purpose, chiefly, the Army of the United States will occupy Cuba, as the supreme military power.

11. Until this has been accomplished, and until a permanent civil government has been established in Cuba, or its establishment is assured, the military power of the United States can not be withdrawn, and the civil powers in Cuba, as well as any military organizations will be subordinate to the military power of the United States. Its flag, supported by its arms, will represent sovereign power and authority in Cuba, and civil sovereignty will be in suspense. This sovereignty will be accorded to the people of Cuba when they have established a permanent government, republican in form.

Until that event the military control of the island and the civil administration will remain in the government of the island.

12. The method of procedure on the part of the United States to bring about this result will be left largely, if not exclusively, to the President, as Commander in Chief of the Army of the United States, as Congress can not enact laws to govern Cuba until the full sovereignty of the island has been assumed by the United States.

13. Congress can enact laws, if it is necessary, to empower the President to enlist Cubans in the Army or to organize them into police forces, and can provide for their supply and payment.

The President, in my opinion, now possesses that authority. Peace between Spain and the United States does not establish peace in Cuba, if there are organizations there that refuse to accept the military authority of the United States as being supreme throughout the island. Nor does it establish the condition of peace in Cuba until civil government has been established, which is the only form of government that can be recognized as sovereign by the nations of the earth. All purely military government is provisional.

14. If these views are correct, the first duty of the United States and of every inhabitant of Cuba is to establish peace, order, and industry in the island, and then to establish just and permanent civil government.

15. This should be done, and can only be done, upon the initiative of the supreme military authority in Cuba, while it remains in power, addressed to the people through such agencies or organizations as it may select.

16. The selection of these preliminary agencies or organizations should be made with reference to the sincere and free expression of the will of all the people of Cuba, for it is all the people, and not a part of them, whom Congress has recognized as being entitled to become "free, sovereign, and independent."

I withhold the answers that these gentlemen made to these propositions, to some of which they most seriously disagreed. I learned from that transaction with these very important men of Cuba that we are handling edged tools in this business, and we are not to expect, however much it might be desired, a pacific and proper-minded submission, I will call it, to what is the actual situation and to what would be an indescribable blessing to those people, who have much of my confidence and respect and a large share in my affections. But I do not want to put the Government of the United States in contact with a magazine that a match might set off and impose upon us the necessity of controlling by arms.

When you had your Army organization bill before this body, I offered an amendment that authorized the President of the United States to enlist volunteers and to carry them to Cuba in the event that an emergency arose. You rejected it. You would have nothing to do with it. I would have been perfectly willing and was desirous that we should provide in that act for an additional army of 25,000 men at least, and in doing that we should have admonished Cuba, as well as the rebels in the Philippines, that the Government of the United States intended to go on its course of absolute but unimpeded justice.

Mr. President, I will speak for myself alone; but if I wanted to reconcile the Cubans to the Government of the United States my first proposition would be absolute free trade between the United States and Cuba. My second proposition would be immediately to recognize their independence without any other proposition at all, and leave them to see whether they could fight their way out. I believe that the Government of the United States, standing as it does in its relation to Cuba, will never be wanting in power or determination to take care of her own interest, but I believe what I recommend now would almost necessarily result in a picnic down there of throat cutting, which would very much convince those people that the best way to become free is to have respect for the liberties and rights of each other.

I have stated only what I believe to be the correct policy in Cuba, and I do not oppose these resolutions upon that policy so announced, for they all work in harmony with it; but if I was going to say what the result of the working out of this programme here would be, granting that it can get through without too serious friction, it would be the same that I desire for Cuba—absolute free trade between the people of Cuba and the people of the United States and a government there which would last long enough to satisfy those people that the best home for liberty, after all, is in the United States.

I have said now all that I desire to say at this time and probably at any time at all upon this bill. I can not express my thanks to the Senate for their kind attention to what I have been saying, with three Republican Senators in the Chamber at a time; but I have tried to do my duty in this business, and only that; and if I have uttered any language in this discussion that is expletive or superfluous, it has been in some unguarded moment, for I have not desired to occupy the time of this body except simply long enough to present my objections against this measure, and both wings of it, as embraced in these amendments. If I were to make the very last invocation in the world to the Senate, it would be, gentlemen, abandon these amendments and let us pass the Army bill.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CLARKE.

Mr. GALLINGER. Mr. President, I ask that the Chair lay before the Senate resolutions from the House of Representatives upon the death of my late colleague, Mr. CLARKE.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 25, 1901.*

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. FRANK G. CLARKE, late a member of the House of Representatives from the State of New Hampshire.

Resolved, That the business of the House be now suspended that opportunity may now be given for paying fitting tribute to his memory.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as an additional mark of respect the House, at the conclusion of the memorial exercises of the day, do adjourn.

Mr. GALLINGER. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the resolutions.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do take its recess until 8 o'clock this evening.

Mr. GALLINGER. Mr. President, on Wednesday, January 9, FRANK G. CLARKE, Representative in Congress from the Second Congressional district of New Hampshire, died at his home in Peterboro after a brief illness. His death came as a great shock to the community in which he lived, to his friends in all parts of the State, and to his Congressional associates, by whom he was highly respected and deservedly honored. Congressman CLARKE was not a man of strong physique, but he was active, energetic, and self-reliant, and no one who knew him was prepared for the sad news of his death when the end so suddenly came.

With a fatal disease firmly fastened on him he entered the Presidential campaign with vigor, making many addresses in different parts of the State, and when the campaign closed he quietly went to work organizing his forces as a candidate for United States Senator. While thus engaged his health completely gave way, and, after vainly struggling for a short time against the malady, he gracefully withdrew from the Senatorial contest and bravely met death, after a struggle marked by true heroism and wonderful calmness. He had selected the very day he died for a journey to the capitol to look after his Senatorial interests, but instead he entered on a journey the length and nature of which is beyond human knowledge or calculation.

Mr. CLARKE was born in the town of Wilton, N. H., September 10, 1850. He was the son of Moses Clarke, who survives him. His early education was received in the public schools of his native town, after which he attended Kimball Union Academy, at Meriden, N. H., there fitting himself to enter Dartmouth College, from which he graduated with honor. After his college course was completed he studied law, and in his twenty-fifth year entered upon the practice of his profession in the town of Peterboro, being associated with the late Albert S. Scott. His genial manners, kindly disposition, and ability as a lawyer drew clients to him, and soon his practice became large and lucrative. He was both a safe counselor and an able advocate, and the success that he achieved in his profession was but a fulfillment of the promise that his school and college days gave.

He early took an interest in political affairs, and became the acknowledged leader of his party in the town of Peterboro. In 1885 he was elected to the State legislature, after having served two years as a colonel on the staff of Governor Hale. In the legislature he was associated with many able men, and by common consent he was early accorded a place in the front rank. He engaged in many warm debates and gained a reputation for forensic ability of a high order, winning many laurels in the hot debates of that year.

In 1889 he was again called from his professional duties to represent his district in the State senate, where he greatly added to the reputation already achieved. In 1891 he was again selected to represent his town in the State legislature, and was honored with an election to the speakership of that body, in which position he won unstinted praise for his impartiality and ability as a presiding officer.

Continuing active in politics, he was made the nominee of his party for Congress in 1896, being elected by a flattering majority, and in 1898 he was given a reelection. In the House of Representatives Colonel CLARKE won many friends.

His cordial manner and genial disposition made him a favorite, and his witty sayings and amusing stories will long be remembered by his Congressional associates. He was fond of society, while at the same time devoted to his family; and among men he was universally recognized as a true friend, a pleasant companion, and a generous, honorable, high-minded gentleman. His death removes from the State an honored son and public servant, whose memory will long be cherished, and whose good deeds will not be forgotten.

Mr. President, on these occasions the mind naturally turns to the contemplation of divine things, and especially are we led to meditate upon the great question of immortality. For our friend life's work has ended. What of the future?

At a dinner given to Victor Hugo in Paris many years ago that great man delivered an impromptu address in which he gave expression to his faith in the infinite and in the soul's immortality. It is one of the most remarkable utterances on the subject that ever fell from mortal lips. His friend Houssaye, who was present, describes the scene in these words:

Hugo at that time was a man of steel, with no sign of old age about him, but with all the agility, the suppleness, the ease, and grace of his best years.

He was contradicting the atheists, and his friend further says:

His face was bright with the heavenly halo, and his eyes shone like burning coals.

"There are no occult forces," he said, "there are only luminous forces. Occult force is chaos; the luminous force is God. Man is an infinite little copy of God. This is glory enough for man. I am a man, an invisible atom, a drop in the ocean, a grain of sand on the shore. Little as I am, I feel the God in me, because I can also bring forth out of my chaos. I make books, which are creations. I feel in myself that future life. I am like a forest which has been more than once cut down; the new shoots are stronger and livelier than ever.

"I am rising, I know, toward the sky. The sunshine is on my head. The earth gives me its generous sap, but heaven lights me with the reflection of unknown worlds. You say the soul is nothing but the result of bodily powers. Why, then, is my soul more luminous when my bodily powers begin to fail? Winter is on my head and eternal spring is in my heart. I breathe at this hour the fragrance of the lilacs, the violets, and the roses as at twenty years ago. The nearer I approach the end the plainer I hear around me the immortal symphonies of the worlds which invite me.

"It is marvelous, yet simple. It is a fairy tale, and it is historic. For half a century I have been writing my thoughts in prose and verse, history, philosophy, drama, romance, tradition, satire, ode, and song. I have tried all, but I feel I have not said a thousandth part of what is in me. When I go down to the grave I can say, like many others, I have finished my day's work, but I can not say I have finished my life. My days will begin again the next morning. The tomb is not a blind alley; it is a thoroughfare. It closes on the twilight to open on the dawn."

Has ever human language more clearly expressed the thought that comes to us always as we contemplate the mysteries of death and the grave? To every human soul sorrow and death must come. The sunlight is ours, so also is the darkness, and as Hallock has said, "If we never had nights we could never see the stars."

When the sun withdraws its light,
Lo! the stars of God are there;
Present host, unseen till night—
Matchless, countless, silent, fair.

It has well been said that we are passing toward final rest, and that we should not regret it if the eyes grow dim, for we will see better by and by. If the ear is heavy we need not be sorry. If youth is passing and beauty fading, we need not mourn. If the hand trembles and the foot is unsteady with age, let us not be depressed in spirit. With every impediment, with every sign of the taking down of this tabernacle we should remember that it is the striking of the tent that the march may begin, and that when the tabernacle is next pitched it will be on an undisturbed shore, and that there, with eyes unwet, and before a God unveiled and never to be wrapped in darkness, that there, looking back upon this world of ignorance and suffering and trouble, and upon the hardships of the way, we can with full and discerning reason lift up our voices and give thanks to God and say: "There was not one trouble too much; there was not one sorrow too piercing." And we will thank God in that land for the very things that wrung tears from our eyes in this.

Such is our hope and aspiration, and that is the message that we would to-day convey to the hearts of the family and friends of our dead associate and brother.

We all instinctively shrink from death, yet why should we? The physician knows that death brings a feeling of unutterable relief and joy to the poor, burdened, suffering body. Herman Merivale has painted a beautiful picture of what death really is in these lines:

Miscall me not. Men have miscalled me much,
Have given hard names and harsher thoughts to me,
Reviled and evilly treated me,
Built me strange temples as an unknown god,
Then called me idol, devil, unclean thing,
And to rude insult bowed my godhead down.
Miscall me not, for men have marred my form
And in the earthborn grossness of their thoughts
Have coldly modeled me of their own clay,
Then fear to look on that themselves have made.
Miscall me not. Ye know not what I am,
But ye shall see me face to face and know.
I take all sorrows from the sorrowful
And teach the joyful what it is to joy.
I gather in my landlocked harbor's clasp
The shattered vessels of a vexed world,
And even the tiniest ripple upon life
Is to that calm sublime as tropic storm.
When other leechcraft fails the breaking brain,
I only own the anodyne to still
Its eddies to visionless repose.
The face distorted with life's latest pang,
I smooth in passing with an angel's wing,
And from beneath the quiet eyelids steal
The hidden glory of the eyes to give
A new and nobler beauty to the rest.
Believe me not. The plagues that walk the earth,
The wasting pain, the sudden agony,
Famine and war and pestilence and all
The terrors that have darkened round my name,
These are the works of life; they are not mine;
Vex when I tarry, vanish when I come,
Instantly melting into perfect peace
As at His word whose master spirit I am
The troubled waters slept on Galilee.
Tender I am, not cruel. When I take

The shape most hard to human eyes and pluck
The little baby blossom yet unblown,
'Tis but to graft it on a kindlier stem,
And leaping o'er the perilous years of growth,
Unwept of sorrow and unscathed of wrong,
Clothe it at once with rich maturity.
'Tis I that give a soul to memory,
For round the follies of the bad I throw
The mantle of a kind forgetfulness,
But canonized in dear love's calendar
I sanctify the good for evermore.
Miscall me not. My generous fullness lends
Home to the homeless, to the friendless friends,
To the starved babe the mother's tender breast,
Wealth to the poor, and to the restless rest.

And so, Mr. President, to-day we choose to think of our friend as being free from the cares, labors, and disappointments of this life in a better and more peaceful world than this. He acted well his part here, and his reward will be commensurate with his good deeds and his generous, kindly, helpful life on earth. We deeply realize our loss, and tenderly and reverently place on his tomb a garland of appreciative and tender remembrance.

Mr. CLAY. Mr. President, it has been an unbroken custom when one of the members of either branch of Congress has deceased to lay aside the intense work of official life to recall his virtues and to pay our tribute of respect to his memory. It is well to sometimes forget the intense everyday work of the life we live and turn our thoughts to the life beyond. Life and death are the most significant words in our language. We are often more deeply concerned about the life we live, the success we achieve while living, than we are about death, the life beyond the grave. Life and death and their issues are of such transcendent importance it is well to lay aside the affairs of state, where there is so much of strife and contention, that we may think upon not only what we are, but what we are to be when our work is finished here. We sit to-day in the presence of the voiceless mystery of death.

Hon. FRANK G. CLARKE, a member of the House of Representatives from the Second Congressional district of the State of New Hampshire, and a few days ago vigorous in life, radiant in hope, and strong in courage, has joined the silent army of the dead. He was at the time of his death in the meridian of his life. He died at the early age of 50, and was respected, honored, and loved by the people of his State. I can not speak of the distinguished dead from the standpoint of a close and intimate personal friendship. I, however, knew him as a member of Congress, and that he was recognized as an able, conscientious, industrious, and painstaking member.

He enjoyed to a high degree the respect and confidence of the people of his State, and had been honored by his own people. He had received honors at the hands of his own people to a degree which it is the privilege of few men to enjoy. He represented a progressive, intelligent, patriotic, liberty-loving constituency. In every way he demonstrated his fitness for the high position which he filled. He was faithful to his trust and his official life makes a record of which his State may well be proud. The deceased had been a member of both branches of the legislature of New Hampshire and enjoyed to a remarkable degree the esteem and confidence of his fellow members, and this fact is borne out by the history of his public services, for he was elevated to the position of speaker of the house of representatives during his second term as a member of that body and discharged the duties of that position with conspicuous ability and such impartiality as to give entire satisfaction to both political parties.

The history of the public life of the deceased points unerringly to the conclusion that he was a man of eminent ability, a useful legislator, and a wise and safe counselor. This was the estimate placed upon his character by the people of his own State. He served as a member of Governor Hale's staff with the rank of colonel in 1883, and in 1885 was elected a member of the house of representatives of his State. We are told by those who were familiar with his public life that he immediately forged to the front and won many laurels in the hotly contested debates of the year. In 1889 following he was again called into political prominence by an election to the State senate. Two years later he was again elected a member of the house of representatives of his State and was chosen speaker by a handsome majority in the Republican caucus. This was a high honor which few public men enjoy.

His public life, however, did not end with his service to his State. He was elected a member of Congress from the Second Congressional district of New Hampshire, and reelected in 1898, and his term of office would have expired March 4, 1901, and at the time of his last illness he was a prominent candidate for the high office of United States Senator. This field of eulogy, probably, belongs to the distinguished Senators from his own State, and I merely mention the public positions he held to show that he possessed the esteem and confidence of the people of New Hampshire, where he was born, lived, and died.

These facts, Mr. President, bear testimony that the deceased was no ordinary man. I know that no man can be honored by a State like New Hampshire with the positions of trust held by the deceased who is not deserving, able, and strong, and who has not earned in some way the confidence of the people whom he represents. We know that the best traditions and instincts of the Anglo-Saxon race long ago took deep root in New England. The people of New Hampshire have made for themselves a character for honesty and intelligence; and a certificate of election from the people of that great State is the highest evidence of the integrity, ability, and fidelity of their public officials.

He left behind him a character of inestimable value to his beloved wife and daughter and to the people of his State. He was regarded as a useful, intelligent, and painstaking legislator. As a private citizen his life was without reproach, and he was universally esteemed by those who knew him well as a member of Congress. To have won the political success which he achieved and to have enjoyed the confidence of the people among whom he lived as he did evidences the purity of his life.

A distinguished Senator, who knew him well and who enjoyed his close and intimate friendship, said to me that Mr. CLARKE was a lawyer of ability, faithful in the discharge of his duty to his clients, one in whose judgment they could trust implicitly; that he was a kind and affectionate father and devoted husband, a good neighbor, and a private citizen who met and discharged faithfully all the duties of good citizenship, and that he was a public official of the highest integrity, working unceasingly for the upbuilding of his country. He was loyal and devoted to the best interests of his own great State. What more can be said of the life of any man? He knew his duty and did it well. His work is ended, and, as the passing years move on, the influence he has left behind him will live to bless his memory. An exemplary life of strong integrity, of sterling honor, and of sincere devotion to the cause of justice, and marked with a high degree of interest in the welfare of others, properly and correctly sums up his life. Such a life needs no eulogy, and such a life marks the career of our departed friend.

Mr. President, has that life which so impresses itself upon others ended? We are taught that no man lives for himself and that no true man lives entirely in himself but also lives in the lives of others with whom he associates and upon whom he impresses his own character. Faith and reason convinces us that such a life is not ended. We hope, we believe, and in the light of revelation we feel, we know that the mortal life which was so developed and rounded out here has now begun its period of immortal development and growth.

The able lawyer, the faithful, practical, efficient legislator, the modest, unassuming, dignified private citizen has preceded us across the river, but he has left a monument builded by himself—the spotless record of a pure, dignified, useful public and private life.

Mr. HEITFELD. Mr. President, my acquaintance with Hon. FRANK G. CLARKE dates back to the extra session of the Fifty-fifth Congress. We first met as members of the funeral party which accompanied the remains of the late Isham G. Harris to their last resting place at Memphis, Tenn.

Who would have thought at that time that after only three years we would be called upon to visit the old Granite State on a like sad mission, and that FRANK CLARKE would be the one we were to mourn?

Mr. CLARKE was a quiet and unassuming man, sincere and honest in all his dealings with his associates. Others may have attained greater reputations and greater fame, but there are few who have left behind a better and a purer name. He was faithful and true to his position, ever looking after the interests of his constituency and his State, always at his post of duty, never tiring when it came to serving those who had honored him with the high office he held.

In the modest biographical sketch inserted in the Congressional Directory we find that he had served his native State in various official positions, and the positions he was honored with are evidence of the confidence his fellow-citizens had in him.

Mr. President, the esteem in which a man is held at his own home is generally a criterion of his true worth, and while paying the last, sad tribute to our friend I observed that his friends and neighbors fully realized what a loss the death of their Representative was to them. After the services at the quaint old church in his home town a great many of the residents took a last parting glance at his remains. There were men and women of all classes, from every station in life, and their faces expressed the sadness that was in their hearts. Truly the old proverb "A prophet is not without honor save in his own country" had no application in this case, especially when we take into consideration the fact that he lived and died within a very short distance from where he was born.

Mr. President, our departed friend did not live man's appointed time. The time given him fell far short of the allotted three score and ten years. He was cut off in the midst of his usefulness, but those who remain have the satisfaction to know that the time which was given him was used to good purpose and that the world is better for his having lived in it.

Mr. President, we laid him among the rugged, snow-covered hills of old New Hampshire. He sleeps surrounded by the stately pines and firs of that picturesque old State. He is gone, but with those who knew him best his memory will live for years to come.

Mr. KEAN. Mr. President, among the granite hills of New Hampshire the late Representative CLARKE was born September 10, 1850. He died January 9, 1901. He is said to have been a self-made man, though little is here known of his early career. His education was received at the schools in Wilton, his native town, and he was afterwards graduated from Dartmouth College, where he was held in high esteem by his classmates and college associates. He was admitted to the bar in 1876, and by his ability, high character, and great energy became a leader in his profession.

The people of his section showed their regard for him by repeatedly sending him to the house of representatives of his State and afterwards to the State senate. While a member of the State house of representatives that body showed its appreciation of his ability by electing him speaker, and he presided over its three hundred and fifty-odd members with impartiality, ability, and promptness, demonstrating his fitness for the discharge of the duties of the position the people of his district had intrusted to him.

He was elected to Congress in 1896, and served with ability in the Fifty-fifth Congress, and was again elected to serve in the Fifty-sixth. Such is a brief outline of the life of the late Representative FRANK G. CLARKE, to whose memory we, in connection with his colleagues in the House and the people of New Hampshire, to-day pay tribute.

As one of the thirteen original States, New Hampshire was the ninth to adopt the Constitution. She came into this Union intending to stay and to develop this nation and make the Union what it is to-day. When necessity arose, it was a son of New Hampshire, Daniel Webster, the great expounder and defender of the Constitution, who made it possible for the Union to survive.

Among her other distinguished sons I recall to mind Franklin Pierce, Levi Woodbury, and John P. Hale. Perhaps some of them, like the great Webster, were inclined in their course to yield and to compromise on the then great subject before the country; but every year that a conflict was put off the union of the States was being more thoroughly knit together, and so, if they were wrong then, we think them right now.

New Hampshire has been fortunate in her distinguished sons as representatives in the Senate and House in former years, and none the less fortunate to-day. May she in the future occupy the same position that she has held in the past.

Mr. DEPEW. Mr. President, I think it is a happy custom, a sad one, and yet a suggestive one, that both Houses of Congress lay aside public duties for a brief hour when one of their number has died, for the purpose of paying tribute to his memory.

The rewards of public life are very evanescent; the applause for those who are active in it is very rare, but it is a gratification that there will be placed in the minutes of the two Houses a record of the public service of the departed member, and in the printed proceedings of the two Houses the tributes to his memory by his associates.

There is another and deeper significance to these ceremonials which is of special moment to those of us who are in active life, and especially in public life, and that is the uncertainty of our career.

We are here to-day; we are gone to-morrow. The milestones which we pass to-day are behind us. Therefore we learn the lesson of the folly of not gathering by the way as we go along all that there is of infinite variety which is offered to every man in the course of his career. I deem that man to have led a foolish life who has not gone out of his own occupation in which he is engaged to enlarge his understanding and to broaden his horizon. We see constantly around us men who might contribute much to the pleasure and instruction of their fellow-men who do nothing toward either.

The career of our departed friend is an illustration of the best view of American life, from the fact that he did have the courage to break away from his profession and enter the public service, to enlarge and broaden his vision, and to be something more than the mere accumulator of this world's goods. I have found in my experience that the one question which is constantly coming through the mails and in the press is how to succeed. It seems to press more urgently at present than at any period in our history; but what is success is a broader and a more interesting question. We measure the standards of success by the ideals of any period. Find out what may be the ideals of a people or a country, and then you can judge with reasonable accuracy whether that country is to advance or retrograde.

We look over our own history and find that the ideals have changed several times since the day when George Washington was inaugurated President of the United States. For his generation the ideals before the youth were Washington, Jefferson, Hamilton, Adams, and their compatriots. It was a high standard of public duty, to which everything else must be surrendered. We come to the next period, and then the ideals were Webster, Clay, and Calhoun; to be distinguished in the profession of the law, and then to win equal distinction in Congress, in the Cabinet, with the ultimate aim of the Presidency. We come down to the period of the civil war, and then the ideal of the country, whether on the Union or on the Confederate side, was to risk life in the charge, in the imminent deadly breach, or at the cannon's mouth, in order that there might be won the stars which signify the reward of a grateful country.

After the civil war our industrial development has been so rapid and fortunes have accumulated so fast that the ideals of to-day seem to be purely material. Anywhere in the press, in our travels, in the social circle, we do not find that there is admiration for great achievements in statesmanship or in letters or in arms, but almost worship for those masters of the industrial problems of the day who have solved them for the accumulation of fortunes for themselves beyond the dreams of avarice and incomes beyond the revenues of kingdoms and republics.

I deem it unfortunate that the country should in its schools and colleges have abandoned its old ideals and surrendered to these sordid propositions. We respect the masterful men who can create great enterprises and in them accumulate fortunes. It is a duty to secure independence and make provision for our families. But I trust that there may be a turn in the public sentiment, so that our youth will look upon those who have won distinction by their brains and their contribution to the information and the happiness of mankind as having contributed the larger measure to the best interests of their country.

Environment goes a great way in the make-up of a public man or a man in private station. I believe in the influence of heredity, not only of ancestry, but of the great examples in the lives of the distinguished citizens of ones State and country. We see what this accomplishes illustrated in the fact that in New England there is still a high ideal of public life. There the rewards of public life are coveted by her sons regardless of the sacrifice of material interests. We recognize that the New England Representatives are trained and able, and inspired by a long line of statesmen, and have a power in the councils of our Government wholly disproportionate to the territory from which they come. With only about one-fifteenth of the population of the United States, New England is to be reckoned with in every measure which passes either House and in every policy which is to be adopted by any party.

It was the good fortune of the member to whose memory we to-day pay tribute that he lived in New England and that he was a product of the Puritanism of New Hampshire. The Puritanism of New Hampshire has been little invaded in modern times except in the broadening and the liberalization which puts it abreast with the spirit of the age without losing anything of the force, the energy, and the purity which made the Puritan Commonwealth and from it so much of the Republic in which we live to-day. The impress of Dartmouth College and its traditions, the impress of the inviolability of charters against the encroachment upon vested rights which came in the Dartmouth College case, the inheritance of Daniel Webster, of Jeremiah Mason, of Levi Woodbury have been felt in every school in New Hampshire and by every man in the public and private life of the Commonwealth.

I remember as if it was yesterday one of the first impressions which I received of what a grand idea uttered by a great man can be in the possibility of its moving a nation to wonderful deeds. It was a speech upon the anti-slavery side of that question from a statesman of New Hampshire, a great advocate of liberty and a strong factor in the results in which we all rejoice, Senator John P. Hale.

Now, Mr. President, we have in that life which has passed away a proof of what can be accomplished by grasping opportunities for the enjoyment of this world. This is a bright, beautiful, happy world in which we live. It is full of pleasures of every kind and of the best kind. Its accidents and its misfortunes are simply incentives to energy, to activity, and to achievement.

To have been born in a little village in a mountain State, to have educated one's self in liberal learning and acquired a profession, and then to have won distinction in it, and then, in this day when we are grasping at materialism as the only element of success, to have had the courage to accept the call of his fellow-citizens to serve them in the legislature and in Congress, shows just that quality of mind and just that result of heredity which makes a great man, a good citizen, and a valuable contribution to the best side of American life.

Mr. CLARKE whose career is commemorated here to-day and whose many virtues have been stated by the Senator from New Hampshire [Mr. GALLINGER] and will be stated again by the other Senator from New Hampshire [Mr. CHANDLER] seems to me to have made what we all wish to leave behind us, the record of a good citizen, father, and husband, the record of a wise and an able legislator, of a man who in every sphere in which he was did his best for his State, his country, and his kind, a record of which his family, State, and country may well be proud.

Mr. THURSTON. Mr. President, I have no set words in which to express my thoughts on this occasion. I knew the deceased member of the House but slightly, and my greater knowledge of his character comes to me from what I know of his public career.

Mr. CLARKE was a New Englander, born of New England parentage, inheriting the New England characteristics. It has been said that New England is rock bound, that it is a land of mountains, that its reluctant soil yielded to the early pioneers but scant livelihood. Yet, Mr. President, New England has furnished one product that has done much to make this country what it is to-day. It has given to the nation character of the first quality and of the highest type.

Ever since the Puritans landed on the shores of the New World and set up the standard of religious tolerance on this side the sea the New England character has been foremost in everything that tends to the progress and civilization and advancement of the people of the United States. Their orators, their soldiers, their statesmen, their preachers, have all done and said much to elevate and strengthen and secure the highest standard of American excellence. Their sons, born in the shadow of the eternal hills, have gone out into every settlement and every hamlet of the country, and have in a large measure became leaders of men, molders of public affairs. To-day in the Congress and Senate of the United States the New England representation is not alone from New Hampshire, or Vermont, or Maine, or Massachusetts, or Rhode Island, or Connecticut, but there are more New England born men representing other States in the two branches of Congress than there are from east of the Hudson River.

Mr. President, Mr. FRANK G. CLARKE grew up in his boyhood home. His life from the beginning to the end was witnessed by his neighbors. A man who grows up among those who have known him from childhood to distinction, yea, to greatness, to political preferment, to popular indorsement, must be a good man. Some men in the turmoil incident to a newer civilization may succeed in public affairs, not on their merits, but by various efforts and processes not altogether creditable; but no man can grow up in New England in the place of his birth, with his daily life open to the eyes of his youthful associates, of his friends and neighbors, and acquire great distinction without being a good man.

So the deceased was a good man, as his record testifies; a good husband, a good father, a good neighbor, a good citizen, a good representative of his people. He must have been a man of great natural ability to have succeeded as he did in this New England community and this New England State.

The New England people are all able; they are all educated; they have a high standard of excellence. No man grows in public esteem unless he possesses far more than the ordinary amount of natural ability.

Mr. CLARKE succeeded as a lawyer. He succeeded among environments which made it necessary for success that he should devote himself to his chosen profession. A lawyer to win distinction at the bar amid such surroundings must be a student; he must be in earnest. He must make constant effort. He must be the careful adviser and the skillful advocate, for in a rural community there is not the division of practice in the several branches of the law that we find in the great cities of the country, where our professional brethren become specialists.

He must have been an able man, for early in life he came to represent his people in the legislature of his State. He came to be speaker of the house of representatives, a great body of men, between three and four hundred in number, drawn from the people of the whole State. A house of that character could not select for its presiding officer an unworthy or a weak man. In smaller legislative bodies political combinations might prevail, but in an assemblage of that kind it must be true that Mr. CLARKE was selected speaker because of his peculiar ability for the position. So when he was elected by the people of his State to represent them in the National Congress it must have been because of his high qualifications, because of his ability to clearly present and secure consideration for the important interests of his State and of New England.

How powerful New England has been in the Congress of the United States! She has been powerful in every avenue of American development, but most powerful of all in the Congress of the United States; and it must be because of two things. The New England people select men on their merits to represent them in Congress. They are chosen for their ability and honesty and integrity and patriotism and popular qualities. And when New England once places a man in Congress or the Senate of the United States she does not make it necessary for him to devote a large part of his time and energy to secure a renomination or reelection. His tenure of office under the customs and usages of New England has been made to a reasonable extent secure, and the people he represents see to it that he is not disturbed or put aside as long as he serves them faithfully.

Mr. President, I am of the New England people, and I love that section of the country. I have seen how strong the New England influence has been in the settlement of the great West. I have noticed how powerful have been the efforts, how successful the work of the New England pioneers who have gone into the West and have pushed backward the barrier of the wilderness and made way for the civilization and development of our country.

New England is to-day what she always was. She represents the best thought, the highest purpose, the most patriotic endeavor of the American people. The man whose memory we mourn was one of her chosen representatives, bearing her certificate of greatness, devoting himself to her interests, holding her confidence, and to-day he is mourned by all those whom he represented in the Congress of the United States.

Mr. President, I do not mourn in the presence of death. When I stand by an open grave, I do not look down, but up. I do not give myself over to sad memories, but to glorious hopes. For after all, this life is but the beginning of the infinite life beyond. The human soul has protested since the beginning of time against the idea of a finite existence. God wrote in a legible hand upon the tablets of human consciousness the assurance of eternal life. So I do not mourn for him who is dead. His family will miss him and mourn him. His State will miss him and mourn him. The body in which he occupied so distinguished a place will miss him and mourn him.

But, Mr. President, his work is but just begun. He has been thus suddenly summoned from his sphere of usefulness for some wise purpose. We do not understand, but we believe—

> God keeps a niche in heaven for our idols,
> And though He break them to our sight
> And deny that our soft kisses shall impair their white,
> Yet I know that we shall see them again,
> The dust swept from their faces, glorified,
> Singing in the great God-light.

Mr. CHANDLER. Mr. President, in the southwest portion of New Hampshire, on the Massachusetts border, stands the solitary mountain Monadnock. Its summit is barren granite rock, but its lower sides are encompassed by balmy forests and verdant fields, by attractive rural villages, and by charming summer residences. From its base flows the river Contoocook, which runs north and east until it reaches the Merrimac near Penacook, in Concord, at the spot were lies the island renowned by the fierce vengeance and heroic escape from the Indians of Hannah Dustin.

Near the sources of the Contoocook is the thriving manufacturing town of Peterboro, where our late associate, Representative FRANK G. CLARKE, made his home, and not far away is the prosperous town of Wilton, where he was born on September 10, 1850. He lived, he died. Behold the sum. His life was not a strange, eventful history, yet it was the complete life of a New England gentleman. Educated in his own State, at the noted Meriden Academy and our beloved Dartmouth College, he entered upon his law studies well grounded in the essentials of general learning. His career was principally that of a lawyer, and the pursuit of his chosen avocation required great acuteness of mind, constant devotion, and strenuous labor.

New Hampshire has never adopted a code of laws, and its legal proceedings are governed by the principles of the common law as modified by a few carefully drawn statutes and by the occasional edicts of adventurous judges. Mr. CLARKE stood high in his profession, and leaves a record as a lawyer and advocate with which those who knew him and loved him may well be more than satisfied. Necessarily, all such lawyers in our State take some part in local government. Mr. CLARKE served in the house of representatives in 1885, in the State senate in 1889, and was again a member of the house in 1891 and became its speaker. It is no light honor to be called upon to preside over a New Hampshire house. Its members have always numbered between three and four hundred, and impartiality combined with graciousness, firmness manifested with tact, are qualities necessary to success as speaker, and these traits Mr. CLARKE showed in ample measure.

In 1897 he came to Congress, was reelected for a second term, that of the Fifty-sixth Congress, and died at Peterboro on January 9, 1901. Those of us who were called to attend his funeral aided in laying him to sleep surrounded by the midwinter snows of his earthly home and returned to our duties in this Capitol with kind thoughts and tender words concerning our comrade whom we had known and loved and for a time had lost.

It is now my privilege, having known Mr. CLARKE during his whole life, to speak of his character truthfully and without exaggeration of his merits, because of my sweet memories of our personal relations. He had superior intellectual powers, and was a master of his profession of the law. He was a rhetorician of no inferior rank, and as an orator was instructive, argumentative, humorous, and pathetic by turns, with a pleasing voice and clear and attractive utterance. On special occasions and at political meetings he demonstrated his ability and influence as an orator

whom his State will place in the front rank of her eloquent speakers of the present generation.

But I love best to think of him as a friend of genial and gentle manners. To his wife and daughter, to his brethren of the bar, to his Masonic associates, to his political comrades, to the Senators and Representatives who knew him, he was ever cheerful, courteous, and kind. No one ever disliked to see him approach; everyone instantly rejoiced to see him coming; and there can be no truer test than this of the affection which is borne toward an acquaintance. His death brought to me a great and subduing shock. His tendency to the ailment of which he died had never been known to me. He was a candidate for United States Senator, with a support sufficient to make him hopeful, and he looked forward with interest and inspiration to the canvass before the legislature.

During the first week he could not come to Concord, but he did not doubt that he should be there on the second week, before the nomination, which was to take place on January 10. I received a letter from him dated January 3 saying he should come and join in the friendly contest with high hope and confident expectation. But on Sunday, the 6th, his doctors forbade him to move, and he wrote a letter of withdrawal on the 7th. It seems that only a determined mind had sustained him so long against the failing powers of his body. He died on the 9th; and on the 12th we, his friends, saddened and softened by this startling illustration of the fact that always in the midst of life we are in death, all of us—including the victor and all the vanquished in the worldly contest—bowed sorrowfully over his mortal frame as it was carried to its resting place.

Mr. President, these oft-recurring ceremonies in the Senate, which are tributes to the memories of our departed comrades in both Houses, make deep impression upon me.

Coming here in December, 1887, there entered with me only 5 new Senators. Fourteen years later, when I go out on the 4th of March, 1901, there will be left but 16 Senators who have been here longer than myself. Retirement and death have done their work, and the new men are here to control the action of the Senate according to their judgment and will.

It is with me an interesting question what should be the age for retirement from active participation in the affairs of government. Mr. Lecky, in The Map of Life, expresses very decided views. "In the case of men who have played a great part in public affairs, the best work is nearly always done before old age. It is a remarkable fact that although a senate, by its very derivation, means an assembly of old men, and although in the Senate of Rome, which was the greatest of all, the members sat for life, there was a special law providing that no Senator, after 60, should be summoned to attend his duty." This fact is asserted by Mr. Lecky on the authority of Seneca, de Brevitate Vitae, cap. 20. A search for the original authority leads to the conclusion that the limitation of age mentioned by Seneca was not 60, but 65.

Mr. Lecky proceeds: "In the past centuries active septuagenarian statesmen were very rare, and in parliamentary life almost unknown. In our century there have been brilliant exceptions, but in most cases it will be found that the true glory of these statesmen rests on what they had done before old age, and sometimes the undue prolongation of their active lives has been a grave misfortune, not only to their own reputations, but also to the nations they influenced. Often, indeed, while faculties diminish, self-confidence, even in good men, increases.

"Moral and intellectual failings that had been formerly repressed take root and spread, and it is no small blessing that they have but a short time to run their course. In the case of men of great capacities the follies of age are perhaps even more to be feared than the follies of youth. When men have made a great reputation and acquired a great authority, when they become the objects of the flattery of nations, and when they can, with little trouble or thought or study, attract universal attention, a new set of temptations begins. Their heads are apt to be turned. The feeling of responsibility grows weaker; the old judgment, caution, deliberation, self-restraint, and timidity disappear.

"Obstinacy and prejudice strengthen, while at the same time the force of the reasoning will diminishes. Sometimes, through a failing that is partly intellectual, but partly also moral, they almost wholly lose the power of realizing or recognizing new conditions, discoveries, and necessities. They view with jealousy the rise of new reputations and of younger men, and the well-earned authority of an old man becomes the most formidable obstacle to improvement. In the field of politics, in the field of science, and in the field of military organization these truths might be abundantly illustrated. In the case of great but maleficent genius the shortness of life is a priceless blessing. Few greater curses could be imagined for the human race than the prolongation for centuries of the life of Napoleon."

Mr. Lecky reenforces his argument thus: "We are here, however, dealing with great labors and with men who are filling a great place in the world's strife. The decay of faculty and will that impairs power in these cases is often perceptible long before there is any real decay in the powers that are needed for ordinary business or for the full enjoyment of life. But the time comes when children have grown into maturity and when it becomes desirable that a younger generation should take the government of the world, should inherit its wealth, its power, its dignities, its many means of influence and enjoyment; and this can not be fully done till the older generation is laid to rest."

Yet his sketch is not one of old age, wholly gloomy. He says: "Often, indeed, old age, when it is free from grave infirmities and from great trials and privations, is the most honored, the most tranquil, and perhaps on the whole the happiest period of life. The struggles, passions, and ambitions of other days have passed. The mellowing touch of time has allayed animosities, subdued old asperities of character, given a larger and more tolerant judgment, cured the morbid sensitiveness that most embitters life. The old man's mind is stored with the memories of a well-filled and honorable life.

"In the long leisures that now fall to his lot he is often enabled to resume projects which in a crowded professional life he had been obliged to adjourn. He finds, as Adam Smith has said, that one of the greatest pleasures in life is reverting in old age to the studies of youth, and he himself often feels something of the thrill of a second youth in his sympathy with the children who are around him. It is the St. Martin's summer, lighting with a pale but beautiful gleam the brief November day." Again, however, he recurs to his saddening picture: "But the time must come when all the alternatives of life are sad, and the least sad is a speedy and painless end. When the eye has ceased to see and the ear to hear, when the mind has failed, and all the friends of youth are gone, and the old man's life becomes a burden, not only to himself, but to those about him, it is far better that he should quit the scene. If a natural clinging to life or a natural shrinking from death prevents him from clearly realizing this, it is at least fully seen by all others."

Nor, indeed, does this love of life, in most cases of extreme old age, greatly persist. Few things are sadder than to see the young, or those in mature life, seeking, according to the current phrase, to find means of "killing time." But in extreme old age, when the power of work, the power of reading, the pleasures of society, have gone, this phrase acquires a new significance. As Madame de Staël has beautifully said, "On déposé fleur à fleur la couronne de la vie." An apathy steals over every faculty, and rest, unbroken rest, becomes the chief desire. I remember a touching epitaph in a German churchyard: "I will arise, O Christ, when Thou callest me; but oh! let me rest a while, for I am very weary."

Mr. President, here again is repeated the idea of rest in the grave. While it is true that this idea of rest is the prevailing one when sad and weary mortals meditate concerning the future state, yet reason teaches us that if we are immortal we are, after resting awhile, to be called to new activities and we are to arise when called. Alternate rest and movement are the rule for us in this life: rest alone will not be the rule of the next.

The true and complete idea is that after rest will come renewed labor and service. We shall be laborers in our new homes among the stars. If it is not to be so, life is a mockery and all the experiences of life are useless. Existence is given for the formation of character with which to engage in the activities of the coming hereafter; and the only encouragement for good thoughts, good words, and good deeds in this world comes from the conviction that they fit us for active happiness in the world to come.

These are obvious conclusions, but worthy of reiteration and acceptation. For the encouragement of those, whether young or old, who are truly striving for excellence of soul against the adverse influences of this imperfect world, let me read some assertions by high authority that such exertions become happily visible in the outward forms which the spirit temporarily inhabits in this probationary state.

Ralph Waldo Emerson says: "There is no beautifier of complexion or form or behavior like the wish to scatter joy and not pain around us."

John Ruskin wrote: "It is not in words explicable with what divine lines and lights the exercise of godliness and charity will mold and gild the hardest and coldest countenance, neither to what darkness their departure will consign the loveliest. For there is not any virtue the exercise of which, even momentarily, will not impress a new fairness upon the features, neither on them only, but on the whole body the moral and intellectual faculties have operation, for all the movements and gestures, however slight, are different in their modes according to the mind that governs them, and on the gentleness and decision of right feeling follows grace of actions, and, through continuance of this, grace of form."

James Lane Allen, in The Choir Invisible, says of his heroine: "Her beauty had never faded. Nature had fought hard in her for

all things, having prepared her for all things, and to the last youth of her womanhood it burned like an autumn rose, which some morning we may have found on the lawn under a dew that is turning to ice. But when youth was gone, in the following years her face began to reflect the freshness of Easter lilies. For prayer will in time make the human countenance its own divinest altar; years upon years of true thoughts, like ceaseless music shut up within, will vibrate along the nerves of expression until the lines of the living instrument are drawn into correspondence, and the harmony of visible form matches the unheard harmonies of the mind. It was about this time also that there fell upon her hair the earliest rays of that light which is the dawn of the eternal morning."

These may be fancies, but they give us happiness and hope, and they induce us to strive that men may take knowledge of us that we are not wholly of the earth earthy, but are resolutely setting our faces heavenward, ready, first, for the rest, and next for the labors of that world which eye has not yet seen and of which we have but a faint conception, but concerning the glories of which we love to think. Two eloquent writers, in words somewhat alike, picture our future home as beginning with the waves of a heavenly ocean.

Read Mr. Blaine's closing words in memory of President Garfield: "As the end drew near, his early craving for the sea returned. The stately mansion of power had been to him the wearisome hospital of pain, and he begged to be taken from its prison walls, from its oppressive, stifling air, from its homelessness and its hopelessness. Gently, silently, the love of a great people bore the pale sufferer to the longed for healing of the sea, to live or to die, as God should will, within sight of its heaving billows, within sound of its manifold voices.

"With wan, fevered face tenderly lifted to the cooling breeze, he looked out wistfully upon the ocean's changing wonders; on its far sails, whitening in the morning light; on its restless waves, rolling shoreward to break and die beneath the noonday sun; on the red clouds of evening, arching low to the horizon; on the serene and shining pathway of the stars. Let us think that his dying eyes read a mystic meaning which only the rapt and parting soul may know. Let us believe that in the silence of the receding world he heard the great waves breaking on a farther shore, and felt already upon his wasted brow the breath of the eternal morning."

Stopford Brooke sings these notes of heavenly triumph: "When all is over here and the noise and strife of the earthly battle fades upon your dying ear, and you hear instead thereof the deep and musical sound of the ocean of eternity, and see the lights of heaven shining on its waters, still and fair in their radiant rest, your faith will raise the song of conquest."

That conquest will be of immortal life, whether we float upon the waves or linger upon the shores of an eternal ocean, or wander by the streams or climb the slopes in the valleys of delectable mountains, or walk the streets of the golden city—the New Jerusalem—and dwell in the house of many mansions prepared for us by the Saviour of all the souls of men.

Mr. President, I ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

HOUSE BILL REFERRED.

The bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats was read twice by its title, and referred to the Committee on the District of Columbia.

ACCOUNTS OF OFFICIALS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 14th instant, a copy of all accounts presented to the Department of Justice by officials of the second judicial division of the district of Alaska during the present fiscal year, etc.; which, with the accompanying papers, was, on motion of Mr. PLATT of Connecticut, referred to the Committee on Territories, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition; and

A joint resolution (H. J. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

The message also announced that the House had passed with an amendment the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 76) for the relief of the University of Kansas;

A bill (S. 95) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

A bill (S. 227) for the relief of the Continental Fire Insurance Company and others;

A bill (S. 345) granting a pension to Catherine L. Nixon;

A bill (S. 413) granting a pension to Albert S. Cummings;

A bill (S. 648) granting a pension to Margaret G. White;

A bill (S. 715) granting a pension to Fidillar White, alias William Johnson;

A bill (S. 726) for the relief of Alice Walsh;

A bill (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.;

A bill (S. 914) granting a pension to Charles L. Summers;

A bill (S. 1017) for the relief of John M. Guyton;

A bill (S. 1065) granting an increase of pension to Bettie Lee Ward;

A bill (S. 1126) for the relief of Mrs. Narcissa G. Short;

A bill (S. 1203) granting an increase of pension to Lewis S. Horsey;

A bill (S. 1212) granting an increase of pension to John W. Canaday;

A bill (S. 1269) granting a pension to Nancy J. Dunaway;

A bill (S. 1293) for the relief of Francisco V. De Coster;

A bill (S. 1365) granting an increase of pension to Lorinda N. Smith;

A bill (S. 1455) granting an increase of pension to Alexander W. Browning;

A bill (S. 1550) granting an increase of pension to Kate Ezekiel;

A bill (S. 1602) granting an increase of pension to Morris B. Kimball;

A bill (S. 1673) to grant an honorable discharge from the military service to Charles H. Hawley;

A bill (S. 1698) granting an increase of pension to Henry Hegwer;

A bill (S. 1722) granting an increase of pension to Bertha Leavey;

A bill (S. 1786) granting an increase of pension to Fielding Marsh;

A bill (S. 1850) granting an increase of pension to James C. Delaney;

A bill (S. 1936) granting a pension to Mamie Craig Lawton;

A bill (S. 2037) granting an increase of pension to George F. Burrage;

A bill (S. 2079) granting a pension to William Ashmead;

A bill (S. 2104) granting an increase of pension to William L. Aten;

A bill (S. 2153) granting an increase of pension to Jesse N. Dawley;

A bill (S. 2163) granting an increase of pension to Franklin Kersting;

A bill (S. 2227) granting an increase of pension to Uriah Clark;

A bill (S. 2232) granting a pension to Frederick Sien;

A bill (S. 2709) granting a pension to Marietta Elizabeth Stanton;

A bill (S. 2738) granting an increase of pension to James M. Munn;

A bill (S. 2785) granting an increase of pension to William H. Gardner;

A bill (S. 2828) granting an increase of pension to Hippolyte Perrault;

A bill (S. 2843) granting an increase of pension to John Johnson;

A bill (S. 2905) granting a pension to George M. Wilson;

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy;

A bill (S. 3030) granting an increase of pension to Henry Guckes;

A bill (S. 3193) granting an increase of pension to Charles H. Force;

A bill (S. 3280) granting an increase of pension to Henry Keene;

A bill (S. 3339) for the relief of Leonard Wilson;

A bill (S. 3343) granting a pension to Keziah Fansler;

A bill (S. 3386) granting a pension to Catherine L. Taylor;

A bill (S. 3391) granting a pension to John Black;

A bill (S. 3400) granting an increase of pension to Charles T. Shaw;
A bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes;
A bill (S. 3482) granting an increase of pension to Elias M. Lynch;
A bill (S. 3483) granting an increase of pension to Jeremiah Jackson;
A bill (S. 3521) granting a pension to William P. Payne;
A bill (S. 3535) for the relief of the Brooklyn Ferry Company of New York;
A bill (S. 3554) for the relief of W. T. Scott and others;
A bill (S. 3580) granting an increase of pension to Theron Johnson;
A bill (S. 3619) granting an increase of pension to Mary A. Colhoun;
A bill (S. 3648) granting a pension to Peter Shelt;
A bill (S. 3653) granting an increase of pension to Henry Smith;
A bill (S. 3746) granting an increase of pension to George W. Bodurtha;
A bill (S. 3935) granting an increase of pension to James Ryan;
A bill (S. 4237) granting a pension to Frances Helen Lewis;
A bill (S. 4531) granting a pension to Harriett S. Richards;
A bill (S. 4542) granting a pension to Jane W. Wood;
A bill (S. 4543) granting an increase of pension to Stacy H. Cogswell;
A bill (S. 4630) granting an increase of pension to James H. Bellinger;
A bill (S. 4692) granting an increase of pension to Asa W. Taylor;
A bill (S. 4695) granting a pension to James Dorcey;
A bill (S. 4728) granting an increase of pension to Marvin V. Tufford;
A bill (S. 4731) granting an increase of pension to Henrietta M. Leiper;
A bill (S. 4734) granting a pension to Mary A. O'Brien;
A bill (S. 4772) granting an increase of pension to John W. Eichelberger;
A bill (S. 4828) granting an increase of pension to Norman Stewart;
A bill (S. 4938) granting an increase of pension to Esther Ann Grills;
A bill (S. 4960) granting a pension to Minerva M. Helmer;
A bill (S. 4985) granting an increase of pension to George C. Jarvis;
A bill (S. 5006) granting an increase of pension to John T. Comegys;
A bill (S. 5007) granting an increase of pension to George N. Tarburton;
A bill (S. 5019) granting an increase of pension to Julia Crenshaw;
A bill (S. 5031) granting an increase of pension to Margaret A. Potts;
A bill (S. 5039) granting an increase of pension to Lucie M. Mabry;
A bill (S. 5050) granting an increase of pension to Charles A. Marsh;
A bill (S. 5074) granting an increase of pension to Sarah F. Bridges;
A bill (S. 5119) granting a pension to Jesse A. Bruner;
A bill (S. 5144) granting an increase of pension to Charles Scott;
A bill (S. 5146) granting an increase of pension to Robert H. Jones;
A bill (S. 5170) granting a pension to Louise Wolcott Knowlton Browne;
A bill (S. 5171) granting an increase of pension to Albert W. Fairchild;
A bill (S. 5172) granting a pension to Elizabeth Baughman;
A bill (S. 5187) granting a pension to Corinne R. Strickland;
A bill (S. 5191) granting an increase of pension to Selah V. Reeve;
A bill (S. 5201) granting a pension to Samuel F. Radford;
A bill (S. 5204) granting an increase of pension to John Scott;
A bill (S. 5233) granting an increase of pension to Philetus M. Axtell;
A bill (S. 5272) granting an increase of pension to Thomas M. Wimer;
A bill (S. 5322) granting an increase of pension to Daniel W. Warren;
A bill (S. 5326) granting a pension to Maggie Alice Brady;
A bill (S. 5363) granting a pension to Lizzie Wattles;
A bill (S. 5369) granting an increase of pension to Edmund Cragg;
A bill (S. 5397) granting a pension to Charity McKenney;
A bill (S. 5400) granting a pension to Martin Dismukes;
A bill (S. 5405) granting an increase of pension to John H. Taylor;
A bill (S. 5409) granting an increase of pension to John W. Philips;
A bill (S. 5428) granting an increase of pension to Charles R. Cole;
A bill (S. 5431) granting an increase of pension to William H. Ball;
A bill (S. 5450) granting an increase of pension to Rachel J. B. Williams;
A bill (S. 5451) granting an increase of pension to Mary M. Hyde;
A bill (S. 5505) granting a pension to Kate M. Scott;
A bill (S. 5506) granting a pension to Mary Fryer, now Gardner;
A bill (S. 5507) granting a pension to Mary Priscilla Allen, now Barry;
A bill (S. 5525) granting an increase of pension to Warren Damon;
A bill (S. 5559) granting an increase of pension to Adolphus Richardson;
A bill (S. 5560) granting an increase of pension to James W. Harden;
A bill (S. 5586) granting an increase of pension to John F. Townsend;
A bill (S. 5622) granting an increase of pension to Georgina M. Mack;
A bill (S. 5675) granting an increase of pension to Mary C. Holmes;
A bill (S. 5681) granting an increase of pension to Merit C. Welsh;
A bill (S. 5726) granting an increase of pension to Zadok S. Howe;
A bill (S. 5857) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company;
A bill (S. 5868) granting an increase of pension to Hubert Bascombe;
A bill (S. 5869) granting an increase of pension to Martin Rodman;
A bill (S. 5925) to revive and amend an act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;
A bill (S. 6050) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes;
A bill (H. R. 1845) granting a pension to William Allen and Isaac Garman;
A bill (H. R. 3784) granting an increase of pension to Linsay C. Jones;
A bill (H. R. 3861) granting an increase of pension to Jesse Millard;
A bill (H. R. 4345) to create a new Federal judicial district in Pennsylvania to be called the middle district;
A bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes;
A bill (H. R. 8650) granting an increase of pension to William C. Whitney;
A bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes;
A bill (H. R. 12442) granting an increase of pension to Mary E. Starr;
A bill (H. R. 13049) granting a pension to Elizabeth Fury;
A bill (H. R. 13086) granting an increase of pension to Eunice Henry;
A bill (H. R. 13118) granting a pension Rebecca J. Gray;
A bill (H. R. 13154) granting a pension to Ernestine Lavigne;
A bill (H. R. 13569) granting a pension to the minor children of Henry R. Hinkle;
A bill (H. R. 13951) authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay;
A joint resolution (S. R. 159) extending the time within which certain street railroads in the District of Columbia may be constructed; and
A joint resolution (S. R. 157) authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.

REPORT OF A COMMITTEE.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3491) granting a pension to Melvina Greenawalt, reported it without amendment, and submitted a report thereon.

AUTOMATIC CAR COUPLERS.

Mr. PETTIGREW. I offer a resolution, which I desire to have read and lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, and that the Senate proceed to the consideration of said bill.

Mr. BUTLER. I will say to the Senator from South Dakota that, if I am not greatly mistaken, the bill referred to in the resolution was reported favorably by the committee some time ago.

Mr. PETTIGREW. Yes; but it was recommitted yesterday.

The PRESIDENT pro tempore. The resolution will lie over and be printed.

LIST OF JUDGMENTS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887, not heretofore reported to Congress.

LIST OF CLAIMS ALLOWED.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

GEORGE WEISEL.

On motion of Mr. KYLE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers relating to the application of George Weisel for the correction of his military record, there being no adverse report.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition; and

A joint resolution (H. J. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Wisconsin [Mr. SPOONER]. The Senator from Massachusetts [Mr. HOAR] offered an amendment to the pending bill, and asked that it be printed. The Chair understood the chairman of the committee to say that he modified the amendment before the Senate by accepting that amendment.

Mr. SPOONER. I so understood it, Mr. President. I understood the Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on the Philippines, to announce that he accepted the amendment offered by his colleague [Mr. HOAR].

The PRESIDENT pro tempore. If there be no objection, that modification of the amendment will be made to perfect it; and the pending question will be on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. PLATT of Connecticut. Let that be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be read.

The SECRETARY. On page 39, at the end of line 15, it is proposed to insert the following:

Provided, That no judgment, order, nor act by any of said officials so appointed shall conflict with the Constitution and laws of the United States.

Mr. HOAR. Mr. President, if I may interrupt, I came in a moment late, and I desire to ask what has been done with the amendment I proposed?

The PRESIDENT pro tempore. The Senator having the bill in charge accepted the amendment offered by the Senator from Massachusetts, and perfected his amendment by so doing.

Mr. HOAR. Very well.

Mr. TELLER. Is the amendment now accepted a part of the amendment?

The PRESIDENT pro tempore. It is a part of the amendment.

Mr. HOAR. Will the Chair be kind enough, if I may ask the indulgence of the Senate so far, to have the amendment read as accepted?

The PRESIDENT pro tempore. The amendment will be read as amended.

Mr. HOAR. I do not desire to have the whole amendment read, but only the part added.

The PRESIDENT pro tempore. That part of the amendment will be read.

The SECRETARY. At the end of the amendment offered by Mr. SPOONER the following has been added:

Provided, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

The PRESIDENT pro tempore. The amendment offered by the Senator from Missouri [Mr. VEST] will be read.

Mr. ALLEN. What does the amendment which has just been read amend, Mr. President?

The PRESIDENT pro tempore. It amends what is known as the Philippine amendment.

Mr. ALLEN. Let the whole thing be read.

The PRESIDENT pro tempore. The whole amendment?

Mr. ALLEN. As it will stand with this amendment added.

The PRESIDENT pro tempore. The whole paragraph will be read, at the request of the Senator from Nebraska.

The SECRETARY. On page 39, beginning with line 3, as amended, the amendment reads:

All military, civil, and judicial powers necessary to govern the Philippine Islands acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago, full reports shall be made to Congress, on or before the first day of each regular session, of all legislative acts and proceedings of the temporary government instituted under the provisions hereof, and full reports of the acts and doings of said government and as to the condition of the archipelago and its people shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

Mr. STEWART. Mr. President, I shall not offer an amendment to this bill against the wishes of the committee having it in charge, but there is a subject connected with the government of newly acquired provinces or territories which ought to be deliberately weighed.

An honest judiciary, where men can have their rights maintained, is of the first importance. I speak with over fifty years of experience and observation in new countries, where conditions existed similar to those which must exist in the Philippines.

In California everything was easy except the settlement of land titles. After thirty years of expense and trouble and riot and corruption and bribery and scandal, 8,000,000 acres were confirmed. There was not an adequate judiciary to dispose of the cases to the satisfaction of the people there and to keep order and preserve peace.

In the Territories, where large mining interests exist, the judicial system was an absolute failure. First came the Comstock, out of which $600,000,000 have been produced. The whole of that title was litigated before judges who were sent from the East with salaries of $3,000, to live with their families, where the expenses were at least $10,000; and of course they failed. Scandals grew up; exposures were made; resignations were forced; and particularly was this the case preceding the admission of Nevada into the Union. The reason why the people of the Territory of Nevada consented that it should become a State was that the territorial court was in such a condition and the exposures were of such a character that the whole court was compelled to resign in a single day. The same things occurred, only in a less degree, in the State of Colorado, and the Senator from Colorado [Mr. TELLER], who has had some of these experiences, can speak for himself.

In Cape Nome to-day we have the same thing, and I have the documents here to prove it. There is a worse condition of things there than ever occurred in the Philippines or Cuba under Spanish rule, and those things are now occurring in Cape Nome for the want of a proper judiciary.

Mr. SHOUP. Will the Senator yield to me?

Mr. STEWART. No; I will not yield now. I want to get through with my remarks.

I say if you go to Cape Nome you will find that a worse condition exists there than ever existed in any country under Spanish rule, and it is for the want of taking into account the necessity of an honest and able judiciary that such is the case.

In the Philippines there are vast property interests. Under Spanish rule titles were seldom perfected. There was always something left open for litigation. Everything was litigated in California; so it was in Texas; so it was in Louisiana; and so it was in Florida.

It is well known that when we take possession of a Spanish country everything has to be litigated. So far as the Philippines are concerned, I would have less litigation. I would try to buy out the friar and other mythical titles; I would quiet titles in that way if it can be done, and then dispose of the land to bona fide purchasers; but I shall not discuss that now.

The first thing to be established there ought to be a judiciary. I am satisfied that it is impossible to appoint the members of that judiciary here, with such salaries as we pay, to go into one of these new countries and discharge the obligations required by the office. Many men have gone to such countries with high aspirations to do right, but they have generally failed. The conditions were such that they were not able to acquit themselves satisfactorily.

I had prepared an amendment which I intended to offer, but I do not wish to embarrass this bill and will not offer it. I will, however, ask to have it read, merely as a suggestion as to the organization of a judiciary for the Philippines. I ask the Secretary to read what I send to the desk as a part of my remarks.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

That there shall be a supreme court for the Philippine Islands, consisting of five judges, to be appointed by the President, by and with the advice and consent of the Senate, who shall hold their offices for life, unless sooner removed by the President, with such salaries as the President may find it necessary to secure the services of competent persons, not exceeding $20,000 per annum for each of the associate justices and $25,000 for the person who shall be named for chief justice. Such court shall have appellate jurisdiction of all matters at law and in equity where the amount in controversy exceeds $500, and shall have power to make rules and regulations for the transaction of business in all inferior courts and tribunals in the islands, and for the taking of appeals and writs of error from inferior courts to said supreme court; and the Supreme Court of the United States shall have jurisdiction of appeals and writs of error from the supreme court of said islands of all questions involving the validity of any law of Congress or construction of the Constitution of the United States, and of all other matters where the value of the property in controversy exceeds $20,000. Said supreme court of said islands shall also have power to appoint all judicial officers, marshals, and prosecuting attorneys in the islands, and to remove the same at pleasure. The judicial system hereby authorized shall extend to all districts and places in said islands where peace exists and the orders of the courts can be enforced without resort to military power.

Mr. STEWART. Mr. President, that is a suggestion. I believe if we had such a court in the Philippines, composed of five men, with salaries sufficient to secure the best talent in this country, salaries sufficient to take them from the supreme benches of the States, men of great experience, men who could be relied on to appoint the inferior judges and marshals—if we could have such a court as that, the problem might be worked out. A court of that character would have immediate supervision of the inferior courts. The judges of the inferior courts would not have large salaries. They would be mostly natives.

But to the judges of the supreme court we should offer such a salary as would tempt such a man as the Senator from Nebraska [Mr. ALLEN], for instance, to accept the position and secure his services. That is the kind of men I want. I want to be sure that we are going to secure men equal to him. It would satisfy me very well if we could have that. We do not want such a man as a speculator might put in his pocket and carry out there. I do not think the Senator from Nebraska would fit in such a position, for he is too large, and I do not think he would consent to it. I have seen that too often in the fifty years of my experience; and the troubles that it brings are immeasurable.

If you appoint judges to go to these far-off islands and you have to wait until we try them and bring them back here to get them removed, the amount of harm that you and we might do in the meantime would be incalculable; but if an appellate court on the ground were to appoint the judges of the inferior courts, they would be better acquainted with the qualifications of the men, and if they proved to be unsatisfactory or corrupt, the court could remove them immediately. They could also reform many Spanish methods.

I say with regret that I have not the highest respect for the justice of Spanish methods. It is true they are not as bad as some of our methods have been; but they are bad enough. They have more uncertainty in the administration of justice than we have in some of our Territorial courts, where great interests are involved. There is some irregularity about it; but that the Spanish system is based upon our ideas of justice is untrue. It is not. Some of the Spanish-American countries, however, are working up to it. President Diaz is getting Mexico up to it. He is educating the judges in Mexico up to the idea of deciding cases on their merits. He is a wonderful man; in many respects the most wonderful who has ever been on this hemisphere, and he has done great things for Mexico.

In the Philippines you will find the judges demoralized. You must have native judges, and if you appoint them from here and wait for a report of their unfitness before removing them, everything will be in confusion and the people there will run the gamut of fraud, oppression, anarchy, discord, and riots. If you could but establish justice in the Philippines and let the natives understand that they will have a fair trial of their rights, every good man in the whole archipelago would soon become a friend of the United States.

I am not going to insist that the amendment I have offered be adopted, but I want to make this suggestion, and I want to put myself on record as making a suggestion for a way out of the trouble which seems to me inevitable.

The matter of appointing governors and other officers for Territories, and all that, is a matter about which the Administration can not go far wrong. The governors will be good enough, but the trouble will be to get a court of justice to decide honestly. I have seen that occur too often under our system of appointing judicial officers.

Gentlemen in the best of faith will recommend a lawyer who has not been tried, but is a respectable gentleman, who has never been greatly tempted; a gentleman whom his neighbors recommend as an honest man; and Senators and Members will sign his recommendation, and the President, without knowing anything to the contrary, relying on what they say, will appoint him, when at the same time he may have made an arrangement with some speculator to go out there and make a raid upon the people over whose courts he is to preside. That often happens. Then when you come to bring this man to justice his friends say he has borne a good reputation and you must give him a hearing. While you are giving him a hearing the property of the people is being confiscated. They have rights. They can not wait for a hearing when you have got a bad judge, and the only way is to have a supervision over him in the shape of a superior court present on the ground.

You have got to use native judges in the Philippines. There are 10,000,000 people and a great deal of property there. You will have to give them a judicial system, and you will have to use it; you must have alcaldes and local judges and other officials. If you have nobody to supervise them they will go wrong and you will have great scandals.

We have undertaken to protect life and property and do justice in the Philippines, and we must take the necessary measures to accomplish that object. I know that it may seem to some Senators that a salary of $20,000 or $25,000 is large; but it is not too large for this service when you consider the sacrifices that a man would have to make to go to those island possessions. You will have to take them off the supreme benches of the States—you will have to take the best talent in the country.

You do not need to pay all the judges large salaries. You will have many native judges there whose salaries will be low. The ordinary judges there will be the natives, and it will be cheaper to have them. Men from this country do not understand the native language. They do not understand the great mass of the people. A judge going there under the ordinary arrangements is lost at once.

We must have somebody in those islands who will appoint those judges and see that justice is done. I understand that the Philippine Commission is doing that, but the commission can appoint judges only during the military possession, and the commission can not appoint permanent judges, because it only lasts during the military occupation. You can, however, appoint a supreme court, and you can give the appointing power to that court under the Constitution. The Constitution provides for that, and you can have it legally done.

There is occasion for courts there now. Let your military go on just as it does wherever insurrection is rampant; but where there is peace, courts can be established and can be put in operation. There are many places where the military is not necessary now, and there will be many more before long. The courts can go there, and as fast as the military is withdrawn justice can be administered, and it will be much easier to bring about peace if justice is firmly established. If the people know that with peace comes justice, if they can be sure that they will be protected in their property—and there are a great many property holders in the Philippines—if they can be sure that their rights will be absolutely and scrupulously protected and impartial justice administered, they will be friends of the United States.

In the sense that we understand it, justice has never been enjoyed by the people of the Philippines. They are unacquainted with impartial justice. Let us, then, establish a thorough system of justice, and with such a system great reform will follow. All other great questions of administration will also follow. That is the great problem before us in pacifying those people. Let them know that their rights of property and person are to be protected absolutely and impartially, and they will be our friends. They will know that speculators are not going among them to get their money. We will have no Cape Nome scandals or California land-title scandals, or such scandals as occurred during the Comstock trial. Let them feel that such is to be the case; let them

understand that justice will be secured to them, then you will not have anarchy and you will not have to destroy the people. They do not love injustice.

I should like very much to see justice established in the Philippines. I believe that a court of appellate jurisdiction, with power to appoint all subordinate court officials, with the judges paid a sufficient sum in order to get five of the best men in America, would do more to pacificate the islands and make the inhabitants our friends than 200,000 soldiers. You would not have to kill them if they understood that justice was going to be done. There would be no trouble about that. All people love justice, no matter who they are.

Those who have property want justice in order to have their property protected; and the protection of life and property are the main things that are guaranteed by the Declaration of Independence. The right to life, liberty, and the pursuit of happiness is a great thing, and without a court of justice in the Philippine Islands all of that is denied. You can not secure it at long range. The power to see that justice is done must be lodged near home, and you should give the people a court that the whole United States will have confidence in.

Judge Taft, the head of the Philippine Commission, would be an admirable man for such a place as that. If we would get five such men as he, we might then rest our souls in peace, sure of having justice and of having the Filipinos love this country and of hastening the time when free institutions and liberty would be established in those islands. Nobody can have confidence in the temporary courts that we are appointing there. They are simply military courts. Everybody understands who studies our Constitution that the arrangement in the islands is only temporary, and people do not have confidence in temporary arrangements. They want a pillar of justice so firm and strong that it can not be torn down by anybody. I believe it is in the power of Congress to erect that pillar of justice on so firm a foundation that the world will know that wherever the American flag goes there goes justice.

Are we going to be speculators in the Philippines where we have undertaken to guarantee the rights of liberty, property, law, and order? There are many foreigners interested in that country, in fact, all the world is interested in the Philippine Islands. They will know very quickly whether we carry out our pledge and whether we administer to them justice. If we do, the name of America will be respected everywhere; but if we have repeated there the California scandals, the Comstock scandals, the Cape Nome scandals, then the name of America will be a reproach in every nation on earth, because they are all interested there. I say that the establishment of courts in the islands, which would have supervision and control over the lower courts and would see that justice was done, ought to be the paramount object of all we have in view.

Of course this amendment will not be accepted, because the committee do not want it; they have got another scheme; but I may hereafter bring it in. I do this in simple justice, hoping that the powers that be will reflect seriously upon it and will see the responsibility resting upon us to make sure that justice is done. Having tried to appoint judges here under like conditions and found that they failed to administer justice, finding that justice at long range is not always the most accurate, finding that attempts to act under such circumstances have failed everywhere, we ought not to try it in the Philippine Islands.

We ought to try something else, because the honor of the nation and the good name of every American is involved under the solemn pledge to protect life and property and give these people liberty and a government by law. It seems that we ought to leave no stone unturned to accomplish that grand result. I believe it can only be done by a few brave, strong, learned men, men that can be found in the United States who will set up a court there to preside over the destinies of that country and see to it that the inferior courts do their duty, and if they fail to do their duty, that they are removed.

Let that be done, and the inauguration of a new era will begin in the Philippine Islands. The people there have been under Spanish rule for more than three hundred years, and justice is unknown to them. It is only the Anglo-Saxon race that has a conception of justice as we understand it. Let us first plant the foundations of justice srtong and deep there, and the tree of liberty will grow and flourish.

Mr. BACON. Will the Senator from Nevada permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. BACON. I understood the Senator from Nevada to say imperial courts.

Mr. STEWART. I am not a blasphemer. I do not trifle with a thing of that kind.

Mr. BACON. I understood the Senator to use that word.

Mr. STEWART. The Senator knows I did not use it at all. I do not belong to that criticising, harping class of men. I speak of it as imperial. Oh, pshaw!

Mr. BACON. If I am wrong——

Mr. STEWART. The Senator is wrong; he never has been right.

Mr. BACON. I will say that if the Senator did not use the word imperial not only I but those sitting around me understood him to use it.

Several SENATORS. "Inferior."

Mr. BACON. Oh, "inferior."

STREET RAILWAY TRACKS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia, which was to strike out all after the enacting clause and insert:

That whenever the Bunker Hill road or Wisconsin avenue is improved by the Commissioners of the District of Columbia, the said Commissioners are authorized to permit the street railroad tracks upon said highways to be located in the middle of the roadway, should such location be considered for the best interests of the public.

Mr. MCMILLAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THEATER LICENSES IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia, which was to strike out all after the enacting clause and insert:

That any license issued by the assessor of the District of Columbia to the proprietor of a theater or other public place of amusement in the District of Columbia may be terminated by the Commissioners of the District of Columbia whenever it shall appear to them that, after due notice, the person holding such license shall have failed to comply with such regulations as may be prescribed by the said Commissioners for the public decency.

Mr. MCMILLAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SPANISH WAR CLAIMS.

Mr. FORAKER. I ask for the present consideration of the conference report on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898. It was under consideration earlier in the session to-day and was at the time passed, upon the request of the Senator from South Dakota [Mr. PETTIGREW], but he has since notified me that he has examined the report and that I need not defer asking consideration of it further on his account.

The PRESIDENT pro tempore. The report is before the Senate.

Mr. FORAKER. It was fully read and explained at the time.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. BACON. I desire to call the attention of the Senator from Ohio to the suggestion I made to him this morning, that the conference report contains, in my judgment—it is not alone my judgment, it is the judgment of other Senators whose judgment is superior to my own—a provision that is utterly unconstitutional; and if so, we would stultify ourselves in putting it upon the statute books.

I allude to the matter to which I called the attention of the Senator from Ohio this morning—that it is beyond the jurisdiction of Congress to appoint a commission for any purpose and give that commission the power to certify questions to the Supreme Court and lay upon the Supreme Court the obligation to answer those questions. The Supreme Court is a court created by the Constitution, with powers limited and defined by the Constitution, powers which we can not add to or subtract from, and if I am correct in this, I think we ought not to proceed without an amendment in that particular.

Very hurriedly I called the attention of the chairman of the Judiciary Committee and the Senator from Wisconsin [Mr. SPOONER], who is a member of that committee, to the matter. I had no time for conference, but I called their attention to it hurriedly, and they agreed with me about it. If so, we ought to give it attention before we dismiss it.

Mr. HOAR. I ask that that part of the conference report which raises this question may be read.

The PRESIDENT pro tempore. That part about which question is raised will be read. Will the Senator from Ohio call the attention of the clerks to it?

Mr. FORAKER. In just a moment I will be able to point it out.

The provision was incorporated in the bill upon the suggestion of the Senator from Alabama [Mr. MORGAN], who, I regret to see, is not in his seat at the present moment; but it did not occur to me or to any other member of the committee that there was anything unconstitutional about the provision. It is simply a provision which was inserted in lieu of a provision that was in the original bill as it passed the Senate, providing for an appeal from an award

made by the commissioners to the supreme court of the District, and the substitute is that the commission, while their award is final and no appeal can be taken from it, may nevertheless as to any legal question about which they may have difficulty among themselves, certify that legal question to the Supreme Court of the United States for its opinion upon it.

This does not undertake to lay, except only, of course, by inference, upon the Supreme Court the duty of rendering an opinion upon such certificate of difference of opinion by the commission. I have not myself thought there was any difficulty about it, and I have made no examination whatever of the matter. As the Senator from Georgia says, he has——

Mr. BACON. No; I beg pardon. The Senator will permit me for a moment. The Senator will recall that this morning I called the attention of the Senator to it and stated that while I did not intend to affirm that as a correct principle, I was very strongly of that opinion. I did not anticipate that it was coming up again to-night or I would have given it a little more careful attention, but upon general principles the principle seems to be correct.

Mr. HOAR. I think when the Court of Claims was established and throughout the history of the legislation in regard to the Court of Claims Congress has always gone on the theory that the Supreme Court of the United States could not have imposed upon them any jurisdiction or duty which did not involve the rendering of a judgment. It is not very uncommon, at any rate in our State constitutions, to provide that the supreme court shall answer legal questions put to them by the executive or one of the houses of the legislature of the State.

But that was not adopted in our Constitution in regard to the Supreme Court of the United States; and I understand that when the Court of Claims was established Congress was of opinion that they could only refer such questions to the Supreme Court, going up from the Court of Claims, as were accompanied by the power to render judgment, and that wherever the Court of Claims find facts for the government of Congress or as in some recent statute are obliged to find and give their opinion as to the law governing those facts, there is no appeal to the Supreme Court. I should be sorry indeed to interpose an objection, without having reflected and examined the question, to anything to which so eminent a lawyer as my honorable friend the Senator from Ohio has given careful attention and thinks is right, but I hope the report will be allowed to go over until to-morrow morning, and perhaps the matter will then be cleared up by examination.

Mr. FORAKER. If the Senator will bear with me for a moment, it does not seem to me that there is any difficulty about it at all. I have not been able to hear all that the Senator from Massachusetts said, but it seems to me it is competent for Congress to confer upon the Supreme Court jurisdiction to give an opinion in such a case as that provided for by this amendment. I will first read the amendment.

Mr. HOAR. Where is the jurisdiction in the Constitution?

Mr. FORAKER. Section 2 of Article III provides:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

If not found under any other clause, certainly it is found under that all-comprehensive clause which provides that the jurisdiction of the Supreme Court of the United States shall extend to all controversies to which the United States shall be a party.

Mr. HOAR. Will the Senator read the last sentence of the clause on the two hundred and fifth page, or I will read it, if the Senator will allow me.

In all the other cases before mentioned—

That is, cases affecting ambassadors, other public ministers and consuls, and those in which the States shall be parties—

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to the law and fact, with such exceptions and under such regulations as the Congress shall make.

My suggestion is, Is this jurisdiction over a case in the constitutional sense as applied to a court, when all it does is to ask a question? Is it a case in the technical sense, as is suggested to me by a Senator? The case does not go there. The controversy does not go there. The right to render any judgment does not go there, and when the court answers the question, as the bill is, it speaks with no authority. The power that has to render judgment or settle the matter may regard or disregard the opinion of the Supreme Court, as it sees fit.

Mr. FORAKER. The point I make in answer to all that the Senator from Massachusetts says is that the jurisdiction of the Supreme Court shall extend to all cases arising under the Constitution and the laws enacted by Congress, and not alone to all cases arising under the laws enacted by Congress, but also to all controversies with respect to which the Congress of the United States may see fit to confer jurisdiction on the Supreme Court, to which controversy the United States is a party. Here is a controversy. The United States creates a commission. It gives it jurisdiction to hear the controversy, to hear testimony, to ascertain the facts, to hear argument as to the law applicable to those facts, and it provides that the Supreme Court shall have jurisdiction with respect to that controversy to which the United States is a party to the extent in the case given of rendering an opinion as to the law governing the question that has been certified.

Mr. ALDRICH. I suggest that the report go over until to-morrow morning.

Mr. HOAR. The provision, if I now understand it correctly, is very different from what has been stated. I did not hear the reading. The provision is:

When the commission is in doubt * * * they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

That removes my difficulty.

Mr. FORAKER. I am very much gratified to have the Senator from Massachusetts reach that conclusion.

Mr. HOAR. I thought from the statement made on the floor by the Senator from Georgia that all the Supreme Court of the United States did is what our supreme court in Massachusetts does—answer a question of law and send it back to the other party for final decision. But I do not see why this is not as competent as the ordinary judgment of the Supreme Court on cases appealed from the Court of Claims.

Mr. FORAKER. It seems to me to be so most clearly, because the jurisdiction of the Supreme Court is by the terms of the Constitution so comprehensive as to cover all controversies, and the matter in which a controversy may be taken to the Supreme Court is for the Congress to decide, and we propose to do that here.

Mr. CULBERSON. I ask that that part of the conference report be read.

Mr. FORAKER. I will read it as a part of my remarks. I have it before me:

When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

And the constitutional jurisdiction conferred upon the Supreme Court is as to all controversies to which the United States shall be a party.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. SPOONER. Is there any appeal from the decision of these commissioners to the Supreme Court of the United States?

Mr. FORAKER. No appeal is provided. The award is final, except only in the case specified, when in doubt as to the law. Then the case in that instance must be certified to the Supreme Court for its decision upon the law and facts.

Mr. BACON. Will the Senator from Ohio please read the sentence which speaks of the final decision by the commission? I wish he would read it in connection with the amendment.

Mr. FORAKER. It says:

When the commission is in doubt——

Mr. BACON. No, preceding that. I wish to have read that part of the bill which says the decision of the commission shall be final, and then says when they are in doubt as to a question of law they may get the decision of the Supreme Court on the question.

Mr. FORAKER. The Senator wants me to read the whole section?

Mr. BACON. Only that part of it to which I refer. The Senator stated it this morning.

Mr. FORAKER. It is rather lengthy.

SEC. 12. That all awards of said commission shall be final, unless a new trial or hearing shall be granted by said commission or the order reversed or modified as hereinafter provided.

Then this follows as section 13:

When the commission is in doubt as to any question of law arising upon the facts in any case before them, they may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

As I remarked a while ago, this section was incorporated in the report upon the motion of the Senator from Alabama (Mr. MORGAN), who is not here to-night.

Mr. TELLER. May I interrupt the Senator long enough to ask him who renders the judgment in this case, the commission or the court?

Mr. FORAKER. As I said a moment ago, this is the language of the Senator from Alabama [Mr. MORGAN]. I understood it to be a provision under which the case in the contingency named would go to the Supreme Court of the United States, where the final decision would be rendered.

Mr. HOAR. Final judgment.

Mr. FORAKER. Final judgment, and it would be sent there upon a statements of facts, to avoid the expense and trouble of certifying up the entire record, which might be burdensome.

Mr. SPOONER. Where questions are certified, as they sometimes are under the Federal law, to the Supreme Court, the court answers the question, but the court below enters the judgment.

Mr. FORAKER. That is true.

Mr. SPOONER. What is the court to decide under this proposed law—questions of law that are certified up?

Mr. LINDSAY. That is all.

Mr. FORAKER. I think that is all. That would be my interpretation. They decide the questions presented to them.

Mr. SPOONER. Then we might have so provided for the Southern Claims Commission, when there was one, or the Interstate Commerce Commission——

Mr. FORAKER. We might do it.

Mr. SPOONER. And for a vast variety of commissions.

Mr. FORAKER. It is a question of policy, I imagine, rather than a question of power. It may not be good policy. I would not have thought of it, of putting in the provision, but the Senator from Alabama did, and it met with favor at the hands of the conferees, and it was put in.

Mr. SPOONER. My recollection, if the Senator will permit me, is that way back somewhere there was a decision of the Supreme Court upon this question. Does the Senator object to permitting the report to go over until to-morrow?

Mr. FORAKER. No; certainly not. I was only trying to get it out of the way at a time when I thought it would suit the convenience of the Senate and save as much time as possible; but if any Senator desires to examine the question further, I recognize its importance and am quite willing to let it go over.

Mr. SPOONER. I remember an opinion of the Supreme Court in which they defined the controversy and held that it must be a suit.

Mr. FORAKER. I think that is true, but I think the Senator will concede that this is a suit. This bill provides that claimants who are eligible under the proposed law to have their claims adjudicated shall file a petition against the United States; the United States shall appear and answer or demur or plead otherwise, as they may see fit; and then, after issue has been joined, testimony shall be taken, and there shall be a hearing of witnesses and an ascertainment of facts; and then, when the facts have been ascertained, an order shall be made. But if, when the commission comes to consider the law applicable to any particular case, there be any troublesome question, it may certify it up; and then the Supreme Court is called upon to render an opinion as to that question which is certified to it in a case, or rather, I should say, to employ the language used in the Constitution, in a controversy to which the United States is a party. It seems to me it is competent for Congress to confer jurisdiction upon the United States Supreme Court in this kind of a controversy as well as any other.

Mr. ALLEN. Will the Senator from Ohio yield to me for a question? What is the jurisdiction of this commission?

Mr. FORAKER. The jurisdiction of the commission is a general jurisdiction to hear and determine all claims against the United States of the character specified.

Mr. ALLEN. Is this commission a court? Are you creating it into a court?

Mr. LINDSAY. Yes.

Mr. FORAKER. I should call it at least a quasi judicial tribunal. It is a judicial proceeding.

Mr. SPOONER. I think the Senator gets it right. It is quasi.

Mr. FORAKER. Well, I used that term.

Mr. SPOONER. The Supreme Court is not quasi.

Mr. FORAKER. I am not talking about the Supreme Court in this connection at all.

Mr. SPOONER. I do not think a quasi tribunal can send a question to the Supreme Court of the United States.

Mr. FORAKER. I will retract, then, what I said. I simply meant by that that this is not a judicial tribunal in one sense. We do not call it a court. It is simply a commission that is created by Congress and clothed with judicial powers and judicial functions.

Mr. SPOONER. I do not think the Senator ought to retract it.

Mr. ALLEN. How are you going to enforce its decisions?

Mr. FORAKER. I can not hear both Senators.

Mr. SPOONER. I do not think the Senator ought to have retracted. "Quasi" was right.

Mr. FORAKER. Well, I was right in a sense and I was not right in the sense the Senator from Wisconsin undertook to put me.

Mr. ALLEN. I should like to ask——

Mr. ALDRICH. I ask that this matter may go over.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. I thought the Senator from Ohio had finished.

Mr. FORAKER. I yield with pleasure.

Mr. TELLER. I suggest that we had better have the regular order, and let this go over until to-morrow.

Mr. ALDRICH. That is the better course.

Mr. HOAR. This is the regular order. It is a conference report.

Mr. NELSON. I suggest that the conference report has been already adopted. Debate is too late.

Mr. HOAR. I wish to make one observation, if the conference report is before the Senate and is to go over, in order that it may go into the RECORD. It will take but one moment.

Mr. NELSON. Will the Senator from Massachusetts allow me to suggest that the conference report has already been adopted?

Mr. HOAR. What does the Chair say on that subject?

The PRESIDENT pro tempore. The Chair will consider it an open question. It was declared agreed to by the Chair, but where on matters of this kind Senators rise immediately afterwards, the Chair regards it as an open question.

Mr. HOAR. I should like to make one observation. I do not wish to interfere with the desire of any Senator by haste, but I should like to make it now.

It seems to me that this commission is precisely like the Court of Claims in the substance of its authority and in the substance of its composition, except, of course, the appointments are not for life. It is an inferior tribunal. Therefore, it has a controversy regularly before it, a suit through a claim stated in writing in the proper way against the United States, and renders a binding judgment.

That being the condition of this tribunal, I understand this proposition is that instead of rendering its own final judgment in any particular case it may certify the facts and the questions of law arising thereon to the Supreme Court for its decision, and thereupon the Supreme Court decides the controversy—decides the claim. The defendant has forever lost his suit if it decide against him, and there is a decision in the nature of a judgment against the United States if it be that way.

It is equally the substance of a final judgment of the Supreme Court of the United States, whether the Supreme Court enters a judgment on its own records or whether it enters what is in substance a final judgment, a mandate to the commission below to enter its judgment and certify there. That is exactly what the Supreme Court does in a great many instances of inferior courts. It sends its mandate to the tribunal. Questions go up by certificates of disagreement, and did from the beginning. Where the circuit judge and the district judge disagree, the question was certified up to the Supreme Court of the United States. The Supreme Court decided the question and issued its mandate to the court below to render judgment accordingly, or it rendered a judgment itself, if it saw fit, without the further interposition of the court below.

I have not heard the whole bill read, and there may be a mistake about what the text of the bill is; but if I can understand correctly the Senator from Ohio, that is precisely what he undertakes to do; nothing more and nothing less; and I can not see that there is any greater constitutional difficulty in making such a provision in regard to this commission than in the similar provision which exists in regard to the Court of Claims.

Mr. FORAKER. The Senator from Massachusetts has correctly stated the character of this bill, the character of the commission, and its powers created by the bill.

The first section of the proposed law provides that these commissioners are to be appointed, who shall be learned in the law. They shall constitute a commission whose duty it shall be, and they shall have jurisdiction to receive, examine, and adjudicate all claims of citizens of the United States against Spain, which the United States agreed to adjudicate and settle by the treaty of peace, referring to the seventh clause with appropriate words.

Then it provides that the proceeding shall be instituted by each claimant by the filing of a petition, in which he shall set up his claim with particularity. It prescribes what the procedure shall be, how the United States shall be served with process, how it shall make answer or otherwise plead, how an issue shall be finally joined, and how testimony shall be taken, and each commissioner is authorized to minister that oath. In short, it is a judicial tribunal and procedure throughout.

Mr. TELLER. Mr. President, I rise to a question of order. The Senator from Ohio stated some time ago that this report might go over. What is the use of debating it now and debating it in the morning? Several of us would like to look at the report. It seems to me that we are wasting a good deal of time to-night that we will repeat to-morrow morning.

Mr. FORAKER. I have no objection to its going over.

Mr. TELLER. If the Senator is going to give us an opportunity to look at it, let it go over. If not, let us go on and debate it the rest of the evening.

Mr. FORAKER. I appeal to the Senator to bear me out in the

statement that I have not been insisting that the report should be disposed of this evening.

Mr. TELLER. As long as the Senator continues to debate it some one else will reply.

Mr. FORAKER. After I agreed that the report might go over some remarks were made about it, to which I wanted to make a brief answer, and I was making them, not for my benefit, but for the benefit of Senators who had not read the bill, in order that there might be a correct comprehension of it. I had already concluded my statement that it is a judicial tribunal, a judicial procedure throughout, resulting in a final judgment.

Mr. TELLER. It is a subject too large to finish to-night, and I hope the Senator will let the report go over.

Mr. FORAKER. It will go over.

Mr. ALLEN. Mr. President, I desire to submit an observation or two in this connection before the report passes by. It might as well be debated to-night as at any other time. I do not want to take it for granted, or I do not want the Senator from Ohio to think, at least as far as I am concerned, that I concede for a moment the power of Congress to pass a bill of this character.

The Senator has not explained, and he will not be able to explain, perhaps, that we undertake to delegate to an administrative court judicial powers in plain contradiction and plain contravention of the provisions of the Constitution, for if the Constitution is plain in anything it is that all judicial power is invested in a Supreme Court and such subordinate courts as Congress may from time to time establish.

Now, I want to ask the Senator from Ohio how he proposes to delegate, or by what means Congress can delegate, judicial power to this administrative board, which has not the functions of a court, which has no jurisdiction whatever because of its lack of judicial power. If that be true, how is it true, as the Senator from Massachusetts says, that the Supreme Court can get jurisdiction from a tribunal which itself has no jurisdiction of the subject-matter of the action?

In the first place, there is no action before this commission. It is a mere administrative board. It proceeds as irregularly as a county board of supervisors. Now, if it be without jurisdiction, if under the Constitution you can not confer judicial power upon an organization like this, how is it possible that the Supreme Court, upon a certificate from these commissioners, will obtain jurisdiction sufficient to make its judgment or its conclusions of law binding upon that tribunal and binding upon the party?

I know, Mr. President, it is not a very uncommon thing to undertake to parcel out the judicial power of the Government to administrative boards, but the Supreme Court, it seems to me, has settled this question when it determined that the Interstate Commerce Commission has no jurisdiction whatever.

There is an entire lack of power on the part of this board to enforce any of its judgments. A court must have power to enforce its judgments. If it can not issue an execution, if it can not put process in the hands of a marshal, if it can not seize property, if it can not sequester property and subject that property to its jurisdiction and to the payment of the judgment rendered by it, then it is not a court within the meaning of the Constitution.

Mr. LODGE and others. Regular order!

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Missouri [Mr. VEST] to the amendment reported by the committee as amended.

Mr. HANSBROUGH. Mr. President, when I came into the Chamber a few moments ago, I was informed by a Senator that the Senator from Nevada [Mr. STEWART] had undertaken to reflect very seriously upon a judge in Alaska. I presume the Senator from Nevada referred to Judge Arthur H. Noyes, of the Nome division.

I regret very much that at this late period in this short session this matter should be brought up here, but it does seem to me that I ought to be heard, in view of the fact that the friends of Judge Noyes up to this moment have kept quiet upon this matter, and notwithstanding the fact that the newspapers and persons who appear to have a peculiar interest in the matter have industriously denounced Judge Noyes during the past six or eight months Judge Noyes and his friends have not seen fit to reply up to this time. I was in hopes that out of consideration for the high office of judge nothing would be brought into the Senate; but now that it has been brought in here it does seem to me that something should be said in behalf of Judge Noyes. I do not propose to occupy the time and attention of the Senate at any great length, but I do want to read from a letter which I received from Judge Noyes a short time ago indicating the condition existing in that country and entering something of a defense against the outrageous charges that have been made against that officer.

I have here a letter, dated the 15th day of October, from Judge Noyes. This controversy, as Senators probably know and as the country well knows by reason of the newspaper advertising certain parties have done, grew out of the appointment by Judge Noyes of a receiver for certain mining properties at Cape Nome. The receiver appointed is in every respect an honorable and responsible man. On this subject Judge Noyes writes me as follows, under date of October 15:

> The cases in which I appointed McKenzie receiver are known as the Anvil Creek cases. When McKenzie was appointed receiver he was called upon to give a bond in each case. I further made an order requiring the receiver to deposit all the gold dust taken from the various mines separately in the safety-deposit vaults of the Alaska Safe and Deposit Company, and that no portion thereof should be withdrawn without an order of the court and on notice to all parties interested. I further made an order allowing both the plaintiffs and the defendants and all parties interested or claiming an interest in the different claims to be present either in person or by authorized agent at all "clean ups," so that they might know the exact amount of gold taken from the claims regardless of the report of the receiver.
>
> McKenzie has never received a dollar for his services as receiver nor has he been allowed a dollar to pay attorney's fees, and has conducted the business of the mines in the most economical and approved manner, as is admitted by both plaintiffs and defendants themselves, so that as a result of his stewardship there is now on deposit in the safety-deposit vaults all the gold that has been taken out of these mines, subject to the final determination of the court, and then the court above should either party conclude to carry the case so far.

Further along in his letter Judge Noyes says:

> It is not necessary for me to ask you to withhold your judgment in regard to the outrageous charges made against me in the newspapers. I never did a dishonorable thing in my life and never spent a dishonest dollar in my life and I never expect to. The golden opinions of my fellow-men are treasures far too rich to be swapped for golden dust. If I am ever rich it will be in such opinions rather than in dollars, and I feel an ambition to demean myself here in such a way as to receive a welcome from you and the others who placed me here.

Again, in his letter, the judge has this to say:

> The only offers of money—

And, by the way, I wish to remark that I understand the Senator from Nevada indicated that owing to the very small salary that is paid to these judges in these new parts of the country it is necessary for them to go outside of the salary they receive in some way in order to gain a living. I think this part of the judge's letter applies to that feature of the discussion—

> The only offers of money that I have received have been to do something in favor of the gang that has tried to destroy me. I do not say the offers came from them, because I have no proof of it; that I leave to inference. And that I have been offered money—and good sums of money, too—often is perhaps something of a shame to me. In years gone by I have wondered how the man would look who would have the temerity to offer to buy me, but his face has appeared so many times of late that it has become familiar, but I have not sold yet, Senator, and I will not sell for some time. If not honest, I am at least high-priced, and I shall claim some credit on that score, and I can assure you that they have not the price.
>
> It is impossible for you to conceive of the species of emissaries that are sent to me and the traps that are laid for me. A party came to me the other day and said it was reported that I was going to resign, and that before resigning I was going to make some orders in favor of the defendants in the Anvil Creek cases, and in a very simple way asked me if it were true. He knew it was false, but I allowed him to think that I was just stupid enough to believe that he was honor bright, and informed him that nothing short of a Gatling gun or an order from the Government would take me off this bench.
>
> They charged me with dishonor and corruptness, and when they found that they would not go they consented to give me back my reputation in that regard, and then, to be more contemptible, circulated the story that I was weak and vacillating. Now, if I am not pulled off by the Government or shot off the bench by these cowards, I am going to assist in establishing the fact that I am fairly strong and tolerably certain.

Mr. President, it seems to me that that has the ring of a true man and is an honest expression of an interesting situation.

Now, further than that, the Department of Justice in this city has had an agent in Alaska to investigate the transactions of the various courts in that country. That agent has reported to the Department. Just what those reports say of course I do not know, because they are the secret papers of the Department, but I do know that several affidavits have been filed with the Attorney-General, and I am satisfied that with the tremendous pressure which has been put upon the Attorney-General and the Administration here generally to have Judge Noyes removed without a hearing, had it not been for the reports of those agents and the affidavits which were laid before the Attorney-General, doubtless some hasty action would have taken place.

In this connection I have here a brief of the affidavits which have been filed with the Attorney-General. It consists of about four pages of typewritten matter, and I will ask the Secretary to read it. I think it is due Judge Noyes that this recital of what has been going on in Alaska should be read before the Senate.

Mr. HOAR. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. HOAR. Is the paper read by the Secretary as of right under the rule? It does seem to me that this discussion ought not to go on in the Senate—a discussion of the character of an individual judge having no relation whatever to the matter before the Senate. If there be any question in regard to this gentleman's conduct, it should come up in the other House and not before us. If he is impeached, we then sit as judges. If he is not impeached, the presumption is that he is an upright man. I hope the Senator——

Mr. HANSBROUGH. I will say to the Senator there are but

four pages of that brief. The affidavits are very lengthy, and I will not ask that they be read. I desire to have the summary read.

Mr. STEWART. All right; have it read.

Mr. HANSBROUGH. I will not occupy the attention of the Senate beyond the reading of the paper.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make the point of order or make the objection? If any objection is made to the reading of the paper, the question must be submitted to the Senate.

Mr. HOAR. I will not make the point of order or objection against the Senator. If the Senator insists, after the suggestion, and thinks it ought to be read, I will not go so far as to object.

Mr. GALLINGER. It is done about twenty times a day here every day of the year. Of course the question will have to be submitted to the Senate if objection is made, but I think the Senator from Massachusetts is not going to object. The Senator from North Dakota can read it himself.

Mr. HANSBROUGH. I can read it myself in my own right if necessary; but I prefer to have the Secretary read it, and then I shall not occupy the attention of the Senate further.

The PRESIDENT pro tempore. No objection being made, the Secretary will read as requested.

The Secretary proceeded to read the summary of affidavits.

Mr. HANSBROUGH. Mr. President, I will not insist upon a further reading, but will ask simply to have the summary inserted in the RECORD. I do not want to take up time under the pressure of business. I would not have brought the matter up at all if it had not been alluded to by the Senator from Nevada.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The Chair hears no objection, and the paper will be printed in the RECORD.

The matter referred to is as follows:

SUMMARY OF AFFIDAVITS.

The Pioneer and Wild Goose Mining Companies, assisted by their attorneys, united first in their efforts to break down the district court of Alaska (second division) by bribery, secondly by intimidation, and lastly by perjured testimony.

Immediately upon the arrival of Judge Noyes and party at Nome last summer C. P. Braslan, an employee of the Pioneer Mining Company, offered Judge Noyes and Deputy Court Clerk Dickey free quarters at the Lawrence Hotel. The offer was refused. At many and divers times Braslan told A. K. Wheeler, the Judge's private secretary, that his people (meaning the Pioneer Mining Company) had plenty of money; that they were willing to spend it and that Judge Noyes was a fool if he did not get on their side of the litigation then pending in court, and thus get some of their money.

Next, Braslan offered Judge Noyes half of his earninge if he would appoint him United States commissioner at Council City, which offer was promptly declined. Braslan also told the judge that he could easily make $20,000 to $25,000 a year. The mining company did build a house for C. E. Dickey, deputy clerk of the court, within two weeks after his arrival at Nome, and which he continues to occupy.

Last July Judge Noyes was offered $20,000 by United States Marshal Vawter if he would discharge Alexander McKenzie as receiver, after a motion for the discharge of said receiver had been made in court. Noyes was also threatened in anonymous communications with death if he did not "change his ways" in the litigation then pending. Spies and detectives, in the employ of the Wild Goose and Pioneer mining companies, occupied rooms adjoining the judge's chambers. They had bored holes in the walls and ceiling for the purpose of spying and eavesdropping. The Judge was also continually shadowed.

Charles Herron was a detective in the employ of the mining companies to secure evidence of various sorts for them. During the latter part of August Attorney Metson gave Herron a quantity of twenty-dollar marked gold pieces to give Judge Noyes for the appointment of a commissioner in an outlying district. In the event of Judge Noyes accepting this bribe Metson stated that he would have the Judge and Mrs. Noyes shadowed and regain possession of the money for comparison with other marked coin in his safe. About the same time Metson handed Herron $100, to be given some pugilist or tough character who would agree to knock Alex. McKenzie on the head.

Instead of complying with the above requests, Herron immediately reported the circumstances to Assistant District Attorney Humes. Following the above attempts and failure to entrap Judge Noyes, it was then decided by Attorneys Knight and Metson to continue the attempts to buy the judiciary, if possible. Herron was shown $22,500 by Knight and Metson, and informed that that amount had been set aside for the purpose of disposing of the judge, who, in return for $20,000, was to consent to these four propositions:

(1) That he would remove McKenzie as receiver.

(2) That he would cause all the gold dust in McKenzie's possession to be turned over to the mining companies.

(3) That he would sign an order removing R. N. Stevens as commissioner of the Nome mining district.

(4) That he would place his resignation as judge in their hands, but would stay on the bench until the mining companies could communicate with San Francisco and Washington and have a man of their own choice appointed in Noyes's place.

Herron informed Metson that he did not see how they could expect him to bribe the judge with $20,000, as they had already offered him that amount through the United States marshal. Metson replied that they expected an order, allowing an appeal, from San Francisco, and that they now believed the judge would be willing to accept the $20,000 and leave the country.

After being satisfied that they could neither intimidate, entrap, or bribe the judge, Attorneys Metson and Knight asked Herron to make an affidavit accusing Judge Noyes of accepting a bribe. Herron declined, and was then told to find someone who would make such an affidavit. On October 9 Herron went to one Frank Reece, who agreed for $1,000 to make the affidavit. Before doing so, however, Reece laid the matter before the United States district attorney, and also made an affidavit for him setting forth the proposition that had been made to him by the attorneys.

Upon the advice of the district attorney Reece made the false affidavit for the sole purpose of exposing Knight and Metson. This was on October 16, and Reece was paid only $750 instead of $1,000, as promised. Immediately thereafter Reece made a counter affidavit for the district attorney exposing the attempt to impeach the character of Arthur H. Noyes for honesty and integrity in his official conduct as judge. Knight informed Reece at the time that he and his clients would probably need Reece to testify in person before a committee at the present session of Congress respecting and substantiating the matter and things contained in the affidavit, which are and were false and untrue, in an effort and attempt to be made in Washington to have Noyes impeached and have him removed as judge.

The district attorney at once informed Judge Noyes of the existence of the false affidavit, and on the morning of October 20 Noyes sent for Knight, who appeared at his chambers about 10 o'clock. Knight was then and there informed by the district attorney that he understood he (Knight) had an affidavit in his possession, in which it was charged that one of the judicial officers of the district court had been guilty of accepting a bribe.

The district attorney demanded that Knight turn over to him such affidavit in order that he (the district attorney) might enforce the laws of the district. Knight admitted that he had such an affidavit, but not in his possession at that time; that he knew where it was and would procure same and turn it over to the district attorney within two hours. This Knight did not do, and at 4 o'clock that afternoon writs of attachment for Knight were issued and placed in the hands of four deputy marshals, but they were unable to locate or find Knight, as he had left the country.

It was afterwards learned that Knight had secreted himself on the steamship *St. Paul*, en route from Nome to San Francisco, on which vessel Reece had also taken passage for Seattle. On the way down Reece was hounded and frequently asked to make another affidavit, to the effect that anything he might have said in the counter affidavit was untrue. This he declined to do, notwithstanding that many tempting offers of money had been made to him. At Port Townsend a notary public was brought aboard and much pressure was brought to bear upon Reece to sign the desired affidavit.

After Reece's arrival in Seattle he continued to be hounded by Knight and his gang, and finally he was threatened with arrest on some fictitious charge unless he would make the affidavit which Knight wanted, for which they agreed to pay Reece $2,000 more. While in Seattle, Attorneys Knight and Hatch learned that General Metcalf was Reece's counsel, and they immediately went to him, with a prepared affidavit, and agreed to give Metcalf all of the Seattle business of the Pioneer and Wild Goose mining companies if he [Metcalf] would advise his client, Reece, to sign this affidavit, which exonerated Knight of subornation of perjury. Metcalf declined to so advise Reece, and has made an affidavit setting forth these facts.

Mr. STEWART. Mr. President, I can not allow any whitewashing of Judge Noyes to pass unnoticed, and I will not depart in my remarks from his judicial record. I have examined a large number of the record cases from Nome, and I find in those records the following facts:

Judge Arthur H. Noyes, Receiver Alexander McKenzie, and Robert Chipps, the plaintiff in the most important of the Nome cases which was brought before the Supreme Court of the United States on a writ of certiorari, left Seattle together on the same ship for Nome, arriving there Saturday, July 21, 1900.

Monday, July 23, 1900, Judge Noyes granted injunctions ex parte and without bond against the persons in possession of five of the most productive claims in the mining district, and in each of these cases appointed Alexander McKenzie receiver before any papers were filed, and ordered him to take immediate possession of all these claims, which he did.

That is the record and is undisputed.

Similar proceedings were continued by Judge Noyes in granting injunctions and appointing receivers in numerous cases, including nearly all of the mines in operation in the mining district, and in nearly all cases injunctions were granted not only ex parte and without notice, but in all without bond, although the civil government law of Alaska, section 384, page 297, requires bond upon the issuance of an injunction.

Now, here a whole district was enjoined without bond. Just contemplate that for a moment—placer claims to be worked out in a few days or a few months and to have an injunction without bond and a receiver appointed! Do you talk about a supervision of the mines? Who can supervise a receiver, with numerous mining claims under his control, to see whether the gold dust is properly cared for?

There was no showing in any of the cases for either an injunction or a receiver except the naked affidavit of the complainant attached to the complaint, and in no case was there any showing in the bill or otherwise that a receiver was necessary to protect the property from injury.

In the case of Chipps *vs.* Lindeberg, folio 156, the record of which is now in the Supreme Court of the United States, the receiver was ordered by Judge Noyes to take possession of about $100,000 worth of personal property——

Mr. TURNER. I should like to ask the Senator what he is reading?

Mr. STEWART. I am reading from an abstract of the record in the Nome mining cases that I made myself, and I know it is true. I took the record and made the abstract. I had the record copied, and I know what it is. I know that every word of it is true, and it is commented upon by the judge of the circuit court of San Francisco.

Mr. WOLCOTT. I desire to ask the Senator, having come in late, what section of the Army appropriation bill it is that is now under discussion?

Mr. STEWART. It is the first and last section, and all of it.

Mr. WOLCOTT. It is the first and last?

Mr. STEWART. Yes.

Mr. WOLCOTT. Thanks.

Mr. STEWART. This record proceeds:

The receiver was ordered by Judge Noyes to take possession of about $100,000 worth of personal property, without even an averment in the complaint or in any other pleading that the property belonged to the complainant, and the receiver took possession and held such personal property without bond or any other authority than the arbitrary order of Judge Noyes, which order was made without pleading, petition, or written application from any person whatever.

All this the record shows, and the court of appeals finds the same facts in the contempt case against Mr. McKenzie.

In all cases the first notice which the defendants and the parties in possession of the mines had was from the receiver in person, who took possession of the mines—

There was no office of the clerk of the court or anything of the kind. This is proved by the record contained in the appendix. I will ask that this document, with the appendix, referring to the record, be put in as part of my remarks, if there is no objection.

The matter referred to is as follows:

THE CASE OF JUDGE ARTHUR H. NOYES, OF NOME, ALASKA.

[References to Appendix, hereto attached.]

Judge Arthur H. Noyes, Receiver Alexander McKenzie, and Robert Chipps, the plaintiff in the most important of the Nome cases which was brought before the Supreme Court of the United States on a writ of certiorari, left Seattle together on the same ship for Nome, arriving there Saturday, July 21, 1900.

Monday, July 23, 1900, Judge Noyes granted injunctions ex parte and without bond against the persons in possession of five of the most productive claims in the mining district, and in each of these cases appointed Alexander McKenzie receiver before any papers were filed, and ordered him to take immediate possession of all these claims, which he did. (Appendix, p. 5.)

Similar proceedings were continued by Judge Noyes in granting injunctions and appointing receivers in numerous cases, including nearly all of the mines in operation in the mining district, and in nearly all cases injunctions were granted not only ex parte and without notice, but in all without bond, although the civil government law of Alaska, section 384, page 297, requires bond upon the issuance of an injunction. (Appendix, p. 5.)

There was no showing in any of the cases for either an injunction or a receiver except the naked affidavit of the complainant attached to the complaint, and in no case was there any showing in the bill or otherwise that a receiver was necessary to protect the property from injury. (Appendix, p. 6.)

In the case of Chipps *vs.* Lindeberg (folio 156), the record of which is now in the Supreme Court of the United States, the receiver was ordered by Judge Noyes to take possession of about one hundred thousand dollars' worth of personal property, without even an averment in the complaint or in any other pleading that the property belonged to the complainant, and the receiver took possession and held such personal property without bond or any other authority than the arbitrary order of Judge Noyes, which order was made without pleading, petition, or written application from any person whatever. (Appendix, p. 7.)

In all cases the first notice which the defendants and the parties in possession of the mines had was from the receiver in person, who took possession of the mines. The defendants applied to the court with a mass of evidence, showing title to the property and the injustice of the proceedings. No showing whatever was made by the various plaintiffs, except the original complaints, which were then on file. (Appendix, p. 5.)

Judge Noyes refused every application made for relief against the arbitrary orders granting injunctions and appointing receivers. (Appendix, p. 8.)

The defendants then in several cases in which the records are here made application for appeal to the circuit court of appeals, at San Francisco, from the orders granting the injunctions and appointing receivers. Judge Noyes refused to allow the appeals (see below), although appeals in such cases were expressly authorized by section 507 of the Alaska Code (Appendix, p. 9), signing the following order:

"Defendant herein having this day presented a proposed bill of exceptions for settlement and allowance by the judge of this court as the bill of exceptions herein, together with a petition for an order allowing an appeal to the circuit court of appeals of the United States for the Ninth circuit, and assignment of errors, and an undertaking on appeal:

"Now, therefore, it is by the said judge ordered that the said proposed bill of exceptions is in each and every part thereof disallowed as a bill of exceptions herein, and the settlement thereof or of any proposed bill of exceptions herein is hereby refused; that said petition for an order allowing said appeal is hereby denied, and said judge declines to accept or fix the amount of any bond for costs thereof, or to allow a supersedeas bond to be given, or to fix the amount thereof.

"Dated Nome, Alaska, August 15, 1900.

"ARTHUR H. NOYES, *Judge*."

The circuit court of appeals for the Ninth circuit, on the filing of the records in that court, set aside the orders of Judge Noyes granting injunctions and appointing receivers, and ordered the property to be turned over to the defendants. (Appendix, pp. 10, 11.)

McKenzie, the receiver, refused to deliver up the property, and upon application to the circuit court of appeals a peremptory order was issued for the delivery of the property and the arrest of McKenzie for contempt. (Appendix, p. 13.)

McKenzie, in his defense against proceedings for contempt of the orders of the circuit court of appeals, states that after the service of the order of said court upon himself and Judge Noyes, setting aside the injunction and orders appointing receivers and directing McKenzie to deliver over the property in his possession to the defendants, he was unable to make such delivery for the reason that Judge Noyes ordered the United States marshal to take possession of the gold dust which the receiver had deposited in bank and to allow no one to interfere with it. (Appendix, pp. 16, 17, 18.)

The marshal also makes affidavit in the McKenzie contempt case that he was ordered by the court to take possession of the gold dust which the receiver had on deposit and to hold it against everybody. The marshal continued to hold the property under the orders of Judge Noyes until the military authorities, under the orders of the appellate court, took possession of the gold dust and delivered it to the defendants.

APPENDIX.

NO BOND REQUIRED FROM PLAINTIFFS UPON ALLOWING INJUNCTION.

The civil government law of Alaska provides (sec. 384, p. 397, Session Statutes, first session Fifty-sixth Congress) that before allowing an injunction "the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs or disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction, if the same be wrong or without sufficient cause."

No bond was required (Chipps *v.* Lindeberg, folio 144; Webster *v.* Nakkela, folio 12; Rogers *v.* Kjellmann, folio 9; Melsing *v.* Tornansis, folio 12), although the defendants were enjoined from interfering with the receiver in mining and working said placer-mining claim or interfering with his possession and management of any part of the property or of its operation, such orders all being made ex parte on July 23. (Chipps *v.* Lindeberg, folio 145; Melsing *v.* Tornansis, folio 11; Rogers *v.* Kjellmann, folio 8; Webster *v.* Nakkela, folio 11.)

EX PARTE APPOINTMENT OF RECEIVER.

McKenzie was appointed receiver on July 23, under bill filed the same day, without any supporting affidavit except plaintiff's, and without notice or process.

Chipps *v.* Lindeberg, folios 11 to 23, inclusive, and 144 and 145.
Webster *v.* Nakkela et al., folios 2 to 12, inclusive (no supporting affidavit).
Melsing *v.* Tornansis, folios 2 to 11, inclusive (no supporting affidavit).

NO GROUND FOR THE APPOINTMENT OF A RECEIVER.

There is no averment contained in the bills of complaint justifying the appointment of a receiver. The bills are framed upon the theory that the plaintiffs will be wronged unless the defendants are enjoined, but they do not show that the plaintiffs will be in any respect injured if the mine is left unworked, nor do they show plaintiffs' ownership of, or interest in, the personal property on the surface of the claims. The appointment of a receiver to work a placer-mining claim is entirely unknown, except on special averments, none being contained in the bills herein.

APPOINTMENT OF RECEIVER WITHOUT NOTICE NOT JUSTIFIED.

No exigency was stated in the bills, and none appears of record, justifying the extraordinary procedure of the appointment of receivers without notice to the persons to be deprived of their property, nor was it alleged that there was any difficulty in serving process. In fact, copies of the orders of appointment were served in certain cases on the day they were made, and, of course, rules to show cause might have been as readily served. (Melsing *v.* Tornansis, folio 12; Webster *v.* Nakkela, folio 12.)

RECEIVER'S BOND INADEQUATE.

The bond required of the receiver in each case bore no relation to the value of the property coming into his hands.

Chipps *vs.* Lindeberg: Amount of gold theretofore extracted, $200,000; being taken out daily, $15,000; bond, $5,000. Folios 13, 21, and 145.

Rogers *vs.* Kjellmann: Gold theretofore extracted, $10,000; being taken out daily, $500; bond, $5,000. Folios 7 and 8.

Webster *vs.* Nakkela: Gold theretofore extracted, $50,000; being taken out daily, $500; bond, $5,000. Folios 5 and 11.

Melsing *vs.* Tornansis: Gold theretofore extracted, $150,000; being taken out daily, $5,000; bond, $5,000. Folios 5 and 11.

APPOINTMENT OF IMPROPER RECEIVER.

Although the bills in each case (Chipps *vs.* Lindeberg, folio 14; Webster *vs.* Nakkela, folio 6; Melsing *vs.* Tornansis, folio 5; Rogers *vs.* Kjellman) all charged unskillful management of the mines claimed, yet in every case a receiver was appointed who was without mining experience and had lived at Cape Nome but two days, reaching there, in company with the judge, on July 21.

DEFENDANT'S PERSONAL PROPERTY SEIZED.

The bills of complaint do not aver that the personal property upon the placer mines in question was the property of the respective plaintiffs, nor at any point is there any petition disclosed by the records for the appointment of a receiver for such personal property, yet the court ordered (Chipps *vs.* Lindeberg, folio 156) that the receiver shall take possession of "tents, buildings, safes, scales, and all personal property, fixed and movable; gold, gold dust, and precious metals; money, books of account, and each and all personal property upon said claim, connected therewith or in any way appertaining thereto, in possession of or under the control of the defendants," etc., estimated to be worth $200,000, contrary to the provisions of the special code of Alaska limiting the appointment of a receiver to special actions or proceedings "other than an action for the recovery of specific personal property."

(Section 753, special code, page 451, Session Statutes, first session Fifty-sixth Congress.)

On August 15, 1900, orders relative to personal property, similar to that in the Chipps case, were granted in the remaining cases.

REFUSAL OF RELIEF.

Motions to set aside the orders appointing receivers were all denied. (Chipps *vs.* Lindeberg, folio 146; Melsing *vs.* Tornansis, folio 48; Webster *vs.* Nakkela, folio 65; Rogers *vs.* Kjellmann, folio 60.)

The usual form of order was as follows:

"On reading the complaint and petition of the above-named plaintiff and the affidavits in support thereof, and on reading the affidavits of the defendants herein in support of a motion asking for the discharge and dismissal of the receiver heretofore appointed in the above-entitled proceedings, and on hearing the oral arguments of the attorneys for the several parties plaintiff and defendant herein, it is hereby

"*Ordered*, That the said motion asking for the discharge and dismissal of the said receiver, heretofore made under order of this court, be, and the same is hereby, dismissed, the appointment of said receiver being hereby confirmed, and that the receivership be continued until the further order of this court.

"Dated August 10, 1900.

"ARTHUR H. NOYES, *Judge*."

WRONGFUL REFUSAL OF APPEAL.

The judge refused to allow an appeal (Chipps *vs.* Lindeberg, folio 161; Melsing *vs.* Tornansis, folio 60; Rogers *vs.* Kjellmann, folio 72; Webster *vs.* Nakkala, folio 75), although the civil code of Alaska provides (section 507, page 415, Session Statutes, first session Fifty-sixth Congress) that "An appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order"—

and although the Supreme Court of the United States, in the case of the passing of an order precisely similar to those passed in these cases, had decided, in 168 U. S., page 583, In re Tampa Suburban Railroad Company, that the order granting an injunction was appealable.

The order refusing appeal is contained in the foregoing statement.

REFUSAL TO ALLOW BILL OF EXCEPTIONS, OR TO FIX BOND, OR ALLOW SUPERSEDEAS BOND.

The judge refused to settle or sign bill of exceptions or fix amount of bond or allow supersedeas bond. (Melsing *vs.* Tornansis, folio 60; Rogers *vs.* Kjellman, folio 72; Webster *vs.* Nakkala, folio 75.)

See copy of the order so signed in each case in the foregoing statement.

ALLOWANCE OF APPEAL BY CIRCUIT COURT OF APPEALS.

Appeal was allowed by circuit court of appeals.

See Chipps *vs.* Lindeberg, folio 169.

ORDER ALLOWING APPEAL.

On motion of J. C. Campbell, esq., counsel for respondents, and on filing the petition of Jafet Lindeberg, Erik O. Lindblom, and John Brynteson for an order allowing an appeal, together with an assignment of errors, it is ordered that an appeal be, and is hereby, allowed to the United States circuit court of appeals for the ninth circuit from the interlocutory order entered on the 11th day of August, 1900, granting an injunction pendente lite against respondents herein, and from each and every part and portion of said order.

That the amount of the bond upon said appeal be, and is hereby, fixed at the sum of $35,000.

That upon the execution and approval of said bond by this court a writ of supersedeas issue under the seal of this court, directed to complainant herein, his agents and servants, and the receiver therein appointed under said order, that

they desist and refrain from in any manner interfering with said property, or in any manner enforcing or attempting to enforce said order of August 11, 1900, until said appeal be heard and determined, or the further order of this court.

That a certified transcript of the record and proceedings herein be forthwith transmitted to the said United States circuit court of appeals.

Dated August 27, 1900.

WM. W. MORROW, *Judge.*

(Indorsed): Order allowing appeal, granting writ of supersedeas, etc. Filed August 27, 1900.

F. D. MONCKTON, *Clerk.*

WRIT OF SUPERSEDEAS.

Folios 175, 176, and 177 of the record in the case of Chipps *vs.* Lindeberg contains the following form of supersedeas:

Whereas in the above-entitled cause, upon petition of the appellants to this court for an order allowing an appeal to this court from an interlocutory order and decree made and entered by the said district court for the district of Alaska, second division, on the 11th day of August, 1900, granting unto the complainant herein an injunction ordering and directing the defendants and appellants to cease from working a certain mine in said bill of complaint mentioned, called the "Discovery," situated within said district of Alaska, and also ordering and directing said defendants to turn over the possession of said mine, together with all the personal property in said order mentioned, unto the said Alexander McKenzie, as receiver thereof, and also ordering and directing said receiver to take possession of said mine and mining property and conduct and work the same as receiver thereof, together with such other and various things as are in said order provided; and whereas said appellants also pray for a writ of supersedeas, and said appeal having been by said circuit court of appeals allowed and said petition for a writ of supersedeas granted upon the appellants filing a bond in the sum of $35,000, to be approved by this court, and said bond in said sum of $35,000, with approved sureties, having been filed and approved by this court.

"Now, therefore, you, the said Robert Chipps, Alexander McKenzie, and Arthur H. Noyes, judge of said district court for district of Alaska, second division, and each of you, are hereby commanded that from every and all proceedings on any execution of the aforesaid order or in anywise molesting the said defendants on the account aforesaid or in any manner interfering with their possession of said property you entirely surcease and refrain as being superseded, and that you, the said Alexander McKenzie, do forthwith return unto said defendants the possession of any and all property of which you took possession under and by virtue of said order, and that you do make return of this supersedeas, together with your acts and doings thereon, to said district court for said district of Alaska, second division, as you will answer the contrary at your peril; and you, the judge of said district court for the district of Alaska, second division, are hereby commanded to stay any and all proceedings which may have issued, as aforesaid, upon said order, and to stay any and all further proceedings in relation to the said order, and the appointment of a receiver thereunder in this case pending the appeal last aforesaid in this court.

"Witness the Hon. Melville W. Fuller, Chief Justice of the United States, this twenty-eighth day of August, in the year of our Lord one thousand nine hundred.

"F. D. MONCKTON,

[SEAL.] "*Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.*"

(Indorsed:) "Copy writ of supersedeas."

(Similar writ in other cases cited.)

SERVICE OF COPY OF WRIT ON JUDGE NOYES AND OTHERS.

The following certificate of service fixing date thereof appears at folio 183, Chipps *vs.* Lindeberg:

I certify that I served a duly certified copy of the within writ on each of the following-named persons by handing each of them said certified copy in Nome, Alaska:

Alexander McKenzie, at 12 m., September 14, 1900.
Messrs. Hibbard, Beeman & Hume, at 12.30 p. m., September 14, 1900.
Robert Chipps, at 12.30 p. m., September 14, 1900.
Hon. Arthur H. Noyes, at 2 p. m., September 14, 1900.
Dated Nome, Alaska, September 14, 1900.

C. L. VAWTER,
United States Marshal, District of Alaska, Second District Thereof.

ORDER DIRECTING ENFORCEMENT OF SUPERSEDEAS AND ATTACHMENT OF M'KENZIE FOR CONTEMPT.

In the United States circuit court of appeals. In and for the ninth circuit. William J. Kjellmann, defendant and appellant, *vs.* Henry Rogers, complainant and appellee.

Whereas on the 29th day of August, 1900, an order was made by the Hon. W. W. Morrow, one of the judges of this court in the above-entitled cause, allowing an appeal from the decree of the district court of the United States for the district of Alaska, second division, and a further order was made by said W. W. Morrow granting a supersedeas in the said action; and

Whereas a writ of supersedeas based upon said order was thereupon issued from this court, signed by the clerk thereof and attested by the seal thereof, to Arthur H. Noyes, judge of the said district court, and to Alexander McKenzie, receiver appointed by the said district court in the above-entitled cause, which writ was in the words following, to wit (then follows a copy of the writ of supersedeas, before given):

And whereas it has been made to appear to the satisfaction of this court by affidavit that the said Alexander McKenzie has been served with the said writ, and that he has refused to comply with the orders therein contained: Now, therefore, it is ordered that the United States marshal of the northern district of California proceed forthwith to the city of Nome, in the district of Alaska, and that he then and there enforce the orders and provisions of the said writ of supersedeas.

And it is further ordered that he attach the person of the said Alexander McKenzie, and produce him before this court at the city and county of San Francisco, State of California, to answer for his refusal to carry out the orders and process of this court, and for his contempt thereof, on Monday, the 5th day of November, 1900.

ORDER OF JUDGE NOYES STAYING PROCEEDINGS (BUT NOT COMPLYING WITH THE WRIT OF SUPERSEDEAS BY DIRECTING TRANSFER OF PROPERTY TO DEFENDANT).

On reading and filing the certified copies of the petition of defendant to the United States circuit court of appeals, in and for the ninth circuit, for an order allowing him to prosecute an appeal to said circuit court of appeals from the interlocutory order, judgment, and decree given and rendered in this action on the 23d day of July, 1900, in this district court, appointing a receiver to take charge of and control and manage the placer mining claim mentioned in the complaint, said interlocutory order embodying therein, as incident thereto, a restraining clause restraining the defendant from interfering with the property in the hands of receiver, and also from the order made and entered herein on the 10th day of August, 1900, in this district court denying the defendant's motion for an order discharging and dismissing the receiver theretofore appointed under the above-mentioned order of the 23d day of July, 1900, and on reading and filing the certified copy of the assignment of errors presented to the said circuit court of appeals by the defendant herein; the order of Hon. William W. Morrow, judge of said circuit court of appeals, dated August 29, 1900, allowing an appeal to said circuit court of appeals for the ninth circuit from said interlocutory order, judgment, and decree; the citation issued on August 29, 1900, by the said Hon. William W. Morrow, judge of the circuit court of appeals, directed to the plaintiff, Henry Rogers, citing him to appear before said circuit court of appeals at San Francisco, Cal., on the 28th day of September, 1900, the writ of supersedeas granted herein on the 29th day of August, 1900, by the said United circuit court of appeals, directed to Hon. Arthur H. Noyes, judge of the district court for the district of Alaska, and to Henry Rogers and Alexander McKenzie; and the certified copy of the supersedeas bond, dated the 29th day of August, 1900, it is hereby

Ordered, That all further proceedings herein in relation to said interlocutory order of this district court of said 23d day of July, 1900, be, and they are hereby, stayed, pending the said appeal from said interlocutory order to said circuit court of appeals.

By the court.

[SEAL.]

ARTHUR H. NOYES,
Judge of the United States District Court, District of Alaska, Second Division.

(Indorsed:) No. 7. United States' district court, district of Alaska, second division. Henry Rogers, plaintiff, *v.* William A. Kjellman, defendant. Original order staying proceedings. Filed in the United States district court, district of Alaska, second division. September 17, 1900. Geor. V. Borchsenius, clerk. John T. Reed, deputy.

Pages 130, 131, and 132 of the printed record in Kjellman *v.* Rogers.

AFFIDAVIT OF RECEIVER M'KENZIE IN CONTEMPT PROCEEDINGS.

In the United States circuit court of appeals for the ninth circuit: William A. Kjellman et el., appellants, *vs.* Henry Rogers, appellee. In the matter of Alexander McKenzie for contempt.

Now comes Alexander McKenzie, defendant herein, and saving and reserving all objections heretofore made in his plea to the jurisdiction of this court and excepting to the overruling thereof, and answering under protest the order to show cause why he should not be punished for contempt heretofore made herein by this honorable court, respectfully alleges:

That on the 14th day of September, 1900, all of the gold and gold dust received by him as receiver on the properties described in the pleadings herein was deposited in the said vault of the Alaska Banking and Safe Deposit Company in obedience to the orders of the said district court of Alaska, except such portions as had been withdrawn by order of said court.

That on the 15th day of September Arthur H. Noyes, judge of said district court of Alaska, ordered and directed the United States marshal for the district of Alaska, second division, to take possession of the portions of said vault containing the gold and gold dust held by this defendant as receiver, place a guard over it, and not to permit this defendant access to said vault.

That the said C. L. Vawter, marshal, as aforesaid, in obedience to the orders of said Arthur H. Noyes, judge, as aforesaid, immediately took possession of said vault and placed a military guard in charge thereof with instructions to enforce the orders of said district judge and not to permit this defendant to have access to said vault or to the boxes thereof containing the gold dust received by him as such receiver.

That from and after said 15th day of September, 1900, this deponent never was permitted to have access to the boxes in said vault containing the gold and gold dust deposited by him as such receiver, and he was not permitted to exercise any control whatever over the same.

That on said date and thereafter this defendant was without the ability to comply with the order of this court.

Defendant admits that the demand for the immediate delivery of the property described in the pleadings herein and the gold and gold dust, the proceeds thereof, was made on him on the 14th day of September, in the manner and form set forth in the affidavit of Samuel Knight heretofore filed herein.

That said defendant is not learned in the law, and desired to be made acquainted with his rights and duties in the premises on such date by his counsel, and immediately submitted the matters to his counsel, asking for his opinion as to the law applicable in the premises.

That before receiving such advice the Hon. Arthur H. Noyes, judge of the district court of Alaska, had made and issued the order to the United States marshal hereinbefore set forth, and thereafter it was not in the power of this defendant to comply with the order of this court; and the said order to said marshal was made without the knowledge, consent, or solicitation of this defendant; and further, that this defendant was advised that between the 15th and 19th days of September, 1900, applications were made to the Hon. Arthur H. Noyes, judge of the district court of Alaska, and to said district court by the defendants in the above-entitled action, requesting said Arthur H. Noyes, judge as aforesaid, and the said district court to order and direct this defendant to surrender to the defendants herein the gold and gold dust then in his possession, the proceeds of the property described in the pleadings herein, and the said Arthur H. Noyes did, on said dates, fail, refuse, and decline to make such orders so requested by appellants.

That said gold and gold dust, the proceeds of said properties aforesaid, and contained in the vault of the Alaska Banking and Safe Deposit Company, has not been under the possession of or under the control of this defendant since the 14th day of September, 1900.

That no other or further demand was made on him to comply with the writ in this case than as hereinbefore set forth.

That on the said 15th day of September, 1900, said C. L. Vawter, marshal of the district court of Alaska, as aforesaid, in obedience to the orders of said Arthur H. Noyes, judge as aforesaid, immediately took possession of the said vault and placed a military guard in charge thereof, with instructions to enforce the order of the said district judge and not to permit this defendant to have access to such vault or the boxes contained therein.

ALEXANDER McKENZIE.

AFFIDAVIT OF UNITED STATES MARSHAL IN CONTEMPT PROCEEDINGS.

UNITED STATES OF AMERICA, SECOND DIVISION, DISTRICT OF ALASKA.

C. L. Vawter, being duly sworn, deposes and says that he is the United States marshal for the second division for the district of Alaska, duly appointed and qualified, and acting as such.

That on the 15th day of September, 1900, Judge Arthur H. Noyes, United States district judge for the district of Alaska, second division, ordered this affiant, as such marshal, to repair to the building occupied by the Alaskan Banking and Safe Deposit Company, in which the gold and gold dust held by Alexander McKenzie, as receiver of sundry claims in Alaska, was deposited, and to place a guard over such vaults, and not to permit any persons, especially the said Alexander McKenzie and the parties interested, to have access to the boxes in which the gold and gold dust so held by said receiver was so contained until a further order of the court, and not to permit any person, especially the said Alexander McKenzie and the parties in interest, to open said boxes or to withdraw any portion of the gold or gold dust contained therein until the said order of the said court.

That in pursuance of the aforesaid order he repaired to said bank and placed a guard of United States soldiers over said vault. That such guard continued without interruption, day and night, until the 16th day of October, 1900.

That said guard of soldiers was instructed by him as said marshal not to permit

said Alexander McKenzie or any other interested person to enter said safety boxes or to have access thereto.

That he informed said Alexander McKenzie of said order of said Arthur H. Noyes, district judge, as aforesaid, that he would not permit said Alexander McKenzie to enter said vault or have access thereto without first securing an order from said judge.

That on the 13th day of October, 1900, said Alexander McKenzie did request of this affiant that he be permitted to enter said vault to open one of the boxes containing gold and gold dust taken from certain of said claims, for the purpose of withdrawing therefrom a quantity of said gold dust for the purpose of paying claims against such mining property, as provided in a certain stipulation that day accepted by attorneys for plaintiffs and defendants.

That this affiant informed said Alexander McKenzie that he would have to obtain an order from said judge so permitting him to enter said boxes for the purpose of procuring said money.

That in the absence of said order this affiant would not permit him to enter said vault.

That thereafter on same day, after the gold had been withdrawn under the stipulation and order of the court above referred to, this affiant went to said Judge Arthur H. Noyes for further instructions, and said Judge Arthur H. Noyes then and there instructed this affiant to let the previous order continue and not permit Receiver Alexander McKenzie, or any other person or persons, to have access to said gold or withdraw any of same until further order of the court.

C. L. VAWTER.

Subscribed and sworn to before me this 18th day of October, 1900.

[SEAL.] GEO. A. LEEKLEY,
Notary Public in and for the District of Alaska.

(Indorsed:) No. 636. U. S. circuit court of appeals for the ninth circuit. William A. Kjellman *v.* Henry Rogers. Affidavit of C. L. Vawter. Filed January 16, 1901. F. D. Monckton, clerk.

I, Frank D. Monckton, clerk of the United States circuit court of appeals for the ninth circuit, do hereby certify the foregoing to be a full, true, and correct copy of affidavit of C. L. Vawter, filed in the cause entitled William A. Kjellman, Appellant, *vs.* Henry Rogers, No. 636, as the original thereof remains and appears of record in my office.

Attest my hand and the seal of said circuit court of appeals at San Francisco, California, this 17th day of January, A. D. 1901.

[COURT SEAL.] F. D. MONCKTON, *Clerk.*
[10-c. I. R. stamp.]

Mr. STEWART. It appears that some of these parties were able to appeal. They applied, as this record shows, to Judge Noyes to allow an appeal. He refused to allow an appeal in the most emphatic terms. It went to the circuit court of appeals at San Francisco. That court allowed the appeal and set aside Judge Noyes's order taking the property from the defendants and ordered it turned back into the possession of the defendants. The receiver, McKenzie, refused to obey this order.

When the Army was ordered to assist the circuit court in executing the order and take the property and give it to the defendants, Judge Noyes then directed the marshal to take possession of it, and a more terrible record never was exhibited than is shown in this opinion of Judge Ross.

Judge Ross is well known. He has been on the district bench of California for the past twenty-five or thirty years. No man stands higher or is more respected. He never was accused of wrongdoing. He is a man of great learning and integrity, and this is his opinion. I think the Senate ought to hear this opinion read. It sets forth the Nome transaction in such a light as would make any honest man blush. I will ask for the reading of this opinion or I will read it.

Mr. HAWLEY. Will not the Senator consent to have it printed in the RECORD?

Mr. STEWART. Is there objection to reading it?

Mr. BUTLER. I will ask the Senator from Nevada if that is not the opinion which was published in the Post a few mornings ago.

Mr. STEWART. It was published in part in the Post.

Mr. BUTLER. I read it with interest. Is it not sufficient to put it in the RECORD? It was published in the Post and I read it.

Mr. STEWART. I will have it printed in the RECORD, but I will call attention to one or two points.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Kentucky?

Mr. STEWART. Yes, sir.

Mr. LINDSAY. I ask whether or not the offenses charged against Judge Noyes are of such a character as to warrant his impeachment?

Mr. STEWART. Undoubtedly.

Mr. LINDSAY. Then, ought we to be trying him before he is impeached?

Mr. STEWART. We are not trying him.

Mr. LINDSAY. I think we are.

Mr. STEWART. Just let me read a few lines and I will show you what is the condition of affairs going on at Cape Nome.

Mr. LINDSAY. I know it. I have read it all.

Mr. JONES of Arkansas. Will the Senator allow me a moment?

Mr. STEWART. Yes; I will give you a moment.

Mr. JONES of Arkansas. I want to make one suggestion. The Senator must know that it is utterly impossible for this matter to be disposed of and considered by the Senate now. There are but three or four days of this session remaining, and there are a number of appropriation bills that are matters of great public importance. So I hope Senators will allow the appropriation bills to go on and the public business to proceed.

Mr. STEWART. That is all very well, but I shall get through in a few minutes. It is important that the Senate and the country should know of the conditions at Cape Nome and know what is the situation there. There are thirty or forty mining claims which have been enjoined and put into the hands of receivers, and many of the miners are unable to appeal owing to the great distance from the appellate court, and some of those people have no money to appeal.

But suppose that they should go to trial before Judge Noyes, who has been fixing it all up; if they should get judgment, they would have no redress, for the mines would be all worked out. I say again if Senators would go into that mining district and see the methods which are being used by the judge in enjoining mining claims and putting them in the hands of his associate, his receiver, without notice to anybody, and confiscating the property of men in that far-off country, not one of them would tolerate or apologize for such a condition of things.

A receiver should never be appointed in mining cases except where it is necessary to protect the property, and placer mines should not be put in the hands of a receiver at all. There is no precedent for so doing. If there is any doubt about a particular title, an injunction is a complete and proper remedy. But here is a case where a whole district has been gone over in this way, where nearly all the mining property has been put into the hands of one man as a receiver, and we are told that there is no corruption about that. The decision of the court of appeals at San Francisco, rendered by Judge Ross, stigmatized this proceeding as shocking and "to have no parallel in the jurisprudence of this country."

I say that taking possession of a whole mining district by means of injunctions and a receiver, without a hearing, is a more high-handed outrage than has ever been perpetrated under Spanish rule in any country. The more you know about this Nome scandal the more you will be shocked at it. It is now sought to whitewash this man Noyes. Think of the defense made by himself, that bullying defense, in the letter read by the Senator from North Dakota. It is in keeping with all his conduct.

Mr. SHOUP. Is the Senator through?

Mr. STEWART. I will ask that the decision of the circuit court of appeals be printed in the RECORD, and also the statement of Mr. Dunham, one of the victims. Let that also go into the RECORD.

Mr. PETTIGREW. I shall object to the printing of the statement in the RECORD. The Senator will have to read it himself if it is to go into the RECORD. There has been perjury enough already in this matter.

Mr. STEWART. A lot of affidavits have already been put in the RECORD by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. PETTIGREW. I do not object to the opinion of the court being printed in the RECORD, but I do object to your machine-made affidavits.

Mr. STEWART. Then I will put the opinion of the court in the RECORD, and I will read part of the statement made by Mr. Dunham.

The opinion of the court is as follows:

In the United States circuit court of appeals for the ninth circuit. John I. Tornanses, appellant, *vs.* L. F. Melsing et al., respondents. William A. Kjellman, appellant, *vs.* Henry Rogers, respondent. Filed February 11, 1901.

OPINION AND JUDGMENT.

Page, McCutchen, Harding, and Knight for appellants.
Thomas J. Geary and A. C. Severance, for respondent Alexander McKenzie.
Before Gilbert, Ross, and Morrow, circuit judges.
Ross, circuit judge, delivered the opinion of the court:

The proceedings now before the court in the above-entitled cases grow out of the alleged disobedience by one Alexander McKenzie of certain writs of supersedeas issued out of this court upon the order of Hon. William W. Morrow, one of its judges. They have been argued and submitted together, and will be so considered. Each case originated in the United States district court for the second division of the district of Alaska, of which Arthur H. Noyes is the judge, George V. Borchsenius the clerk, and C. E. Dickey a deputy clerk. Placer mining claim known as No. 10 Above Discovery, on Anvil Creek, a tributary to Snake River, was the subject of controversy in the action of Melsing et al. *vs.* Tornanses, and placer mining claim No. 2 Below Discovery, on the same creek, was the subject of contention in the action of Rogers *vs.* Kjellman.

Both claims are situated within the Cape Nome mining district of Alaska. The act of Congress under which Judge Noyes was appointed was approved June 6, 1900 (31 Stat., L, 321). In its fourth section it is provided that: "The judge designated to preside over division No. 2 (within which division is the Cape Nome mining district) shall reside at St. Michaels during his term of office, and shall hold at least one term of court each year at St. Michaels, in the district, beginning the third Monday in June."

It is further provided in the fourth section that each of the three judges provided for by the act "is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court, at such times and places in the district as they or any of them, respectively, may deem expedient, or as the Attorney-General may direct;" and that "at least thirty days' notice shall be given by the judge or the clerk of the time and place of holding special terms of the court."

It is not pretended that Judge Noyes held any term of the court at St. Michaels in June, or that any notice was given by him or the clerk of the court of the holding of a special term thereof at Nome, or elsewhere, prior to the acts out of which the present proceedings arise. On the contrary, it appears from the records and proofs on file in this court that the steamer on which Judge Noyes went from the city of Seattle, Wash., to Alaska did not reach the roadstead of Nome until July 19, 1900, and that he did not go ashore until Saturday, July 21.

Two days thereafter, to wit, Monday, July 23, he signed orders appointing Alexander McKenzie receiver of said placer mining claims, with directions to take immediate possession thereof and to manage, mine, and work the same; to preserve the gold, gold dust, and proceeds resulting from the working and mining of the claims, and to dispose of the same subject to the further orders of the

court; and further ordering the persons then in possession of the claims to deliver to the receiver their immediate possession, control, and management, and expressly enjoining them from in any manner interfering with the mining or working of the claims by the receiver, or with his control or management thereof.

The amount of the bond required by the judge of the receiver was $5,000 in each case. These orders were signed at the same time, and the circumstances under which they were made appear in the proceedings of the court of August 3, 1900, on the motion of counsel for the parties against whom they were directed, made for their annulment on July 24. We extract from the record in the case of Melsing et al. *vs.* Tornanses, precisely similar proceedings appearing also in the case of Rogers *vs.* Kjellman:

Upon the hearing of the applications to set aside appointments of receiver in the Anvil Creek cases Mr. Knight, of counsel for defendant, after reading affidavits in support of his application, continued as follows:

In addition, if the Court please, to these affidavits we desire to introduce the records of the court in this case, and if Mr. Dickey is here, I desire to call him as a witness.

The COURT. I believe Mr. Dickey is inside.

Mr. KNIGHT. I desire to call Mr. Dickey with reference to the filing of these papers.

(It is ascertained that Mr. Dickey is not in.)

The COURT. The records are here; can you use them instead?

Mr. KNIGHT. I desire to prove, if the court please, that the papers were not filed in this case until after an order had been made appointing a receiver; and further, that no process was issued at that time, or summons, and that so far as I know it has not been issued at the present time.

Mr. HUME. So far as the plaintiff is concerned, the papers were delivered to the clerk to be filed, all at the same time.

Mr. KNIGHT. The summons has not been served on any of our people.

Mr. HUME. So far as I know, the summons has not been served in any of these cases. Preparation was made to serve the summons, but the defendants came into court the next morning, and the question of the propriety of their appearance here before answer coming up, personal service has been delayed until the court should pass upon that matter. We have been getting the papers ready to serve each and every person interested with a copy of the complaint.

Mr. KNIGHT. I wish simply to make the point that the papers were not filed before the order was issued.

The COURT. All the papers were before the court; they were left here.

Mr. KNIGHT. But my point is that they were not filed until after the order appointing the receiver was made, and that the order was made before process issued. I think your honor will agree as to the fact that the bill of complaint was presented to your honor on the afternoon of the 23d day of July, 1900, and that your honor thereafter made an order appointing a receiver, and the papers were subsequently that evening handed to the deputy clerk of the court for filing, but that no process was issued in the cases in which I now appear—that is, in the cases involving No. 2 below, Nos. 10 and 11 above, and No. 1 Nakkela. Mr. Hume, is that correct?

Mr. HUME. Well, of course, as to the time they were filed, we can agree to this fact—that all the papers, the affidavits, and bills of complaint and summons, were all presented here to the court. They were not presented to the clerk. We couldn't find the clerk at that time; he had no office. They were presented to the court and left with the court. All the papers were left with the court, and the clerk was to file them, but he, being out some place, we were unable to find him, and he having no special office, we presumed they were not filed until later. Everything was in confusion then, and we simply left the papers with the court; that is all we could do.

The COURT. I remember this, that the papers were here on the table, and I called Mr. Dickey's attention to them.

Mr. KNIGHT. After the order had been made?

The COURT. Oh, yes.

Mr. KNIGHT. It is agreed further, then, that no process has yet issued in this case?

Mr. HUME. I think the summons has been issued. I know it was made out.

Mr. KNIGHT. But no process has been placed in the hands of an officer for service?

Mr. HUME. No; I think not. I think not placed in the hands of an officer.

The COURT. I think you will find as a matter of record that the summons has been issued.

Mr. KNIGHT. As far as the issuance of process is concerned, the records will speak for themselves.

It thus appears that the injunctions and orders appointing a receiver of the claims in question were made before the organization of the court, without notice of any character, and before any paper of any kind had been placed on the files of the court—assuming the court to have been organized and in condition for the transaction of business.

Not only so, but the injunction granted and the appointment of the receiver in the case of Rogers *vs.* Kjellman was based upon a pleading which is without a single allegation of an equitable nature. That pleading alleges only the citizenship of the plaintiff Rogers and the alienage of the defendant Kjellman; the competency of the plaintiff to make locations under the mining laws of the United States; his discovery of gold on, and his location of claim No. 2 Below Discovery, on Anvil Creek, on the 6th day of June, 1899; his marking of its boundaries in accordance with the statutes of the United States and with the local rules of the mining district within which it is situated, and the recordation of notice of the location in the office of the recorder of the district; the possession of the claim by the plaintiff until his dispossession by the defendant on or about July 1, 1899; the withholding thereof by the defendant ever since, and the extraction therefrom by the defendant and others under him of $100,000 in gold and gold dust, to the damage of the plaintiff in that sum and the right of the plaintiff to a restitution of the possession of the claim. The prayer is only for such restitution of possession of the property and for $100,000 damages and for costs.

In other words, the complaint in the case of Rogers *v.* Kjellman, upon which the judge granted an injunction and appointed a receiver, was an ordinary complaint in ejectment, without a single allegation of even an equitable nature. It is true there was presented to the judge at the same time the affidavit of the plaintiff, Rogers, and the affidavit of one Charles Cooper, in which they swore, in substance, that the defendant Kjellman was not a citizen of the United States and had never declared his intention to become such; had never located or marked the claim in question in accordance with law, but had extracted therefrom during the mining season of 1899 gold to the amount of $100,000 and removed the same beyond the jurisdiction of the court, and that his servants and assigns were then in the possession of and working the claim, whose only value consisted of the gold it contained, and, if allowed, would continue to work the claim and extract therefrom $5,000 a day and appropriate the same to their own use in fraud of the plaintiff's rights.

In the case of Melsing et al. *v.* Tornanses, the order granting the injunction and appointing the receiver was based upon an unverified bill praying for an injunction and an order appointing a receiver, supported by the affidavits of one T. H. Downing and one E. W. Bacon. L. F. Melsing, H. L. Blake, D. B. Libby, W. T. Hume, and O. P. Hubbard are the complainants in that bill and John I. Tornanses is the sole defendant thereto, although it appears in more than one place in its body that the complainants contemplated naming other parties also as defendants.

In the bill it is, among other things, alleged "that the complainant L. F. Melsing has begun an action at law against the defendant herein to recover the possession of the premises herein described, a copy of which complaint is attached to this bill and made a part hereof; that in order to preserve the rights of the complainant in said action at law and in said placer-mining claim pending the termination of said action at law, to prevent the extraction of gold from said claim and the appropriation thereof by defendants his lessees, agents, servants, employees, and grantees, and preserve the said property and the gold extracted therefrom, it is necessary, proper, and convenient that a receiver should be appointed by this honorable court to take possession of, charge of, and care for said claim, and to hold, operate, and mine and control the same, under the orders of this honorable court, until the termination of said action at law; that the complainants H. L. Blake, D. B. Libby, O. P. Hubbard, and W. T. Hume are grantees, for a valuable consideration, of the said complainant L. F. Melsing of an undivided interest each in said placer-mining claim, and are the owners of a substantial and undivided interest in the land and premises hereinbefore described, alleged, and designated as said Placer Mining Claim No. 10 above Discovery, on Anvil Creek."

The record shows that the complaint in the action at law thus spoken of was verified by Melsing on the 25th day of August, 1899, and is entitled in the district court of the United States for the district of Alaska, which court was abolished by the act of Congress of June 6, 1900. (31 Stat. L., 321.) That complaint, however, appears from the record to have been filed in the district court for the district of Alaska, second division, created by the last-mentioned act of Congress, at the time the bill in the case of Melsing et al. *v.* Tornanses was filed therein, together with an affidavit of Melsing, made by him on the 25th day of August, 1899, evidently to be used in some way in connection with the action at law entitled in the abolished court.

The bill in the case of Melsing et al. *vs.* Tornanses further alleges that on the 11th day of March, 1899, Melsing discovered gold in the ground known as said placer-mining claim No. 10 Above Discovery, and, being at the time competent to do so, located the ground under the mining laws of the United States, marking the boundaries thereof in accordance with law and recording the notice of the location in the office of the recorder of the district in which the claim is situated, and took peaceable possession thereof; that thereafter, and on or about May 1, 1899, the defendant Tornanses wrongfully and forcibly, by himself and others under him, ejected Melsing from the premises and took possession of the claim, and has ever since withheld its possession from him; that during the mining season of 1899 the defendant worked the said claim and extracted therefrom gold of the value of at least $150,000, and at the opening of the season of 1900 commenced and still continues the working of the claim, thereby extracting therefrom each day gold and gold dust of the value of at least $5,000, all of which the defendant Tornanses, his lessees and grantees, have appropriated to their own use and benefit to the injury of the complainants and in fraud of their rights; that the ground is valuable only for the gold it contains, and that the defendant Tornanses, his agents, lessees, and grantees, are insolvent, and that the defendant Tornanses is an alien and has never declared his intention to become a citizen of the United States. This bill, as has been said, was never verified.

The affidavits of Downing and Bacon, presented in support of the bill, are only to the effect that in July, 1900 (that of Bacon fixing the date as the 19th of that month), they saw working upon claim No. 10 Above Discovery a large number of men, under, as they were informed and believe, the defendant or his assigns or grantees, and that the claim was being unskillfully worked, with the object of taking only the richest pay dirt without regard to the manner in which the claim would be left thereafter, and that the continuation of such work in that manner would destroy the value of the claim.

The affidavit of Bacon further states that he was informed by the men at work that they were getting gold therefrom at the rate of a dollar a shovel, and that in addition to the work by hand the persons working the ground had a steam plant in operation thereon for the purpose of expediting the extraction of the gold contained therein, and that the pay dirt was then so exposed as to be easily sluiced and worked when there should be sufficient water in Anvil Creek, and that when there should be more water in the creek the parties then working the ground "could take thousands of dollars out of said claim, and virtually destroy the same for sale or proper operation unless restrained by order of the court."

It was upon the showing here stated and under the circumstances above detailed that Judge Noyes, on the 23d day of July, 1900, signed the orders granting the injunctions and appointing the receiver of the mining claims in question, who at once took possession of them. On the 24th day of July, 1900, in the case of Melsing et al. *vs.* Tornanses, and on the 30th day of July, 1900, in the case of Rogers *vs.* Kjellman, the parties claiming under Tornanses and Kjellman moved the court to vacate these orders, supporting the motions by the notices of location of the respective claims by Tornanses and Kjellman, by their respective deeds of conveyance, and by numerous affidavits.

The notice of location by Kjellman of claim No. 2 Below Discovery described the claim, set forth the discovery of gold thereon on the 22d day of September, 1898, and its location on that day, and appears to have been witnessed by John Brynteson and Erik O. Lindblom, and was filed for record at 12 o'clock noon on October 12, 1898, with A. N. Kittelsen, recorder of the mining district. The notice of location by Tornanses of claim No. 10 Above Discovery was similar and purported to have been witnessed by G. W. Price and A. N. Kittilsen, M. D., and filed for record at 12 o'clock noon on October 18, 1898.

The deeds thus presented to the court were conveyances from those original locators, for a valuable consideration, to Charles D. Lane of their interests in the claims. The affidavits presented in support of the motions to vacate the orders referred to set forth, among other things, that Tornanses was the first locator of the aforesaid claim No. 10 Above Discovery, and that Kjellman was the first locator of the aforesaid claim No. 2 Below Discovery; that prior to the respective locations gold was discovered by the locator in the ground located, and that in making each of said locations the boundaries thereof were so marked upon the ground that they could be readily traced, and that from the time of their location each of the claims was in the possession of the locator and his successors in interest, and during each working season thereafter was mined for gold in a proper, miner-like way; that the conveyance of those claims to Lane was made to him for and on behalf of the Wild Goose Mining and Trading Company, a corporation—that of the aforesaid claim No. 2 Below Discovery on the 9th day of September, 1899, and that of the aforesaid claim No. 10 Above Discovery on the 18th day of September, 1899, since which time neither Kjellman nor Tornanses have never had possession of or control over either of said claims, but that both of them thereupon departed from the United States, and neither has ever returned, and that the property has since been held and worked by Lane and those holding under him, and was so worked and held at the time of the initiation of these cases. The affidavits on behalf of the moving parties also deny the alleged insolvency of Lane and those holding under him, and, on the contrary, aver that both Lane and the Wild Goose Mining and Trading Company are amply able to respond in any damages that may be recovered against them.

In each case the district court, on the 10th day of August, 1900, made and entered an order denying the motion so made to vacate the order granting the injunction and appointing the receiver, and on the 14th day of August, 1900, counsel for the defendants in each case petitioned the court for an order allowing an appeal from the order granting the injunction and appointing the receiver, at the time presenting to the court a proper bond on appeal, together with an assignment of errors and a proposed bill of exceptions for settlement and allowance, in response to which the judge, on the 15th day of August, 1900, made an order in each case "that said proposed bill of exceptions is in each and every

part thereof disallowed as a bill of exceptions herein, and the settlement thereof, or of any proposed bill of exceptions herein, is hereby refused; that said petition for an order allowing said appeal is hereby denied, and said judge declines to accept or fix the amount of any bond for costs thereof, or allow a supersedeas bond to be given, or fix the amount thereof.

Dated NOME, ALASKA, *August 15, 1900.*

"ARTHUR H. NOYES, *Judge.*"

On the same day, to wit, August 15, 1900, the judge made and entered the following order in each case:

"Now, at this time, comes the plaintiff by his attorneys, Hubbard, Beeman & Hume, and Dudley Du Bose, and moves the court for an additional and further order in the matter of the appointment of Alexander McKenzie as receiver in the above-entitled suit, and the court being fully advised in the premises:

It is further ordered that in addition to the powers and authorities already granted the receiver appointed, the said receiver is hereby ordered to take possession of the placer claim mentioned in the complaint herein, and all sluice boxes, dams, excavations, machinery, pipe, boarding houses, tents, buildings, safes, scales, and all other personal property fixed or movable on the said placer claim; also all gold, gold dust, precious metals, money, books of account, and each and all personal property upon the said claim connected therewith, and in any way appertaining thereto, in possession of and under the control of the defendant, his lessees, grantees, assigns, employees; and all and every person in possession of the said claim or claiming any right, title, or interest in and to the said placer claim or any gold dust therein or any personal property thereon of any nature whatsoever, are hereby ordered to deliver the same to the said receiver, and are hereby restrained from interfering with the said receiver in quiet and peaceable possession of the same, or any agent that the said receiver may designate to take possession thereof.

It is further ordered that this order shall revoke all and any order in conflict herewith, and does hereby revoke the same; and

It is further ordered that this order shall remain in full force and effect until further order of this court.

It is further ordered that a copy of this order shall be served upon any person in possession of or claiming possession of the property described.

Done in chambers this 15th day of August, 1900.

ARTHUR H. NOYES, *Judge.*

For this sweeping order against any and every person, whether a party to the suit or not, and this express requirement of the receiver to take possession, among other things, of all sluice boxes, machinery, pipe, boarding houses, tents, safes, scales, money, books of account, and all other personal property upon the claims, of whatsoever kind or nature, no basis of any kind appears from the records which have been brought here upon certiorari to have been presented to the court below, although the order recites upon its face that the court was "fully advised in the premises."

Nor does it appear that the slightest attention was paid to an express provision of the very statute under which the court was created and existed, in terms prohibiting the appointment of a receiver in any action for the recovery of specific personal property (Alaska Code, sec. 753), nor to sections 301 or 475 of the same code, which provide as follows:

"SEC. 301. Any person who has a legal estate in real property, and a present right to the possession thereof, may recover such possession, with damages for withholding the same, by an action. Such action shall be commenced against the person in the actual possession of the property at the time, or, if the property be not in the actual possession of anyone, then against the person acting as the owner thereof."

"SEC. 475. Any person in possession, by himself or his tenant, of real property, may maintain an action of an equitable nature against another who claims an estate or interest therein adverse to him for the purpose of determining such claim, estate, or interest."

It will be observed from these provisions that by the code governing Alaska an action of ejectment is required to be brought "against the person in the actual possession of the property at the time, or if the property be not in the actual possession of anyone, then against the person acting as the owner thereof;" and that the right to maintain an equitable action for the purpose of determining an adverse claim is only given to one in possession by himself or his tenant.

The successors in interest of the defendants to the suits having thus been denied an appeal from the orders granting the injunctions and appointing a receiver, not only of the mining claims in question, but of their personal property as well, with directions to the receiver to extract from the claims the gold which constituted their sole value, the defendants applied, with all speed possible, to a judge of this court for the allowance of the appeals which had been denied them in Alaska.

The judge of this court, to whom the applications were made, and upon a showing embracing much of this shocking record, at once granted the appeals, requiring and approving a supersedeas bond in each case in the sum of $20,000, and thereupon ordered a writ of supersedeas to issue out of this court under its seal, in each case; and, in writing, approved the form thereof, staying all proceedings under the orders granting the injunctions and appointing the receiver, and further ordering the receiver to at once restore to the defendants from whom he had taken them the said mining claims, together with the gold, gold dust, and other personal property received by him under the orders appealed from.

Certified copies of the order allowing the appeal in each case, together with certified copies of the assignment of errors and of the bond, were, with the original writ of supersedeas and the original citation in each case, filed in the lower court on the 14th day of September, 1900, and copies thereof at once served upon the Receiver McKenzie and a demand made upon him for the restitution of the property in accordance with the writs.

The evidence taken upon the hearing of these proceedings is to the effect, and we so find the fact to be, that the respondent McKenzie thereupon refused and continued to refuse to restore, in accordance with the requirements of the writs of supersedeas, the gold, gold dust, and other personal property received by him under the orders of the trial court, and that fact being made to appear to this court by affidavits on the 1st day of October, 1900, and it further being then made to appear to this court that the last steamer for the season would leave the city of Seattle for Nome within a few days, and that no further communication could be had with that section of the country until the spring or early summer of 1901, this court thereupon made an order directing its marshal to proceed to Nome, enforce its writs of supersedeas, arrest the offending receiver and produce him at the bar of this court. The evidence taken upon the hearing of these proceedings is also to the effect, and we so find the fact to be, that the respondent McKenzie at all times had it within his power to comply with the requirements of the writs of supersedeas issued out of this court; that he contumaceously refused to restore the gold, gold dust, and other personal property to the defendants, as required by those writs, and has continued such refusal ever since.

It is said by counsel for the respondent McKenzie that the action of Judge Noyes in refusing to allow the appeals petitioned for and in refusing to settle any bill of exceptions was based upon the opinion that no appeal is allowed by law from the orders made by him, and it is here so contended.

Provision is made by section 504 of the Alaska Code for the taking and prosecution of an appeal from the final judgment of the district court for the district of Alaska, or any division thereof, direct to the Supreme Court of the United States in certain cases within which the present cases do not come, and it is then provided "that in all other cases, where the amount involved or the value of the subject-matter exceeds the sum of $5,000, the United States circuit court of appeals for the ninth circuit shall have jurisdiction to review upon writ of error or appeal the final judgment (and) orders of the district court."

And section 507 of the same code declares that "an appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction, made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order. The proceedings in other respects in the district court in the cause in which such interlocutory order was made shall not be stayed during the pendency of such appeal, unless otherwise ordered by the district court."

Leaving out of consideration the last-quoted section, which in express terms authorizes an appeal from an order granting an injunction and without considering the right of the defendants to the suits in question to thus have reviewed the orders enjoining them from working the mining claims involved in them, and as a necessary incident the right of the court to appoint a receiver of the property claimed by them, we think we may safely rest the jurisdiction of this court to review those orders upon section 504 of the Alaska code, above referred to.

And it is for this court, subject to review of its action by the Supreme Court, to determine whether it may entertain jurisdiction of the cause removed and to dispose of controversies in respect to the form of its writs, the parties, the citation, and their service, without interference from any other court. (In re Chetworth, 165 U. S., 443.) Courts take judicial notice of the general physical and climatic condition of the country within their jurisdiction. We therefore know judicially, as well as from the record in these cases, that the sole value of the mining claims in question consisted in the mineral contained in them.

The extraction of that is, therefore, the taking of the very substance of the estate, and when all of it is removed nothing of value will remain in the claims. In the case of a vein or lode mine, with tunnels, drifts, and shafts in which there are timbers to be placed, replaced, or repaired, or water to be controlled, it sometimes happens that the appointment of a receiver becomes necessary to take possession of and operate the mine pending the litigation, in order to preserve the property; but even in that class of cases the necessity for a receiver is not of frequent occurrence.

This is well shown in the case of Bigbee *vs.* Summerour (101 Ga., 201, 228; S. E. Rep., 642). So, too, in the case of placer-mining claims, valuable only for the oil contained in them, where it becomes necessary for the proper preservation of the claim that the ground be worked to prevent its substance from being drawn off by the operation of wells on adjoining ground, or where it is shown that a receiver is necessary in order that the annual work required by law may be performed for the benefit of the party who may ultimately be adjudged entitled to the ground.

But nothing of that sort is shown to have existed with respect to the claims here involved. Here the gold in the claim would have remained as safe as it was during all the ages it had been there, and an injunction (assuming a proper showing for one to have been made) staying the working of the claims pending the litigation would have perfectly preserved the property for whomsoever might be ultimately adjudged to be entitled to it. The value of mining property of every character, like the value of any other kind of property, largely depends upon the manner in which it is operated. Many good mines prove unprofitable because of loose management or extravagant methods of working them.

The successors in interest of the defendant to the suits in which this receiver was appointed were in possession of the claims under a claim of right, and were engaged in mining the ground on a large scale and had been so engaged during the working season of the year 1899, as well as that of the then current season of 1900. They may, therefore, be properly presumed to have been, at least, somewhat familiar with the proper working of placer claims. But there is no evidence that the respondent ever saw a placer or any other kind of mining claim before he was appointed receiver of these and, at least, two other similar claims on the 23d day of July, 1900.

It is in evidence in at least one of the contempt proceedings now pending before us against McKenzie that, shortly before going to Alaska, he caused to be organized a corporation called the Alaska Gold Mining Company, with a capital stock of $15,000,000, a majority of which he held, and that, having placed a portion of the remainder where he thought it would stand him in good stead, he proceeded with Judge Noyes to Nome, arriving there on Saturday, July 21, 1900, and on Monday, July 23, before the court was organized and before the filing of any paper of any character with the clerk of the court, was appointed by Judge Noyes receiver of at least four of the richest claims in the district of Nome, upon complaints made by persons the interest therein of at least one of whom had theretofore been acquired by the receiver's corporation, the Alaska Gold Mining Company.

It has been already seen that the orders under which this was done in the present cases directed the receiver to take possession of and mine the claims in question, and enjoined the parties then in possession from in any manner interfering with the claims or with the acts of the receiver. It has been seen also that in the case of Rogers *vs.* Kjellman this was done upon a complaint which did not even ask for the appointment of a receiver or for such injunction, and in the case of Melsing et al. *vs.* Tornanses that the only relief that was asked was the granting of an injunction and the appointment of a receiver, all of which was granted by the court by the orders made by it on July 23, 1900.

We have no hesitation in holding that an order by which a placer mining claim, whose proper preservation in no respect requires it, is taken from one who is in the actual possession thereof and turned over to a receiver, with instructions to extract from it its only value, is in effect a final decree and appealable as such, for its entire value may be thus destroyed by improper working or extravagant management or by the extraction of all its mineral, while he from whom it is taken and who asserts a right to it may prefer to work the claim to a limited extent only, or in a particular manner, or not at all. He may prefer to hold it for sale or other disposition; yet, under such orders as are here involved, the operations of the receiver of necessity constantly exhausts the very substance of the property and may speedily render it absolutely worthless.

Surely the authority, by whatever name called, under which such a result may be wrought is, in effect, a final judgment. As was said by the circuit court of appeals for the third circuit in Potter *v.* Beal (50 Fed. Rep., 63), the determination of the question as to what is or is not a final decree "is to be governed by the essence of what is done and not by the appellation given to it." In the Farmers' Loan and Trust Company case (129 U. S., 206) it was held that an order allowing a receiver of a mortgaged railroad to issue certificates which should be preferred to the mortgage was a final decree in effect and appealable.

In the case of Sharon *v.* Sharon (67 Cal., 215) the supreme court of California held that an order made pendente lite, directing the payment of alimony in a divorce suit, is in the nature of a final decree and appealable as such. (See also the Tampa Railway Company case, 168 U. S., 583, 588, and Iron Co. *v.* Meeker, 109 U. S., 180.) A mine is, as was held in Bigbee *v.* Summerour, supra, destroyed as such, as fast as the mineral is taken out; so that the necessary effect of the orders in question was to gradually, and perhaps rapidly, destroy the mining claims, and, as a matter of course, the personal property embraced by the orders would necessarily perish by use.

The remaining points urged on behalf of the respondent may be briefly disposed of. It is contended that in order to give effect to the orders made by Judge Morrow allowing the appeals it was essential to file the original orders in the lower court. Only certified copies of those orders were so filed; but the

original citation and the original writ of supersedeas were filed in the lower court in these cases, together with certified copies of the assignment of errors and of the supersedeas bond. All of these papers were filed in the district court September 14, 1900. That that was sufficient to give effect to the appeal has been expressly decided by the Supreme Court in two cases—Brown *vs.* McConnell (124 U. S., 489) and Stewart *vs.* Masterson, (Id., 493).

Section 1007 of the Revised Statutes declares:

"In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterwards, with the permission of a justice or a judge of the appellate court. And in such cases where a writ of error may be a supersedeas, execution shall not issue until the expiration of (the said term of sixty) (ten) days."

It is contended that the supersedeas thus provided for by statute does not require the restoration to the defendants, pending the appeal, of any property taken by the receiver. Let that be admitted, and the fact remains that, in each of these cases, Judge Morrow ordered a writ of supersedeas to be issued out of this court, under its seal, and, in writing, approved the form of the writs, each of which required the receiver, among other things, to restore to the possession of the defendants the personal property he had taken from them, together with the gold and gold dust extracted by him as such receiver from the claims. It is said that a single judge of this court can not grant a writ of supersedeas. Sections 1000 and 1007 of the Revised Statutes, the case In re Claasen, 140 U. S. 200, rule 36 of the Supreme Court, and section 11 of the act, approved March 3, 1891, creating this court, conclusively answer this objection.

By section 11 of the circuit court of appeals act it is, among other things, provided that "any judge of the circuit court of appeals, in respect of cases brought or to be brought to that court, shall have the same powers and duties as to the allowance of appeals or writs of error and the conditions of such allowance as now by law belong to the justices or judges in respect of the existing courts of the United States respectively."

In the case In re Claasen, supra, the Supreme Court held that a justice of the Supreme Court was authorized to grant a supersedeas, saying, "By section 1000 of the Revised Statutes it is provided that every justice or judge signing a citation on any writ of error shall take security for the prosecution of the writ, and for costs, where the writ is not to be a supersedeas and stay of execution, and for damages and costs where it is to be. In a criminal case there are no damages, and in such a case, the United States being a party, it is provided by subdivision 4 of rule 24 of this court that in cases where the United States are a party no costs shall be allowed in this court for or against the United States.

Section 1007 of the Revised Statutes provides for the manner in which a supersedeas may be obtained on a writ of error. It is by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But as there is no security required in a criminal case, the supersedeas may be obtained by merely serving the writ within the time prescribed, without giving any security, provided the justice who signs the citation directs that the writ shall operate as a supersedeas, which he may do when no security is required or taken.

We hold, therefore, that the allowance of the supersedeas in the present case was proper, and we deny the motion to set it aside.

To remove all doubt on the subject, however, in future cases we have adopted a general rule, which is promulgated as rule 36 of this court (see 139 U. S., 706), and which embraces, also, the power to admit the defendant to bail after the citation is served.

The rule thus referred to and adopted by the Supreme Court will be found in 139 United States, 706, and is as follows:

"1. An appeal or a writ of error from a circuit court or a district court direct to this court, in the cases provided for in sections 5 and 6 of the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891, may be allowed, in term time or in vacation, by any justice of this court, or by any circuit judge within his circuit, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a supersedeas and stay of execution or of proceedings pending such a writ of error or appeal."

It is further contended that the scope of the writs was too broad, in that, in the first place, they went beyond the orders of Judge Morrow, and, in the second place, that it was beyond the power of the court to require the receiver to restore the property taken by him. It is true that the orders first made by Judge Morrow did not in terms direct the receiver so to restore the property, but in each case that judge subsequently, and on the same day, made an order expressly approving the form of the writs requiring such restoration.

If it be conceded that the scope of the writs was too broad, it was not for the receiver to ignore their requirements and himself be the judge of that question, but his only proper remedy was a motion to modify the writs. While refusing to obey them he should not be heard to object to their scope. In 2 High on Injunctions, section 1416, it is said that "If defendant is in doubt as to the scope or extent of the injunction, he should not be left to disregard or violate it, with a view of testing such questions, but should apply to the court for a modification or construction of its order."

The same rule is applicable to a receiver. (See, also, Wells, Fargo & Co. *vs.* Oregon Railway and Navigation Company, 19 Fed. Rep., 20; Ullman *vs.* Ritter, 72 Fed. Rep., 1000, 1003; Maginnis *vs.* Parkhurst, 4 N. J. Eq. Rep., 433, 436.) But the point itself is, we think, untenable. In the leading case upon the subject, that of The State *vs.* Johnson, 13 Florida, 33, 48, it is said: "The allowance of a supersedeas does not, nor does the order in this case, 'undo' or reverse the order of the circuit judge. The order, following the intent and effect of the law, in terms directs a stay of all proceedings under the several orders appealed from, and suspends their operation.

"The power of the circuit court was suspended, and thereby the power of all the officers in that court, under its orders in question, became inoperative. They no longer had any duties to perform under such orders. The authority of the receiver to continue to act as such was made nugatory by the operation of the law. He had entered upon an office and commenced to act, when the office was suspended. The supersedeas as understood by us, and as seems to be understood by the courts, does of necessity retroact by suspending the life of the order appealed from; reaches back to that order and forbids action under it.

"It does not make unlawful an act done in pursuance of the order before the appeal was taken, but it forbids the court and its officers further to act. No new rights having been created, and the duties of the receiver being superseded, the bond standing in the place of the property in his hands, and he having been notified thereof by proper process, it was his duty to restore that which had come to his hands to the parties from whom it had been taken and withheld; for his authority to take, being inoperative by the suspension, his authority to hold was equally so, both being derived from the same order."

The case of State *vs.* Johnson has been several times approved. (Buckley *vs* Georgia, 71 Miss., 580; Farmers' Nat. Bank *vs.* Backus, 63 Minn., 115. See also Everett *vs.* State, 28 Md., 190; Freeman on Ex., 2 ed., sec. 271a, p. 876; High on Receivers, 3d ed., sec. 190, p. 164; 20 Am. and Eng. Ency. L., 110.)

In the last edition (Anderson's) of Beach on Receivers, page 129, section 117, it is said that "from the authorities and reason there may be legally deduced the following principles, which should govern questions concerning the subject of this section:

* * * * * * *

"2. If a receiver be appointed and takes possession of the property prior to the appeal and supersedeas, the consummation of the appeal with bond and supersedeas gives to the defendant the right to demand and have the property returned to him."

Finally, it is urged that the refusal of the receiver to obey the writs of supersedeas issued out of this court was based on the advice of his counsel that the writs were void. Such advice is never a justification of a contempt, but in proper cases may be considered in mitigation of the offense. (1 Beach on Injunctions, sec. 250; High on Injunctions, sec. 1427; Rogers *vs.* Pitt, 89 Fed. Rep., 424, and cases there cited.)

The circumstances attending the appointment of the receiver in these cases, however, and his conduct after as well as before the appointment, as shown by the record and evidence, so far from impressing us with the sincerity of the pretension that his refusal to obey the writs issued out of this court was based upon the advice of his counsel that they were void, satisfy us that it was intentional and deliberate, and in furtherance of the highhanded and grossly illegal proceedings initiated almost as soon as Judge Noyes and McKenzie had set foot on Alaskan territory at Nome, and which may be safely and fortunately said to have no parallel in the jurisprudence of this country.

And it speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of the wrongs thus perpetrated among and against them, which always may be depended upon to right, sooner or later, wrongs properly brought before them. And it is well, in these days of the rapid extension of our national domain, for all persons, whether residing in remote regions or nearer home, to remember that courts which respect themselves and have a due regard for the administration of justice and the maintenance of law and order, will never tolerate any disobedience of their lawful orders, writs, or judgments, wherever committed within their jurisdiction.

"It is inherent in the nature of judicial authority," said the supreme court of Florida in the case of State *vs.* Johnson, supra, "that every court may protect and maintain its jurisdiction under the law, and that it shall protect itself against all attempts to resist, or thwart, or overthrow its authority. Without the power to judge of its jurisdiction, it is practically without jurisdiction. Without the power to enforce its judgments, it has no judicial authority.

"That it be made the plaything of whomsoever may choose to deride its judgments or its process, and ignore its existence and its acts, because the opinions of the judges and the judgments of the court may not meet the approval of counsel upon the one side or the other of a controversy, or may not be in accordance with the opinions or the wishes of subordinate officers, can not be allowed without surrendering the judicial character and confessing the impotency of this department of the Government.

"Courts commit errors, and parties may suffer from the improvidence or corruption of their judges, yet the remedy for these is not in individual resistance or in a resort to private judgment. Every court will hear the appeals of those who conceive themselves to be wronged or threatened with injustice by the execution of its decrees. If its errors be made apparent, it will do justice to itself by dealing justice to parties without fear and without hesitation. There is no excuse for resistance of the orders of the courts in this country, where their doors are wide open and where every human being may be heard in the presence of the whole people."

In the refusal of the respondent, Alexander McKenzie, to obey the writs of supersedeas issued out of this court, as hereinbefore found and stated, it is now here considered and adjudged that he did commit contempts of this court, and for the said contempt so committed in the case entitled Tornanses *vs.* Melsing et al. it is now here ordered and adjudged that he, the said Alexander McKenzie, be imprisoned in the county jail of the county of Alameda, Cal., for a period of six months, and for the said contempt so committed in the case entitled Kjellman *vs.* Rogers that he be imprisoned in the jail of the said county for a like period of six months, making one year in all—the sentence imposed in the said last-mentioned case to commence immediately upon the completion of the term of imprisonment under the first sentence herein.

The marshal will execute this judgment forthwith.

United States circuit court of appeals for the Ninth circuit. John I. Tornanses, appellant, *vs.* L. F. Melsing et al., respondents; William A. Kjellman, appellant, *vs.* Henry Rogers, respondent. Filed February 12, 1901.

MODIFICATION OF JUDGMENT.

Based upon our understanding of the statement of counsel in two of the companion cases against the respondent McKenzie for alleged contempt of the process of this court that all of the pending cases against him had been, in so far as the parties thereto are concerned, settled, and that the respondent had restored to the parties from whom it had been taken the whole of the property in controversy, we so stated in the opinion delivered herein February 11.

The court is now informed that this is a mistake of fact in respect to the present cases, and that in these cases there has been no settlement as respects the parties, and there is no showing of the restoration by the receiver of the property in the above-entitled cases as required by the writs of supersedeas issued out of this court. The paragraph of the opinion of this court rendered February 11 in which the erroneous statement of fact was made will therefore be corrected, and the judgment entered in these cases at the same time will be, and hereby is, so modified as to direct that the respondent pay all the costs of the contempt proceedings herein, to be taxed by the court.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. STEWART. Yes.

Mr. ALDRICH. I desire to appeal to the Senator from Nevada to give some heed to the appeal which has been made to him by the Senator from Arkansas [Mr. JONES], that the public business may be proceeded with and that these extraneous private matters be not injected.

Mr. STEWART. That kind of an appeal does not weigh with me under the circumstances at all. Is it not a matter of public business that a whole country is tied up and robbed? That is public business. The miners who have gone up there have been robbed, and their property has been put into the hands of a receiver connected with the judge, and has been taken possession of and is being looted.

Mr. SHOUP. Regular order, Mr. President.

Mr. STEWART. Regular order, yes. This is regular order.

The more you hear about this matter the more you will want the regular order.

Mr. ALDRICH. The Senator must be aware that this matter can not be decided here, and that no public good can come from its discussion.

Mr. STEWART. The Senator must be aware that there is not going to be any whitewashing here, if I can prevent it.

Mr. ALDRICH. I am not attempting any whitewashing. I appeal to the Senator in the interest of public business.

Mr. STEWART. Why did you not appeal to the Senator from North Dakota [Mr. HANSBROUGH], who started this discussion?

Mr. ALDRICH. I would appeal to both Senators.

Mr. STEWART. Save your appeal for the other man.

Mr. ALDRICH. I would make an appeal to any Senator.

Mr. STEWART. Does the Senator want to appeal to me to conceal the infamy at Nome? Does he want to indorse that? Does he want to indorse the taking possession of a whole mining district?

Mr. SHOUP. Mr. President, if this controversy does not cease, we shall not be able to get through with the public business at this session.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. STEWART. No.

Mr. SHOUP. I wish——

The PRESIDING OFFICER. The Senator from Nevada refuses to yield to the Senator from Idaho.

Mr. STEWART. I will not be taken off my feet. I would have finished long ere this if I had not been interfered with.

The PRESIDING OFFICER. The Senator from Nevada refuses to yield.

Mr. STEWART. I read from the statement of a gentleman who was sent up to Alaska as census supervisor, and who is a man of reputation and character. He knows the situation well, having been one of the victims of the court at Nome. His name is Samuel C. Dunham:

On January 15, 1900, Dunham and three companions, C. Y. Malmquist and William and Nicolay Hunter, located four beach claims at the mouth of Daniels Creek, which empties into Bering Sea at Topkuk, about 60 miles east of Nome. They found 80 cents to the pan on the surface. In locating across the mouth of Daniels Creek they discovered that a creek claim had been located there on the 12th day of December preceding, and to avoid any conflict as to the overlapping of the claims at the mouth of the creek they purchased the creek claim from George Ryan, the original locator. Dunham and his associates immediately organized a company under the name of the Black Chief Mining Company, and proceeded to develop the property. In April news of the strike reached Nome and a large number of men stampeded to Topkuk and "jumped" the beach in front of the company's property. It is estimated by the banks at Nome that $600,000 was rocked out of the beach by the "jumpers" in sixty days, and it is undoubtedly the richest piece of beach ever discovered. This led to litigation, and the case was under consideration in the United States commissioner's court at the time of the arrival of Judge Noyes in Nome. Dunham's statement is addressed to Congress, and, in part, is as follows:

On July 6, 1900, P. C. and John J. O'Donnell "jumped" the Ryan claim, which had been purchased in April by the original locators of the beach at the mouth of Daniels Creek. In the latter part of July the O'Donnells, at the instigation of lawyers intimately associated with certain court officials, brought suit against the Black Chief Mining Company for an injunction and the appointment of a receiver. The application was supported by an affidavit from George Ryan that when he located No. 1 Daniels Creek on December 12, 1899, he did not make a discovery of gold thereon nor properly stake the claim. The O'Donnells made affidavit that when they located on July 6 the ground was unoccupied, although it was a matter of common notoriety that the Black Chief Mining Company was in possession at that date and had been for five months.

Upon the hearing of the motion for the appointment of a receiver the Black Chief Mining Company interposed vigorous opposition, on what seemed to be well-established grounds of law and equity, to the appointment of a receiver. It contended that no court had the power to compel the development of a placer mining claim; that the sole province of a receiver being the preservation of property, or its rents and profits, the court was precluded on the showing made from appointing a receiver in this case.

A receiver was appointed, however, on August 13. One William B. Cameron, of North Dakota, a personal friend of Alexander McKenzie, was selected by Mr. McKenzie as receiver, and was invested by the court with possession and control of the property, with instructions to work the same and retain possession of the gold which he extracted. His bond was fixed at $10,000. He at once proceeded to the claims of the company with an enormous amount of machinery and supplies, marked "Alexander McKenzie, Nome, via Seattle."

He also took with him 38 so-called miners, 2 cooks, a number of horses, and a complete equipment for extensive operations on an extravagant scale. He refused to use the machinery belonging to the company, which had been placed upon the ground at a cost of $6,000 and was lying idle pending the action of the court, would not employ any of the five or six men who were working for the company, and refused to permit a representative of the company to be present at the first 5 clean-ups. The court subsequently issued an order permitting a representative of the company to be present at clean-ups. A charge of $29,000 was made against the property for the machinery sold to the receiver by McKenzie. A man by the name of McCormack, who was the general manager of the Alaska Gold Mining Company, of which McKenzie was president, was selected as foreman, and proceeded to work the property.

Affidavits were presented to the court by the company alleging that the receiver was working the property in a most extravagant and unskillful manner, and a motion was made for his discharge. The hearing upon this motion was delayed two weeks by dilatory motions submitted by plaintiff's counsel. At the hearing the company offered, if the court would reinvest it with possession and control of its property, to give a bond in double the amount that had been required of the receiver, or in any other amount the court might require, up to $200,000, and agreed to work the mines in an economical and minerlike manner and report to the court as might be required.

It furthermore offered to mine the property and turn into the court all the gold that it might extract therefrom, and, in case plaintiffs should win the case, turn all the gold which had been taken from the mine over to the plaintiffs and make no claim for the expense of extracting it. It was confidently believed that no objection could be made to that proposition. As a matter of fact, the plaintiffs vehemently resisted and denounced the proposition as "an exhibition of cheek and unmitigated gall," and the court, in ruling against the motion, remarked that he considered the proposition "impertinent, being a reflection on an officer of the court and having no foundation in law or precedent."

In September last the receiver appeared in Nome and applied to the court for an order to permit him to convert the gold taken from the claim into currency to enable him to pay current expenses. The name of A. K. Wheeler appears as the attorney of record in this matter. Mr. Wheeler was at that time and for some months afterwards the private secretary of the judge of the district court at Nome. He has recently been appointed deputy United States district attorney for Nome.

At an early stage of the controversy over the possession of the Topkuk claims Mr. Wheeler assured two members of the Black Chief Mining Company that the matter could be settled within twenty-four hours to the entire satisfaction of the company for a half interest in its properties. The "fee" was considered excessive and the proposition received unfavorable consideration. Mr. Wheeler then withdrew from the room for a few minutes, and on his return asked whether the members of the company considered a three-tenths interest an exorbitant fee. The members of the company replied that inasmuch as the company owned the property, they considered the fee excessive. The negotiations then closed.

The net results of the first season's operation of the Black Chief Mining Company's claims at Topkuk are about as follows: The four claims at the mouth of Daniels Creek, located by Malmquist, the Hunters, and Dunham, have produced approximately $800,000. Of this vast sum the rockermen secured about $600,000 and the receiver extracted the balance, while the Black Chief Mining Company has paid $35,000 for expenses and cost of litigation to date, without receiving a dollar as a company from the proceeds of the claims.

Three individual members of the company were "permitted" to work on the beach by the "jumpers," and washed out about $15,000. The writer of this statement paid his assessment for expenses, partly in cash and partly in notes of hand, which are approaching maturity with appalling rapidity. The only substantial return he has ever received for his hard, cold, pioneer work of last winter is the 80 cents washed from that first pan at Topkuk. Under the present administration of the mining laws at Nome the worst calamity that can befall a man is to discover a rich claim, and the richer the claim the greater the calamity.

After the injunction was granted several hundred thousand dollars were taken out.

Mr. LINDSAY. But we can not dissolve an injunction.

Mr. STEWART. No; but you can dissolve the judge. I shall not speak further on this subject at present, and yield to the Senator having the Army bill in charge.

Mr. PETTIGREW. Mr. President——

Mr. SHOUP. I want to appeal to Senators on the other side of the Chamber to ascertain if they are prepared to agree upon an hour when general debate shall terminate and when we can commence voting on the pending amendments and amendments to be introduced. I should be very glad indeed to fix any hour, if it be agreeable to Senators.

Mr. TELLER. The Senator from Idaho knows that can not be done to-night, and it is not worth while to waste time in making such an appeal.

Mr. SHOUP. Is the Senator willing to agree upon an hour when the voting may begin?

Mr. TELLER. No, I am not now; and the Senator knew that we were not willing to do so when he made that request.

Mr. SHOUP. Is this discussion to go on interminably?

Mr. TELLER. The Senator will be in order I think if he takes his seat.

Mr. SHOUP. We certainly have some rights that ought to be observed; and we have been discussing this bill for a number of days. It does seem to me that the other side of the Chamber should make some concession to us and agree upon some time when we can have a vote on the Army appropriation bill.

Mr. TILLMAN. I suggest to the Senator that he call up the Army bill, and let us proceed to discuss that. We have wasted two hours of precious time here to-night.

Mr. PETTIGREW. Mr. President——

Mr. SHOUP. I have done my best and have been trying to facilitate the progress of the bill all evening.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PETTIGREW] has been recognized.

Mr. SHOUP. I have been trying for the entire evening to proceed with the Army appropriation bill.

Mr. TILLMAN. You can take it up by a vote of the Senate.

Mr. PETTIGREW. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Chair understood that the Senator from Idaho [Mr. SHOUP] had concluded his remarks, and the Chair recognized the Senator from South Dakota [Mr. PETTIGREW]. If the Senator from South Dakota has not yielded the floor, the Chair will, of course, recognize him.

Mr. SHOUP. I ask the Senators to agree upon some time to-morrow for a vote on the bill.

Mr. TELLER. The Senator knows that is just wasting time. He knows that nobody, to-night, is going to agree to fix a time for voting on this bill.

Mr. PETTIGREW. Mr. President——

Mr. SHOUP. Does the Senator from South Dakota want to speak on the bill?

Mr. PETTIGREW. Yes.

Mr. SHOUP. Very well. If the Senator rises to speak, I will yield the floor.

Mr. PETTIGREW. Mr. President, I deeply regret that the controversy with regard to Judge Noyes has been brought into this Chamber.

Mr. SHOUP. And on an appropriation bill, at that.

Mr. PETTIGREW. Under the pretext of an amendment to furnish a judiciary for the Philippine Islands the Senator from Nevada [Mr. STEWART] has brought this controversy into this Chamber. It does not belong here; and yet I feel I should not be doing my duty if I allowed the statement as made to go unchallenged.

I have known Judge Noyes for more than twenty years. In the early days of the Territory of Dakota Judge Noyes was a resident of that Territory. He was a graduate of the law school of the State University of Wisconsin. He was known in Dakota as a capable and an honest man. He went from Dakota to Minneapolis, where he built up an excellent practice and stood well among his fellow-lawyers and his fellow-citizens. He was appointed to the position of judge for Alaska on the recommendation of the late Senator Davis, and I believe he is the peer of any man who sits upon the bench in any State or Territory in the Union.

There was a controversy about mining claims at Nome. There were disputes as to titles. Some speculators from San Francisco had gone there and got possession, and their possession was disputed by the miners, who claimed that they also owned those mining claims. They were placer claims, and the speculators—men of enormous wealth—were taking out gold. Judge Noyes appointed Alexander McKenzie as receiver. Mr. McKenzie was also a resident of North Dakota, and he has been a resident of Dakota for the last twenty-five years. He is a man of character, ability, and wealth. He is abundantly able to respond in damages to any judgment that can be gotten against him. As receiver he took possession of these claims and took out $225,000 in gold, and deposited it, under the order of the judge, in a safety-deposit vault at Nome.

These wealthy claimants went to San Francisco, and, on ex parte affidavits, made by men who I believe committed perjury, procured an order for McKenzie to turn over the property to a man named by the court in San Francisco. The bond that was required, as I am informed, was $35,000. The order, as I understand it, did not require the delivery of the gold dust. The inadequacy of the bond, $35,000, to receive $225,000 of gold dust is apparent to anybody.

McKenzie refused to deliver the gold dust, but he did deliver the mines. Thereupon the court at San Francisco issued an order for his arrest for contempt, and they took McKenzie to San Francisco and convicted him of contempt, and sentenced him to imprisonment for one year, a proceeding unheard-of, it seems to me, in the history of jurisprudence of any civilized country on the face of the earth, and without a trial, without a jury, he to-day is in jail in San Francisco for contempt, sentenced to one year's imprisonment. It is a proceeding, I say, that ought to bring the court in San Francisco into contempt on the part of every honest man everywhere. It is a proceeding that ought to receive the attention of the judicial authorities in this country. The case on habeas corpus has come to the Supreme Court of the United States, and is to be argued there in a few days.

I say, under these circumstances, this case should not have been brought in here. Mr. McKenzie has not replied. The papers have been filled with the perjured affidavits of the men who have been trying to buy Judge Noyes. This gang of highwaymen from San Francisco, who have filled the newspapers, have tried this case in public everywhere and apparently at enormous expense to them, while the other parties have not been heard. Now it is brought into this presence, and a further effort is made to blacken the character of these men.

I tell you, Mr. President, the characters of Alexander McKenzie and Judge Noyes, among the people who personally know them, can not be destroyed by any such proceeding as this, no matter what a court may say which sends a man to jail for a year for contempt.

Further than that, in this very opinion of the court there is a clause which condemns the court, in my opinion. The court say:

> And it speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of the wrongs thus perpetrated amongst and against them, which always may be depended upon to right, sooner or later, wrongs properly brought before them.

What kind of a court is it that intimates that if they were there they would have resorted to violence, that they would have used the rope or shot the judge? I, too, entertain a strong feeling of contempt myself for a court pretending to be a judicial tribunal that will put in their opinion such language as that. It destroys the opinion, so far as I am concerned.

I care to say nothing more about this matter now. I am sorry it has been brought in here. It should not have got in; but I do not propose to have these men's characters blackened in my presence without stating my opinion with regard to the matter and facts which I know.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. TURNER. Mr. President, now that we have concluded the impeachment of Judge Noyes, I will address myself briefly to the amendment to the Army appropriation bill offered by the senior Senator from Wisconsin [Mr. SPOONER]. I ask that the amendment may be read.

The PRESIDING OFFICER (Mr. BEVERIDGE in the chair). The Secretary will read the amendment.

The SECRETARY. On page 39, after line 15, it is proposed to add the following:

> Until a permanent government shall have been established in said archipelago full reports shall be made to Congress, on or before the first day of each regular session, of all legislative acts and proceedings of the temporary government instituted under the provisions hereof, and full reports of the acts and doings of said government and as to the condition of the archipelago and its people shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government.

Mr. TURNER. Mr. President, I do not know that I can add anything of value to what has already been said with so much eloquence and force by the Senator from Alabama [Mr. MORGAN] and other Senators who have preceded me in this discussion, but I regard the question presented by the amendment of the Senator from Wisconsin [Mr. SPOONER] as the gravest question of power and policy that has ever been presented to Congress; and I have felt that the matter ought not to proceed to a vote without being discussed from every point of view which may possibly affect the views of Senators.

I do not believe, and shall not assume, that Senators on either side of the Chamber are so blinded by political feelings that they can not calmly and dispassionately consider a great question of this kind, involving the very structure of the Government itself, even though they have it presented in the shape of a proposal which has behind it the authority of the political party to which they belong. Therefore, in what I say to-night I want to address myself without partisan bias or feeling to the questions growing out of this proposition of the Senator from Wisconsin, with a view of seeing whether it is or is not a proposition which the Congress of the United States, as the lawmaking power and as one of the custodians of the Constitution, can afford to put upon the statute books of the nation. Being so grave and presenting such momentous questions, I want to say that I think it is unfortunate that the proposition is brought into the Senate at this stage of its session.

We are now, I believe, within six days of the termination of the session, and the more important of the appropriation bills are still pending, unconsidered and undetermined. Many Senators are deeply interested in having those appropriation bills passed, and many Senators, I believe, who would like to have discussed this question, not from a partisan standpoint, but from a patriotic standpoint, have been induced to refrain from doing so by the fear that the usual and ordinary discussion which such a measure as this at other times would provoke might defeat some one or other of those appropriation bills.

For myself, if I thought that I could add any light to the discussion, I should not feel justified in permitting a consideration of that kind to hold me chained in my seat; and in view of the extraordinary attitude of the majority in presenting this measure at this late hour to the Senate I do not hesitate to say if I had the physical ability and the mental fertility to discuss this proposition at such length that the majority would be compelled to let it go, in order that the ordinary business of the country might be transacted, I should discuss it at that length. But I have not either the physical or the mental power to do so; and my only purpose in rising here to-night is to present as succinctly and compactly as I can the reasons which seem to me to make it inadvisable that the measure proposed by the Senator from Wisconsin should be enacted into law.

Mr. President, as I have said, this measure presents both a question of power and a question of policy; and the question of power which it presents is whether or not the Congress of the United States, having been delegated with the power to legislate for the government of the Territories, may itself delegate that power to the President of the United States. That this proposed amendment has that effect seems to me to be too plain and clear almost to need to be sustained by argument, because a reading of the amendment itself will at once carry the conviction to any ordinary mind that that is the effect which it has. It reads:

> All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct.

"All military, civil, and judicial powers." "Judicial power" logically is included under the term "civil," because, as used by

the lexicographers, both legal and otherwise, the term "civil," as applied to government, is opposed to military or to ecclesiastical. It embraces the whole domain of power exercised in the functions of civil government in civilized communities. So when it is proposed in a law that all civil power shall be exercised by certain persons the proposition logically is that all legislative, executive, and judicial power shall be lodged in those functionaries. As if to make this proposition plain beyond any question, the unscientific arrangement is here employed of adding, ex industria, the term "judicial" to the term "civil power." So that we have here a proposition to repose in such functionaries as the President may appoint every vestige of power which may be employed in civil government. It expressly designated that all military, civil, and judicial powers shall be vested in the functionaries who shall be designated by the President, to be exercised in such manner as the President shall direct.

Mr. President, the power to legislate for the Territories has been most generally, I believe, predicated on the second clause of section 3, Article IV, of the Constitution, which reads:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

I am aware that the power has been implied from other clauses of the Constitution, but the Supreme Court in most of the cases have predicated the power of Congress to legislate for the government of the Territories upon the clause of the Constitution to which I have referred.

Mr. President, upon the question as to the extent to which Congress may legislate for the Territories and the limitations upon its power of legislation, I believe the true doctrine to be that Congress is limited by all the clauses of the Constitution in favor of individual rights and personal liberty, but that it may legislate as generally as it pleases concerning the political institutions of the Territories of the United States. It may make those political institutions as general as it pleases or it may enter into as many details as it pleases. It may found those institutions upon the suffrage of the people of the Territories or may vest in the President of the United States or in some other competent authority the right to appoint all the functionaries necessary to carry on the institutions which it shall provide. But it can not delegate to anybody the power to decide and determine what those institutions shall be, because the power to determine that is reposed in it itself by the Constitution of the United States, and it has no right to shirk the execution of that power by saying that some other functionary or department of the Government of the United States shall exercise it.

Every Senator, of course, knows that there are three separate, coordinate departments of the Government; that no one of them can trench upon the powers of the other, and it is a corollary of that proposition that no one of them can decline to exercise the power which of right belongs to it and to devolve that power on some other department of the Government. This has been declared, I believe, by every court of last resort in the United States, by the supreme courts of all the States of the Union, and by the judges of the Supreme Court of the United States. I will refer, in this connection, to what the judges of the Supreme Court of the United States have said upon the subject, not with a view of informing the members of the Senate, because I am aware that they are acquainted with these cases, but for the purpose of exhibiting the manner in which the great men who have graced the Supreme Bench of the United States have considered questions of this kind when presented to them, in the hope that their examples may influence Senators to consider this grave proposition in the way and the manner in which it ought to be considered, and to determine it in the way and in the manner in which it ought to be determined. It is too grave and important a matter to be determined from partisan considerations.

Mr. President, very early in the history of the Government Congress, in providing pensions for the survivors of the Revolutionary war, undertook to devolve upon the courts of the United States the duty of passing upon certain contested pension cases, and after their determination had been made, undertook to permit the matter to be brought before the Secretary of War, and to leave to him the determination whether or not to carry out the findings of the judges. The law came before the several courts of the United States for enforcement, and I believe that all of those courts, each one of them with one or more of the judges of the Supreme Court sitting, declined to administer the law on the ground that it was a plain invasion of the judicial functions. The holding was that the Government was composed of three separate and distinct coordinate departments, and that as no department could abdicate the performance of duties devolved upon it, neither could it devolve upon another a duty not appropriate to the functions of the officers of that particular department. The determination of the judges is found in 2 Dallas, as a note to the Hayburn case, reported on page 8 of 2 Dallas. The matter came up before the circuit court for the district of New York, with Jay, Chief Justice of the Supreme Court; Cushing, justice of the Supreme Court, and Duane, district judge, sitting upon the bench; and those judges unanimously reached this conclusion:

> That by the Constitution of the United States the Government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from and to oppose encroachments on either.
>
> That neither the legislative nor the executive branches can, constitutionally, assign to the judicial any duties but such as are properly judicial and to be performed in a judicial manner.
>
> That the duties assigned to the circuit courts by this act are not of that description, and that the act itself does not appear to contemplate them as such, inasmuch as it subjects the decisions of these courts, made pursuant to those duties, first to the consideration and suspension of the Secretary at War and then to the revision of the Legislature, whereas by the Constitution neither the Secretary at War nor any other executive officer, nor even the Legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court.

The matter next came before the circuit court for the district of Pennsylvania, with Wilson and Blair, justices of the supreme court, on the bench, along with Peters, district judge; and those eminent judges, in a letter to the President of the United States declining to exercise the power attempted to be conferred upon them, reached this conclusion:

> To you it officially belongs to "take care that the laws" of the United States "be faithfully executed." Before you, therefore, we think it our duty to lay the sentiments which, on a late painful occasion, governed us with regard to an act passed by the Legislature of the Union.
>
> The people of the United States have vested in Congress all legislative powers "granted in the Constitution."
>
> They have vested in one Supreme Court, and in such inferior courts as the Congress shall establish, "the judicial power of the United States."
>
> It is worthy of remark that in Congress the whole legislative power of the United States is not vested. An important part of that power was exercised by the people themselves when they "ordained and established the Constitution."
>
> This Constitution is "the supreme law of the land." This supreme law "all judicial officers of the United States are bound, by oath or affirmation, to support."
>
> It is a principle important to freedom that in government the judicial should be distinct from and independent of the legislative department. To this important principle the people of the United States, in forming their Constitution, have manifested the highest regard.
>
> They have placed their judicial power not in Congress, but in "courts." They have ordained that the "judges of those courts shall hold their offices during good behavior;" and that "during their continuance in office their salaries shall not be diminished."
>
> Congress have lately passed an act to regulate, among other things, "the claims to invalid pensions."
>
> Upon due consideration we have been unanimously of opinion that under this act the circuit court held for the Pennsylvania district could not proceed—
>
> First. Because the business directed by this act is not of a judicial nature. It forms no part of the power invested by the Constitution in the courts of the United States. The circuit court must consequently have proceeded without constitutional authority.
>
> Second. Because if upon that business the court had proceeded, its judgments—for its opinions are its judgments—might, under the same act, have been revised and controlled by the legislature and by an officer in the executive department. Such revision and control we deemed radically inconsistent with the independence of that judicial power which is vested in the courts, and consequently with that important principle which is so strictly observed by the Constitution of the United States.

And finally the matter came before the circuit court of the district of North Carolina, Iredell, justice of the supreme court, sitting upon the bench along with Sitgreaves, district judge. The power attempted to be conferred was again declined, and the judges, in a letter to the President, set forth their reasons, as follows:

> We, the judges now attending at the circuit court of the United States for the district of North Carolina, conceive it our duty to lay before you some important observations which have occurred to us in the consideration of an act of Congress lately passed, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."
>
> We beg leave to premise, that it is as much inclination as it is our duty to receive with all possible respect every act of the Legislature, and that we never can find ourselves in a more painful situation than to be obliged to object to the execution of any, more especially to the execution of one founded on the purest principles of humanity and justice, which the act in question undoubtedly is. But however lamentable a difference in opinion really may be, or with whatever difficulty we may have formed an opinion, we are under the indispensable necessity of acting according to the best dictates of our own judgment, after duly weighing every consideration that can occur to us; which we have done on the present occasion.
>
> The extreme importance of the case, and our desire of being explicit beyond the danger of being misunderstood, will, we hope, justify us in stating our observations in a systematic manner. We therefore, sir, submit to you the following:
>
> 1. That the legislative, executive, and judicial departments are each formed in a separate and independent manner, and that the ultimate basis of each is the Constitution only, within the limits of which each department can alone justify any act of authority.
>
> 2. That the Legislature, among other important powers, unquestionably possess that of establishing courts in such a manner as, to their wisdom, shall appear best limited by the terms of the Constitution only, and to whatever extent that power may be exercised, or however severe the duty they may think proper to require, the judges, when appointed in virtue of any such establishment, owe implicit and unreserved obedience to it.
>
> 3. That at the same time such courts can not be warranted, as we conceive, by virtue of that part of the Constitution delegating judicial power, for the exercise of which any act of the legislature is provided in exercising, ever under the authority of another act, any power not in its nature judicial, or if judicial, not provided for upon the terms the Constitution requires.

So that the great judges of this early day, in virtue of the principle to which I appeal here against the amendment of the Senator from Wisconsin, that each Department of the Government is

separate and distinct and that their powers can not be confused or mingled, declined to exercise a power which they held was not strictly judicial, putting it upon the ground in their solemn letters to the President of the United States that to do so would be a breach of the Constitution itself and an endangering of that great instrument upon the maintenance of which the rights and the liberties of the people of this country are dependent.

Mr. President, this identical matter came before the court again as related by Judge Taney in a note in the Ferreira case, reported in 13 Howard, at page 52. For the purpose of exhibiting in consecutive form what the Supreme Court have thought and said upon the subject, I will call the attention of the Senate to this note by Judge Taney. The question was incidentally called in question in the Ferreira case, but the court avoided it in that case by holding that the duty conferred upon them by the act of Congress was not in their capacity as judges but was one that they might execute, if they chose to do so as commissioners, and it was by way of explanation of the grounds of that decision and of the prior decision in the Hayburn case, that Judge Taney appended his note. Judge Taney says in that note:

> Since the foregoing opinion was delivered the attention of the court has been drawn to the case of the United States *vs.* Yale Todd, which arose under the act of 1792 and was decided in the Supreme Court February 17, 1794. There was no official reporter at that time, and this case has not been printed. It shows the opinion of the court upon a question which was left in doubt by the opinions of the different judges, stated in the note to Hayburn's case; and as the subject is one of much interest, and concerns the nature and extent of judicial power, the substance of the decision in Yale Todd's case is inserted here in order that it may not be overlooked if similar questions should hereafter arise.

Without reading in full what Judge Taney here says concerning the Yale Todd case, I will read the conclusions which he arrived at as the state of the law, as follows:

> The result of the opinions expressed by the judges of the Supreme Court of that day in the note to Hayburn's case and in the case of the United States *vs.* Todd is this:
>
> 1. That the power proposed to be conferred on the circuit courts of the United States by the act of 1792 was not judicial power within the meaning of the Constitution, and was, therefore, unconstitutional, and could not lawfully be exercised by the courts.
>
> 2. That as the act of Congress intended to confer the power on the courts as a judicial function, it could not be construed as an authority to the judges composing the court to exercise the power out of court in the character of commissioners.
>
> 3. That money paid under a certificate from persons not authorized by law to give it might be recovered back by the United States.
>
> The case of Todd was docketed by consent in the Supreme Court, and the court appears to have been of opinion that the act of Congress of 1793, directing the Secretary of War and Attorney-General to take their opinion upon the question, gave them original jurisdiction. In the early days of the Government the right of Congress to give original jurisdiction to the Supreme Court in cases not enumerated in the Constitution was maintained by many jurists and seems to have been entertained by the learned judges who decided Todd's case. But discussion and more mature examination has settled the question otherwise, and it has long been the established doctrine, and we believe now assented to by all who have examined the subject, that the original jurisdiction of this court is confined to the cases specified in the Constitution and that Congress can not enlarge it. In all other cases its power must be appellate.

This note of Judge Taney, I may say in passing, is apropos in connection with the discussion which occurred here this evening concerning the amendment proposed by the Senator from Alabama [Mr. MORGAN], vesting in the Supreme Court of the United States jurisdiction to hear and determine questions certified up to it by a commission. If the power there sought to be conferred were appellate power, then the question must come from a court for the Supreme Court to have any jurisdiction. If it be original power, then they have it only in the cases specified by Judge Taney. But to pass on.

I believe that the principles laid down by those eminent judges in these cases to which I have called the attention of the Senate have always been respected by the Congress of the United States, because in all the litigation before the Supreme Court of the United States I have been able to find only one case in which any question concerning the delegation of legislative power or the vesting in one department of Government of a power not belonging to it came before that great court for consideration, and that was in the Chapman contempt case, decided, I believe, in the 164th United States, in which the court held that the conferring upon the courts by Congress of power to punish for contempt committed against Congress was not a delegation of the power belonging to Congress to itself punish for contempt, but was the creation of a separate and additional offense which might be punished as an offense against the laws of the country, Congress still retaining the power itself to punish for contempt.

Now, the law being thus and thus plainly established and determined, so plainly, as I stated before, that it was not necessary to read these cases to the Senate for its information, but rather as examples, which I hoped might induce Senators to emulate the action of the courts, let us look at the proposed amendment to which I am addressing my remarks and see if it does not logically have the effect of devolving upon the President of the United States power which should be exercised by Congress alone. The Constitution vests in Congress the right and the power and the duty, in the language of section 3 of Article IV—

> To dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

Does this amendment propose any rule respecting the government of the territory included in the Philippine Islands, which are now a part of the territories of the United States? Does it provide any rule of action by which any citizen living in that far-off territory desiring to found rights either of person or property on it could turn and there find an exposition of his rights? Manifestly not. It does not undertake to do anything of that kind, but in a cowardly manner undertakes to shirk that duty and to cast it upon the shoulders of the President of the United States, and to compel the citizens or inhabitants of those islands, when their rights may be called in question, not to turn to an act of Congress to see what those rights are, but to turn to the decrees, the rules, and the regulations which may be established by the President of the United States or by the officers appointed by him for that purpose.

Since all civil power as applied to government involves all power of every character and description which is not military or ecclesiastical, and since we have no ecclesiastical power under our system, civil power involves all power that is not military. The persons who may be appointed by the President of the United States are to be vested with all civil power, and, as stated before, that involves legislative, executive, and judicial powers. There is no difficulty in devolving each one of those powers upon appropriate officers by the enactments of Congress. That is not the delegation of legislative power within the sense of the Constitution. To erect a government there composed of executive officers and judicial officers and legislative officers, however the personality of those officers may be arrived at, however their personality may be determined, is not a delegation of such power. It is not a delegation of legislative power to create officers for the government of a Territory and to devolve upon them the right to execute either legislative or executive or judicial powers; but it is a delegation of power when, instead of determining for ourselves what those officers shall be and what their powers shall be, we say that the President of the United States shall do all that.

Mr. President, under the terms of this amendment the President of the United States is to be called on in the first instance to determine what the form of government shall be. He must determine what form the executive in this territory shall take. He must determine what form the legislative branch of that government, if there be one, shall take, and he must determine what shall be the form of the judicial power in that territory.

This is the power which the Supreme Court of the United States has said over and over again is committed by the Constitution to Congress, and concerning which it acts without any constitutional restraints whatever. In dealing with private rights, in dealing with life, liberty, and property, as I read the decisions of the Supreme Court, Congress and the President and every branch of this Government, either in the States or in the Territories, are bound by the limitations of the Constitution. But in determining the character of the political institutions of Territories the power of Congress is supreme and unlimited, and the first thing Congress always addresses itself to, and that it ought always to address itself to when new territories have been acquired by the Government of the United States, is, What is the form of the political institutions which that Territory shall have and enjoy?

Now, if there is any one thing in the world that is settled in this Government, it is that this power belongs exclusively to Congress, and that it is conferred by the section of the Constitution to which I have referred. Does this amendment undertake to execute that power? Does it define anything? Is not the President at perfect liberty under this amendment to establish any political institutions in those islands that he pleases absolutely without limitation either by the Constitution or by the laws of Congress?

How can the President of the United States, knowing that the duty is devolved upon Congress to determine these matters for itself, under his oath to support the Constitution of the United States, accept such delegated power at the hands of Congress, and how can Senators and Representatives, who are acting under their oaths to support and maintain the Constitution, undertake to shake off from their shoulders and to devolve upon the shoulders of another a power which belongs exclusively to them, and which their duty under their oaths of office requires them to address themselves to?

That is the question of power which is presented in this amendment of the Senator from Wisconsin, and it is one upon which I think I have a right to invoke the careful, conscientious, and patriotic consideration of Senators without reference to the particular party to which they may happen to belong. And I may do so all the more hopefully, because if the amendments which have been offered here, and which I understand have been accepted by the committee, shall be adopted, then this power proposed to be

conferred upon the President does not go one iota beyond the power which he already exercises as Commander in Chief of the Armies and the Navies of the United States.

The Constitution and the laws are silent in the midst of war—inter arma silent leges. The discretion of the Commander in Chief is the sole and only law in territory which is affected by war. So all power, military and civil—because civil power is still exercised for the protection of persons and property even in a country which is devastated by war—so long as war proceeds in the Philippine Islands, is already now vested in the President of the United States or in such commanders as he may designate to carry on war there on behalf of the United States.

I apprehend that the only object in proposing the amendment of the Senator from Wisconsin originally was to meet the recommendation of the commission to the Philippine Islands appointed by the President under his war power, a recommendation that, in order that the resources of those islands might be exploited and utilized for the benefit of the people of the United States, a form of civil government should be established under which rights to the mines and timbers and lands of that country could be acquired, and under which rights, privileges, and franchises might be granted to which a termination would not be put when the war had ceased, the commission thinking and stating that privileges and franchises of a limited character, such as might be granted by military government, would not be sufficient to tempt the ordinary capitalist to that far-off country for the purpose of investing his money.

Those recommendations were referred to on yesterday by the Senator from Massachusetts [Mr. HOAR] and the Senator from South Carolina [Mr. TILLMAN], and they are in these words. On page 34 of the report of that commission we find this recommendation:

It is thought that a system of laws of public lands can be inaugurated without waiting until the survey is completed. The commission has received a sufficient number of applications for the purchase of public land to know that large amounts of American capital are only awaiting the opportunity to invest in the rich agricultural field which may here be developed. In view of the decision that the military government has no power to part with the public land belonging to the United States, and that the power rests alone in Congress, it becomes very essential, to assist the development of these islands and their prosperity, that Congressional authority be vested in the government of the islands to adopt a proper public-land system, and to sell the land upon proper terms. There should, of course, be restrictions preventing the acquisition of too large quantities by any individual or corporation, but those restrictions should only be imposed after giving due weight to the circumstances that capital can not be secured for the development of the island unless the investment may be sufficiently great to justify the expenditure of large amounts for expensive machinery and equipments. Especially is this true in the cultivation of sugar land.

* * * * * *

Restricted powers of a military government referred to in discussing the public lands are also painfully apparent in respect to mining claims and the organization of railroad, banking, and other corporations, and the granting of franchises generally. It is necessary that there be somebody or officer vested with legislative authority to pass laws which shall afford opportunity to capital to make investment here. This is the true and most lasting method of pacification.

And in a special communication to the Secretary of War the commission make this recommendation:

If you approve, ask transmission to proper Senators and Representatives of following: Passage of Spooner bill at present session greatly needed to secure best result from improving conditions. Until its passage no purely central civil government can be established, no public franchises of any kind granted, and no substantial investment of private capital in internal improvements possible.

And further on:

Sale of public lands and allowance of mining claims impossible until Spooner bill. Hundreds of American miners on ground awaiting law to perfect claims. More coming. Good element in pacification. Urgently recommend amendment Spooner bill so that its operation be not postponed until complete suppression of all insurrection, but only until in President's judgment civil government may be safely established.

I say, Mr. President, it seems apparent that these recommendations of the Philippine commission constitute the sole reason for the presentation here at this time of the amendment of the Senator from Wisconsin. The fact that there was no power in those islands which could dispose of the lands and the mines in that country, or which could grant franchises that would extend beyond the period of the duration of the war, to which attention was called by the commission, and the urgent recommendation of the commission that some authority be created which might dispose of the lands and the mines and grant franchises, are the reasons, and the sole reasons, for the offering of this amendment at this time, because those are the only objects to be accomplished by the passage of this amendment which can not be accomplished now by the President of the United States as Commander in Chief of our Armies.

Now, then, it has seemed so manifestly improper that the wealth of these islands should be exploited by Americans for the benefit of Americans at a time prior to the establishment of a representative government there, under which the people of those islands might acquire, or at least have an opportunity of acquiring, for themselves some of these valuable rights and properties and franchises that it has been found necessary to agree to amendments which will take off from this measure the right to sell the lands or to grant franchises which will extend for more than one year after the establishment of permanent government, in order to secure the united support even of the other side of the Chamber. So, I say, that with the legislation thus limited, the President will have no more power after the passage of this measure than he has at the present time as Commander in Chief of the Armies and Navy of the United States.

In the exercise of this great power, however, as Commander in Chief he is proceeding upon safe and constitutional grounds, and grounds to which no man of any political party can take any valid objection, whereas if we clothe him with the same large power in aid of the establishment of civil government we trench upon the Constitution, for we undertake to devolve upon him a duty which belongs alone and exclusively to ourselves.

Mr. President, we undertake to devolve upon him a duty in the Philippine Islands which is as great if not greater than that devolved upon any civilized ruler in the world. I do not know whether there are any limitations upon the power of the Czar of Russia to ordain by edict institutions, to make laws, to establish courts, to define offenses, to fix the rights of persons and property, to establish codes of civil and criminal procedure, and to determine what acts shall constitute crimes, and what trespasses shall entitle one to redress in the courts. I do not know but that the Czar of Russia has power without limitation in the government of Russia to perform these acts.

But if he has, so will the President of the United States have, if we pass the enactment proposed by the Senator from Wisconsin. We clothe him here, or attempt to clothe him, and will clothe him, if this act have any validity, with all of the powers supposed to belong to the Czar of Russia, the only ruler of a civilized people on the face of the globe who will possess any power at all comparable to the enormous power which it is here proposed to vest in the President of the United States.

I want to call the attention of the Senate to Webster's definition of the word "civil," as applied to government:

CIVIL.

1. Pertaining to a city or State, or to a citizen in his relations to his fellow-citizens or to the State; within the city or State.

2. Subject to government; reduced to order; civilized; not barbarous; said of the community.

England was very rude and barbarous; for it is but even the other day since England grew civil.—*Spenser.*

3. Performing the duties of a citizen; obedient to government; said of an individual.

Civil men come nearer the saints of God than others; they come within a step or two of heaven.—*Preston.*

4. Having the manners of one dwelling in a city, as opposed to those of savages or rustics; polite; courteous; complaisant: affable.

A civil man now is one observant of slight external courtesies in the mutual intercourse between man and man; a civil man once was one who fulfilled all the duties and obligations flowing from his position as a "civis" and his relations to the other members of that "civitas."—*Trench.*

5. Pertaining to civic life and affairs, in distinction from military, ecclesiastical, or official state.

6. Relating to rights and remedies sought by action or suit distinct from criminal proceedings.

In the sense in which the word "civil" is used in this amendment of the Senator from Wisconsin, it pertains to the State and to the relations of the citizens of the State, toward the Government, and toward their fellow-citizens. I find in the law dictionaries this definition of the word "civil:"

Pertaining to a city or State, or to a citizen in his relations to his fellow-citizens or to the State, as civil rights, civil government. Pertaining to an organized community; reduced to order; subject to government, as civil society.

Abbott defines the word thus:

The word has a variety of applications; but in almost all one may readily trace the idea of the character, privileges, or peculiarities of the ancient citizen. Thus it is now used in opposition to what is military: again, in contrast with barbarous, uncivilized, or rustic; and in turn as the opposite of that which is ecclesiastical or priestly; and it may designate that which is for the individual in distinction from the government. But in all these uses it presents the citizen as the standard with which the other is compared.

Mr. President, the terms employed in this amendment are sufficiently broad to embrace all power. The term "civil power," used without limitation or qualification, means all power, every power, legislative, executive, and judicial.

Can there be any doubt, then, that the officers to be appointed by the President are to have conferred upon them by virtue of this proposed enactment every power pertaining to government, every power that the three coordinate departments of the Government acting conjointly could exercise within the limits of the States of the United States of America? Can there be any doubt that the President in the first instance is to determine what officers shall be there, upon whom shall be devolved the legislative power, upon whom shall be devolved the executive power, upon whom shall be devolved the judicial power? Can there be any doubt that these officers, acting under the direction of the President, can determine and establish every other matter which the Congress of the United States, in its discretion, might determine and establish for the government of those territories; that they can fix personal and individual and property rights, establish codes of civil and criminal procedure, prescribe forms of judgment and process, define offenses—

in short, do everything from the function of legislation, which might be and ought to be exercised by Congress, down to that of judgment and execution, which can only be exercised by officers established by Congress?

Mr. President, I do not know how any Senator is going to reach the conclusion that he is performing the duty devolved upon him by the Constitution of the United States when he consents to legislation which devolves upon the President of the United States and the appointees of the President of the United States this power which so clearly and conclusively belongs to Congress and which it can not shift upon the shoulders of anybody else. I am aware that this amendment is copied from the act providing for the taking over of the Louisiana territory and establishing the rights and the authority of the United States in that territory, and that it is supposed to be identical with that act, but it is essentially different from that act.

This act provides that all powers shall reside in and be executed by such officers as the President of the United States shall appoint. The Louisiana act provided that the power then exercised by the officers of the Louisiana territory should be executed by such officers as the President of the United States might direct and in such manner as he might direct. There is a very plain and radical and marked distinction between the two enactments. We derived the Louisiana territory after government had been established there, after laws had been established there, which laws were being executed by executive and judicial officers in that territory. The offices themselves were already established, the laws were already established, and the act merely provided in effect that the duties of those offices should be performed by the persons who should be appointed by the President of the United States.

Now, let us see if that is not the true reading of that act, and if that act is not as wide asunder as the poles from this legislation which it is proposed to adopt and to apply to the people of the Philippine Islands. I read section 2 of the act of October 31, 1803:

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

"All the military, civil, and judicial powers exercised by the officers of the existing government," the existing officers and the existing powers. There was no delegation of legislative power here; no general power conferred upon the President of the United States to establish such institutions as he pleased, to appoint such officers as he pleased, to devolve upon them such powers as he pleased, but simply a power to appoint officers there who were to exercise the certain and defined military, civil, and judicial powers then exercised by the officers of the Louisiana territory.

Mr. HEITFELD. Mr. President, I move that the Senate adjourn.

Mr. HANSBROUGH. Will the Senator withdraw that motion long enough to allow me to ask for an order of the Senate?

Mr. WOLCOTT. I call for the regular order.

The PRESIDING OFFICER. The Senator from Idaho moves that the Senate do now adjourn.

Mr. ALDRICH and Mr. SHOUP called for the yeas and nays, and they were so ordered.

Mr. CARTER. I hope the Senator from Idaho will withdraw the motion.

Mr. HEITFELD. The Senator from Washington prefers to go on to-morrow.

The PRESIDING OFFICER. The Secretary will call the roll on the motion of the Senator from Idaho that the Senate do now adjourn.

The Secretary proceeded to call the roll.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I will transfer that pair to the Senator from Kansas [Mr. BAKER] and vote. I vote "nay."

The roll call was concluded.

Mr. MALLORY. I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. I do not see him present and I withhold my vote.

Mr. HEITFELD (after having voted in the affirmative). I am paired with the senior Senator from New York [Mr. PLATT], and I withdraw my vote.

The result was announced—yeas 6, nays 47; as follows:

YEAS—6.

Allen,	Culberson,	Pettus,	Turley.
Bate,	Harris,		

NAYS—47.

Aldrich,	Beveridge,	Clark,	Dillingham,
Allison,	Butler,	Cockrell,	Dolliver,
Bard,	Carter,	Cullom,	Fairbanks,
Berry,	Chandler,	Deboe,	Foraker,
Foster,	Lindsay,	Pettigrew,	Taliaferro,
Gallinger,	Lodge,	Platt, Conn.	Teller,
Hale,	McComas,	Quarles,	Thurston,
Hanna,	McMillan,	Rawlins,	Tillman,
Hansbrough,	Martin,	Sewell,	Warren,
Hawley,	Mason,	Shoup,	Wetmore,
Jones, Ark.	Nelson,	Spooner,	Wolcott.
Kean,	Penrose,	Stewart,	

NOT VOTING—35.

Bacon,	Elkins,	McCumber,	Proctor,
Baker,	Frye,	McEnery,	Quay,
Burrows,	Heitfeld,	McLaurin,	Scott,
Caffery,	Hoar,	Mallory,	Simon,
Chilton,	Jones, Nev.	Money,	Sullivan,
Clapp,	Kearns,	Morgan,	Turner,
Clay,	Kenney,	Perkins,	Vest,
Daniel,	Kyle,	Platt, N. Y.	Wellington.
Depew,	McBride,	Pritchard,	

So the Senate refused to adjourn.

Mr. ALDRICH. That the session to-night may not be unduly prolonged, and that the public business may proceed, in view of the very few remaining hours of this session, I appeal to the Senators upon the other side of the Chamber to allow a time to be fixed for a vote upon this bill and on all pending amendments to-morrow at 2 o'clock.

Mr. JONES of Arkansas. Mr. President, I know of two or three Senators on this side who desire to make speeches. I think they are not willing that a definite hour shall be fixed for voting. My own opinion is that there will be no doubt about getting a vote at a reasonable hour to-morrow if we go on with business, keep this bill before the Senate, and not undertake on both sides of the Chamber to bring in outside matters and get up wrangles here that have no connection whatever with the Army appropriation bill.

I doubt if Senators on this side would be quite willing now to fix an hour to vote—in fact, I know that they would not, because some of them have so expressed themselves—but I believe we can get a vote at a reasonable hour.

Mr. HALE. I believe that the statement of the Senator from Arkansas is not made with any assurance——

Mr. JONES of Arkansas. No, it is not.

Mr. HALE. But I think the statement of the Senator ought to be entirely satisfactory, and that we may adjourn to-night with the idea that we shall have a vote some time to-morrow.

Mr. ALDRICH. I myself think that the statement of the Senator from Arkansas is reasonable. I hope the Senator in charge of the bill will call it up immediately after the routine morning business to-morrow, to the exclusion of all other business.

Mr. CHANDLER. And we shall adjourn to-night after the Senator from Washington concludes his speech.

Mr. TELLER. If I can get the floor——

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. TELLER. When the Army bill was before the Senate we fixed a time to vote. I was anxious to make some remarks on that bill. I had not spent any time in discussing it. I found that Senators, particularly those who favored the proposition of the bill, had gone to the desk and put down their names to speak, and I and others who desired to speak on it were crowded out during the day. I said then that I would not agree to fix another hour for a vote. I did change my opinion on that on another occasion, and I presume I may do so now, but I think we are entitled to have time to discuss this proposition fairly. I myself should like to take about thirty minutes. I think I can get through in that time, but I do not like to be shut out again on this bill as I was shut out on the other.

Mr. HAWLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. HAWLEY. I should like to give a notice.

Mr. TELLER. I yield to the Senator for that purpose.

Mr. HAWLEY. I wish to ask a brief executive session, to take, perhaps, not more than five or six minutes. There is quite a lot of business on the desk and on the Calendar which should be attended to.

Mr. TELLER. I want to say one other word. If the Senate is willing to hear me, I am willing to make my speech at any time between this and daylight.

Several SENATORS. No! No!

Mr. SHOUP. There is no desire on the part of Senators on this side of the Chamber that any Senator should be put to any hardship in making a speech. I wish to give reasonable time to the Senator from Colorado [Mr. TELLER] or to any other Senator on the other side of this proposition who may desire to make remarks on the pending bill. I believe that the statement made by the Senator from Arkansas [Mr. JONES] and the Senator from Rhode Island [Mr. ALDRICH], that some time to-morrow we shall reach a vote on this bill and all pending amendment is entirely satisfactory. I do not wish to press the Senator from Colorado or any other Senator to-night into making any long speech, nor to do

any injustice in any way. Hence I accede to the suggestion made by the Senator from Arkansas.

Mr. ALDRICH. Mr. President, I think there is no disposition, so far as we are concerned on this side of the Chamber, to prolong this session so as to compel the Senator from Colorado [Mr. TELLER] to speak to-night, and whenever the Senator from Washington [Mr. TURNER] concludes his remarks, I think the Senate will adjourn.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. TURNER. Mr. President——

Mr. DILLINGHAM. Will the Senator allow me to present a report?

Several SENATORS. No, no! Regular order!

Mr. HALE. I call for the regular order, on which the Senator from Washington [Mr. TURNER] has the floor.

The PRESIDENT pro tempore. The regular order is before the Senate, and the Senator from Washington is entitled to the floor.

Mr. JONES of Arkansas. It is now ten minutes past 11 o'clock, and it seems to me it would be but reasonable for the Senator in charge of this bill to consent to an adjournment.

Mr. CHANDLER. Is the Senator from Washington unwilling to go on to-night?

Mr. JONES of Arkansas. I understand the Senator from Washington prefers to go on with his remarks to-morrow.

Mr. SHOUP. If the chairman of the Committee on Military Affairs has no objection to that arrangement, I shall not object.

Mr. PETTIGREW. I do not understand that there has been any unanimous consent asked for or given that the vote on this bill shall be taken to-morrow and that we shall not be allowed an opportunity to debate this proposed legislation. I think we ought to debate it for the next week. I do not believe that the minority in this body ought to consent to granting the President of the United States imperial power without a debate which extends over far more time than there is in this session of Congress.

This matter has only been perfected to-day. I do not feel physically able to continue the debate alone, neither do I think it would be proper for me to do so; but I do think this question ought to be debated, and debated thoroughly, no matter what the consequences may be in regard to an extra session.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened and (at 11 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1901, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1901.

SURVEYOR-GENERAL.

Edward H. Anderson, of Weber County, Utah, to be surveyor-general of Utah, vice Jacob B. Blair, deceased.

CONSUL.

John H. Fesler, of Colorado, to be consul of the United States at Amoy, China, vice Anson Burlingame Johnson, resigned.

APPOINTMENT IN THE ARMY.

Capt. William Crozier, Ordnance Department, to be professor of natural and experimental philosophy at the Military Academy, February 23, 1901, vice Michie, deceased.

APPOINTMENT IN THE VOLUNTEER ARMY—FORTIETH INFANTRY.

To be second lieutenant.

First Sergt. Thomas F. Loudon, Company F, Fortieth Infantry, United States Volunteers, February 23, 1901, vice Mitchell, promoted.

PROMOTIONS IN THE MARINE CORPS.

To be captains.

George C. Thorpe,
Charles S. Hill,
Robert M. Gilson,
Frederic L. Bradman,
George C. Reid,
Robert H. Dunlap,
Randolph C. Berkeley,
Charles G. Andresen,
Charles S. Hatch,
Hiram I. Bearss, and
Robert F. Wynne.

To be first lieutenants.

Wirt McCreary,
Wade L. Jolly,
John N. Wright,
Stephen Elliott,
James McE. Huey,
Rush R. Wallace, jr.,
Samuel A. W. Patterson, and
William C. Harllee.

To be captain.

First Lieut. Smedley D. Butler, to be a captain in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

To be first lieutenant.

Second Lieut. Frank E. Evans, to be a first lieutenant in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TWENTY-EIGHTH INFANTRY.

Sergt. Louis E. Shucker, Company E, Twenty-eighth Infantry, to be second lieutenant, February 12, 1901.

FORTY-THIRD INFANTRY.

Com. Sergt. William O. Trenor, Forty-third Infantry, to be second lieutenant, February 12, 1901.

FORTY-FOURTH INFANTRY.

Q. M. Sergt. John A. Bassett, Forty-fourth Infantry, to be second lieutenant, February 12, 1901.

FORTY-SEVENTH INFANTRY.

Sergt. William E. Roberts, Company H, Forty-seventh Infantry, to be second lieutenant, February 12, 1901.

TO BE ASSISTANT SURGEONS OF VOLUNTEERS WITH THE RANK OF CAPTAIN.

Isaac W. Brewer, of Kansas (captain and assistant surgeon Thirty-sixth Infantry, United States Volunteers), February 12, 1901.

Ernest H. Wheeler, of Maine (late assistant surgeon First Maine Volunteer Infantry), February 12, 1901.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

John Dixon Yost, of Massachusetts (acting assistant surgeon, United States Army), February 11, 1901.

Charles Ransom Reynolds, of New York (acting assistant surgeon, United States Army), February 11, 1901.

Paul C. Hutton, of North Carolina (acting assistant surgeon, United States Army), February 11, 1901.

Frederick Allport Dale, of Pennsylvania (acting assistant surgeon, United States Army), February 11, 1901.

William Miller Roberts, of Maryland (acting assistant surgeon, United States Army), February 11, 1901.

Charles William Farr, of New York (acting assistant surgeon, United States Army), February 11, 1901.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

To be quartermasters with the rank of major.

Capt. John B. Bellinger, assistant quartermaster, February 2, 1901.

CAVALRY ARM.

To be majors.

Capt. James B. Hickey, Eighth Cavalry, February 2, 1901.
Capt. Edward J. McClernand, Second Cavalry, February 2, 1901.
Capt. Levi P. Hunt, Tenth Cavalry, February 2, 1901.
Capt. Cunliffe H. Murray, Fourth Cavalry, February 2, 1901.
Capt. Charles A. Varnum, Seventh Cavalry, February 2, 1901.

QUARTERMASTER'S DEPARTMENT.

To be quartermasters with the rank of major.

Capt. Robert R. Stevens, assistant quartermaster, February 2, 1901.

Capt. Frederick G. Hodgson, assistant quartermaster, February 2, 1901.

PROMOTIONS IN THE NAVY.

Lieut. Commander Theodoric Porter, to be a commander in the Navy from the 29th day of January, 1901.

Capt. Robley D. Evans, to be advanced five numbers in rank, and to be a rear-admiral in the Navy, from the 11th day of February, 1901, to take rank next after Rear-Admiral Charles S. Cotton.

Capt. Henry C. Taylor, to be advanced five numbers in rank, and to be a rear-admiral in the Navy, from the 11th day of February, 1901, to take rank next after Rear-Admiral John J. Read.

Capt. Francis A. Cook, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Capt. William C. Wise.

Capt. Charles E. Clark, to be advanced six numbers in rank from the 11th day of February, 1901, to take rank next after Capt. Francis A. Cook when advanced.

Capt. Charles D. Sigsbee, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank on the list of captains next after George W. Melville, rear-admiral while Chief of the Bureau of Steam Engineering.

Capt. French E. Chadwick, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Capt. Benjamin P. Lamberton.

Capt. John J. Hunker, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Capt. Charles S. Sperry.

Commander Chapman C. Todd, to be advanced three numbers in rank from the 11th day of February, 1901, and to be at the head of the list of commanders.

Commander William T. Swinburne, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Commander Henry N. Manney.

Commander John D. Ford, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Commander Henry B. Mansfield.

Commander Alexander B. Bates, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Commander Leavitt C. Logan.

Commander Robert W. Milligan, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Commander Charles O. Allibone.

Commander Richard Inch, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Commander Edward D. Taussig.

Commander Charles W. Rae, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander George W. Baird.

Commander Adolph Marix, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Commander George H. Kearny.

Commander Raymond P. Rodgers, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Adolph Marix when advanced.

Commander Seaton Schroeder, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Royal R. Ingersoll.

Commander Richard Wainwright, to be advanced ten numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Duncan Kennedy.

Commander John A. Rodgers, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Edwin K. Moore.

Commander James K. Cogswell, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander James D. Adams.

Commander Frederic Singer, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander James K. Cogswell when advanced.

Commander William P. Potter, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Ebenezer S. Prime.

Commander Giles B. Harber, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Nathan E. Niles.

Commander John B. Briggs, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Giles B. Harber when advanced.

Commander Newton E. Mason, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander John B. Briggs when advanced.

Commander George P. Colvocoresses, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander John C. Wilson.

Commander John A. Norris, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Commander Richard G. Davenport.

Lieut. Commander Warner B. Bayley, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Kossuth Niles.

Lieut. Commander Edward M. Hughes, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Albert F. Dixon.

Lieut. Commander Corwin P. Rees, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander George L. Dyer.

Lieut. Commander Albert C. Dillingham, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Hugo Osterhaus.

Lieut. Commander Aaron Ward, to be advanced two numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Jacob J. Hunker.

Lieut. Commander Lucien Young, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Edward F. Qualtrough.

Lieut. Commander George B. Ransom, to be advanced three numbers in rank, from the 11th day February, 1901, to take rank next after Lieut. Commander John C. Colwell.

Lieut. Commander James M. Helm, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Henry T. Cleaver.

Lieut. Commander Cameron McR. Winslow, to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander Albert B. Willits.

Lieut. Commander Alexander Sharp, jr., to be advanced five numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander William G. Cutler.

Lieut. Commander Frank H. Bailey, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander Wythe M. Parks.

Lieut. Commander Benjamin Tappan, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Commander John T. Newton.

Lieut. Commander Reynold T. Hall, to be advanced three numbers in rank, from the 11th day of February, 1901, to take rank next after Lieut. Commander William S. Hogg.

Lieut. George W. McElroy, to be advanced three numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Roy C. Smith.

Lieut. Harry McL. P. Huse, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. William L. Rodgers.

Lieut. Carl W. Jungen, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. John Hood.

Lieut. Charles H. Harlow, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Charles C. Marsh.

Lieut. John L. Purcell, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. George R. Salisbury.

Lieut. Edwin A. Anderson, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. William B. Whittelsey.

Lieut. Victor Blue, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Ford H. Brown.

Lieut. Thomas P. Magruder, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Benjamin F. Hutchison.

Lieut. Cleland N. Offley, to be advanced four numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. George B. Bradshaw.

Lieut. William H. Buck, to be advanced eight numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. Warren J. Terhune.

Lieut. Harry H. Caldwell, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. John H. Rowen.

Lieut. (Junior Grade) Henry H. Ward, to be advanced ten numbers in rank and to be a lieutenant from the 11th day of February, 1901, to take rank next after Lieut. Patrick W. Hourigan.

Lieut. (Junior Grade) Walter S. Crosley, to be advanced two numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Edward H. Campbell.

Lieut. (Junior Grade) Andre M. Proctor, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Frank B. Upham.

Lieut. (Junior Grade) William P. Scott, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Ernest L. Bennett.

Lieut. (Junior Grade) Joseph M. Reeves, to be advanced four numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) William P. Scott when advanced.

Lieut. (Junior Grade) Frank Lyon, to be advanced four numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Leland F. James.

Lieut. (Junior Grade) James P. Morton, to be advanced four numbers in rank from the 11th day of February, 1901, to take rank next after Lieut. (Junior Grade) Charles K. Mallory.

Ensign William R. White, to be advanced five numbers in rank from the 11th day of February, 1901, to take rank next after Ensign Alfred W. Pressey.

Paymaster William W. Galt, to be advanced one number in rank from the 11th day of February, 1901, and to take rank next after Paymaster Charles W. Littlefield.

Naval Constructor Richmond P. Hobson, to be advanced ten numbers in rank from the 11th day of February, 1901, and to be a naval constructor with the rank of captain, to take rank next after Naval Constructor Joseph H. Linnard.

Rear-Admiral James Entwistle, retired, to be advanced two numbers in rank, on the retired list, from the 11th day of February, 1901, to take rank next after Rear-Admiral Nicoll Ludlow, retired.

Chief Engineer Charles J. MacConnell, retired, to be advanced one number in rank, on the retired list, from the 11th day of February, 1901, to take rank at the head of chief engineers, on the retired list, holding the rank of captain, retired in accordance with the provisions of section 1453 of the Revised Statutes.

Capt. John L. Hannum, retired, to be advanced two numbers in rank, on the retired list, from the 11th day of February, 1901, to take rank next after Capt. Henry B. Seely, retired.

Capt. George Cowie, retired, to be advanced three numbers in rank, on the retired list, to take rank next after Capt. John R. Bartlett, retired.

PROMOTIONS IN THE MARINE CORPS.

Capt. Charles L. McCawley, to be a major in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

Capt. Allan C. Kelton, to be a major in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. James E. Mahoney, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Herbert L. Draper, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Charles G. Long, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. Albert S. McLemore, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

First Lieut. William N. McKelvy, to be a captain in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

Second Lieut. Melville J. Shaw, to be a first lieutenant in the Marine Corps, by brevet, from the 11th day of June, 1898, for distinguished conduct and public service in the presence of the enemy at Guantanamo, Cuba.

REGISTER OF THE LAND OFFICE.

Daniel B. McCann, of Great Falls, Mont., to be register of the land office at Rampart City, Alaska.

RECEIVER OF PUBLIC MONEYS.

Benjamin K. Kimberly, of Salem, Colo., to be receiver of public moneys at Denver, Colo.

POSTMASTERS.

George H. Morgan, to be postmaster at Newton Center, Middlesex County, Mass.

John K. Fancher, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 26, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

SUITS BROUGHT BY STATES RELATIVE TO SCHOOL LANDS.

The SPEAKER. The Chair lays before the House the following privileged matter.

The Clerk read as follows:

A bill (S. 5978) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands.

Be it enacted, etc., That in any suit heretofore or hereafter instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon such Secretary.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the House bill similar to that, being House bill 14191, will lie on the table.

There was no objection; and it was so ordered.

On motion of Mr. McCLEARY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. MOODY of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. BAILEY of Texas. I will state to the gentleman from Tennessee that this is acceptable.

There was no objection.

The question was taken; and the resolution was agreed to.

On motion of Mr. MOODY of Massachusetts, a motion to reconsider the vote by which the resolution was passed was laid on the table.

RUSSIAN SUGARS.

Mr. PAYNE. Mr. Speaker, I report back from the Committee on Ways and Means the following resolution:

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred House resolution 422, having duly considered the same, report the same back to the House adversely and with the recommendation that the said resolution lie on the table.

The resolution was read, as follows:

House resolution No. 422.

Resolved, That the Secretary of the Treasury be, and he hereby is, requested to furnish the House of Representatives, if not incompatible with public policy, with copies of all letters to him from persons, firms, companies, or corporations, and all letters from him to them or any of them, together with all reports, decisions, and examinations, with his reasons for same, and all other data, facts, and information in any way relating to the imposition of a tax or countervailing duty on Russian sugars imported to this country, and what action Russia has taken in regard thereto by way of retaliation.

Mr. PAYNE. Mr. Speaker, I move that the resolution and report do lie on the table.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry.

Mr. SULZER. Mr. Speaker——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RICHARDSON of Tennessee. I believe the gentleman did not submit any report——

Mr. PAYNE. Oh, yes; the report was read.

Mr. RICHARDSON of Tennessee (continuing). Except a mere recommendation made by the committee.

Mr. SULZER. Then, Mr. Speaker, under the circumstances I desire to ask if this resolution introduced by me is not debatable?

The SPEAKER. A motion to lie on the table is not debatable.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. I would like to ask the gentleman from New York if he will give me a moment? I introduced the resolution, and should have five minutes to explain it. I ask for a little time.

Mr. PAYNE. I certainly object, and call for the regular order.

Mr. SULZER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Do I understand the Chair to hold that the report of the Committee on Ways and Means on this resolution introduced by me is not debatable?

The SPEAKER. It is not, because this report—and the motion is that it lay on the table. A motion to lie on the table is not debatable.

Mr. SULZER. I appeal to my friend from New York to yield three minutes to me. [Cries of "Regular order!"]

The SPEAKER. The question is on agreeing to the report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SULZER. Division.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 73, noes 63.

Mr. SULZER. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from New York demands the yeas and nays. [After counting.] Fourteen gentlemen rising, not a sufficient number. The yeas and nays are denied, and the motion to lie on the table is agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill, and I ask unanimous consent to dispense with the reading of the report and read the statement only.

The SPEAKER. The gentleman from New York calls up the conference report on the Indian appropriation bill, accompanying it with a request that the reading of the report be omitted and the statement only be read. Without objection, this will be done.

There was no objection.

[The conference report will be found on page 2897 of the RECORD.]

The Clerk read the statement, as follows:

The conference report now presented is identical with that presented on the 19th instant and which was printed in full in the RECORD of that day, save that as to amendment No. 50, upon which the House receded with an amendment, and amendment No. 23, on which the House receded with an amendment, the Senate now recedes, and as to amendments 69 and 71, upon which the House receded with an amendment, the Senate now recedes. This last amendment increases by $250 the amount appropriated for water supply at the Flandreau School, and amendments 23 and 50 eliminate from the bill all provision with reference to the lease of the Seneca Nation of New York Indians, and amendment 50 eliminates from the bill all provision with reference to the fire wardens and changing the law as to the sale of the timber lands in the Chippewa Reservation in Minnesota.

J. S. SHERMAN,
CHARLES CURTIS,
J. S. LITTLE,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I now move that the report be agreed to.

The report was agreed to.

Mr. SHERMAN. I now move, Mr. Speaker, that the House instruct the conferees to further insist on the disagreement to House amendment No. 51.

Mr. LITTLE. Mr. Speaker, I desire to move that the House recede and concur in amendment 51.

The SPEAKER. The amendment numbered 51 will be withheld until the motion of the gentleman from New York is disposed of.

Mr. LITTLE. Also, Mr. Speaker, I desire to move that the House recede and concur in amendment 52.

The SPEAKER. Does the gentleman wish a separate vote on amendments 51 and 52?

Mr. LITTLE. I do.

The SPEAKER. On all the other amendments the gentleman from New York moves that the House further insist upon its disagreement.

The motion was agreed to.

The SPEAKER. Does the gentleman from Arkansas desire a separate vote on each, or a vote on both amendments 51 and 52 at the same time?

Mr. LITTLE. A vote on each separately.

The SPEAKER. The Clerk will report amendment 51.

The Clerk read as follows:

(51) For completing the necessary preliminary investigations and plans and estimates of cost in detail for the construction of a dam across the Gila River near San Carlos, Ariz., for storing the flood waters of the Gila River, the waters so stored to be used, first, for the benefit of the Pima, Papago, and Maricopa Indians for irrigating the lands of the Gila River Reservation, the stored water in excess of the needs of the Indians to be used for reclaiming and irrigating vacant public lands; and also for acquiring and preparing the dam site and for continuing the measurement of the daily flow of water in the Gila River, and for surveying and locating and preparing plans and estimates of cost of construction, with Indian labor, of the necessary canals for carrying the water from said reservoir to the lands to be irrigated on the said Indian reservation, and investigating the amount of water necessary to be reserved for the use of the said Indians, and for examining, surveying, and designating the vacant public lands which could be irrigated with the stored water from said reservoir in excess of the needs of the Indians, and in preparing the plans and estimates for the construction of said reservoirs and canals, with detailed reasons therefor, and giving as accurate an estimate as possible of the total amount which could be received from the sale of the land irrigated to actual settlers, with the facts and circumstances upon which such estimate is based, the sum of $100,000, or so much thereof as may be necessary, the same to be expended under the direction of the Secretary of the Interior. *Provided*, That for all unskilled labor required Indians shall be employed so far as practicable. And the Secretary of the Interior is hereby directed to reserve from entry and settlement all unappropriated lands within townships 3, 4, 5, 6, and 7 south, ranges 8, 9, and 10 east, of Gila and Salt River meridian, until the examination, survey, and designation of irrigable lands hereinbefore provided for shall have been completed, and upon the approval of such survey and designation by the Secretary of the Interior the lands not designated as irrigable, shall be restored to entry and settlement.

And the Secretary of the Interior is authorized and directed, out of the appropriation immediately preceding, to cause to be made by competent engineers an investigation and report as to whether an adequate water supply for the Indians upon said reservation can be obtained by the method recommended by Indian Inspector Walker H. Graves in his report, dated Pima Indian Reservation, Ariz., September 12, 1900, and if so, at what cost: *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam at San Carlos.

The SPEAKER. The gentleman from Arkansas moves that the House recede from its disagreement to the amendment of the Senate.

Mr. SHERMAN. Prior to that, Mr. Speaker, I moved that the House nonconcur, but I do not care, only I do not want to lose the floor. I would like, if it is possible, to make some arrangement as to the time for debate.

Mr. LITTLE. After some conference with the gentleman from New York, I suggest that as little time as we can get along with on this side is an hour; that is an hour on each side.

Mr. SHERMAN. Then I will ask unanimous consent, Mr. Speaker, that debate on this proposition be concluded in two hours, one-half to be controlled by the gentleman from Arkansas and one-half by myself, and at the conclusion of which time the previous question shall be considered as ordered.

The SPEAKER. This does not refer to the other amendment?

Mr. LITTLE. No, sir.

Mr. LACEY. In regard to amendment 52, I would like to know what arrangement is made about debate on that?

Mr. SHERMAN. I suggest that the two hours cover both, one-half of the time on each.

Mr. LITTLE. I do not think it is possible to dispose of the matter intelligently in that length of time. Let the other rest on its merits until we dispose of this, and then we will make some other arrangement.

The SPEAKER. The gentleman from New York will restate his request. The Chair is not advised whether the debate applies to both amendments.

Mr. SHERMAN. As I made the request it refers to but one amendment—that there be one hour's debate on a side, and at the conclusion of the two hours' debate the previous question be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate on the amendment now under motion be continued for two hours, one hour on a side, at the end of which time the previous question is to be considered as ordered on this amendment. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from New York or the gentleman from Arkansas.

Mr. SHERMAN. Mr. Speaker, I desire to yield to the gentleman from Kansas [Mr. CURTIS] such time as he may desire to discuss the amendment, and I respectfully ask that the House give attention to the gentleman, because he has been sick for the last two or three days, and it is difficult for him to speak anyway.

Mr. CURTIS. Mr. Speaker, I hope the motion made by the gentleman from Arkansas [Mr. LITTLE] will be voted down. I say this, too, as a friend of irrigation, and I want to say to the gentlemen on the other side that if they would present to this House any reasonable measure intended to redeem the arid lands in this country I would vote for it. But nothing can be accomplished by this amendment. Already the Government has expended in investigations on the Gila River $31,500; $8,000 twelve years ago to try irrigation by ditches, which proved to be a failure; $3,500 in 1895, to devise some means whereby the arid lands in that neighborhood could be irrigated, and $30,000 in 1898 and 1899 for the same purpose.

The reports are all on file, and they show conclusively that it would be too expensive to try to irrigate or reclaim the arid lands along the Gila River. The experts who examined this proposition submitted several plans. The first was a dam at the Buttes, which would cost $2,643,000, and would irrigate 87,000 acres of land. The first cost would be $30 an acre for the lands. Then it would cost $15,000 a year to maintain that dam.

The next was a dam at Riverside, which would cost $1,889,000.

Mr. SHAFROTH. What was the first dam?

Mr. CURTIS. At the Buttes. This (Riverside) would irrigate 110,000 acres of land and cost the Government at first cost $20 per acre. The last, and the one that is submitted in this case, would cost, they say in the report, $1,038,000, and the experts since that time have admitted that it would cost $2,000,000. If it only cost a million dollars it would cost us $8.60 an acre for every acre of land that would be irrigated. It would only irrigate 120,000 acres of land.

Another thing: The experts say this dam would fill up in twenty-eight years. If it would fill up in twenty-eight years it would cost this Government $40,000 a year in addition to the first cost. Another thing in regard to building this dam: You must remember that the San Carlos Indian Reservation must be removed. The fort at that place must be moved. Eight miles of railroad and two railroad bridges will be destroyed, and I say to you the cost as submitted by the experts will not nearly cover the expense that this Government will be to if it undertakes this scheme; and, by the way, the proposed dam at San Carlos is 80 miles above the Pima Indian Reservation. We have on this reservation only 7,500 Indians. They now, in their own meager way, irrigate about 1,500 acres of land, and last year Congress appropriated $30,000 to help support those Indians. But I am glad to say to this House that of the $30,000 appropriated but $7,000 was used.

Now, the scheme proposed by this amendment is to spend, to say the least, a million and a half dollars to reclaim enough land to support 7,500 Indians upon that reservation. Gentlemen, it is a little expensive.

Mr. SHAFROTH. Does not this provision also contemplate

that water shall be sold to the settlers upon the land that can be irrigated from the canal?

Mr. CURTIS. Oh, yes; they say that it will irrigate 120,000 acres of land, and that 100,000 acres of the land, when irrigated, can be sold for $50 an acre—that the Government will derive this price from it. Yet the expert, in his report, says that if we redeem this land it will bring only $10 an acre.

Again the gentleman in his report states that we shall have to pay only $35 an acre for 586 acres of land which we take from the Indians and which will be destroyed by this measure. And he further says in his report that it will cost us only $20 an acre for the 1,880 acres now under irrigation and owned by the settlers.

Mr. SHAFROTH. Who was the expert who said that that land with the water right could not be sold for more than $10 an acre?

Mr. CURTIS. Mr. Davis.

Mr. SHAFROTH. Well, he does not know anything about the matter. There is not an acre of land in the West that is not worth more than that.

Mr. CURTIS. The gentleman who says the land can be sold for $50 an acre says in the same report that the damages we would have to pay would amount to $20 an acre for 1,800 acres.

Mr. SHAFROTH. That would be a very small item, anyhow.

Mr. CURTIS. If the estimate is that only 1,800 acres would be forced upon the market at $20 an acre, is it possible that $50 an acre could be realized for 100,000 acres?

Mr. SHAFROTH. The lands owned by the settlers are not under irrigation and not worth as much as land that is irrigated.

Mr. CURTIS. Eighteen hundred acres, it is stated, is under irrigation and would be destroyed by the building of this dam; and there are now improved——

Mr. NEWLANDS. I understand the gentleman to say that the expert to whom he refers is Mr. Davis?

Mr. CURTIS. Yes, sir.

Mr. NEWLANDS. And I understand from the Delegate from Arizona that Mr. Davis never saw the land; yet the gentleman from Kansas refers to him as if he were the only expert. Officers of the Geological Survey and numerous other persons of high authority certify that the scheme is a practicable one and that the land will be made much more valuable.

Mr. CURTIS. Mr. Davis was sent out by the Geological Survey, and every report made on this subject since that time has been based on his report and without further investigation.

Mr. CANNON. Will the gentleman allow me to ask a question?

Mr. CURTIS. Certainly.

Mr. CANNON. If I understand this proposition from the gentleman's remarks, one horn of it is to irrigate land at an expense of a million and a half of dollars at the lowest calculation——

Mr. SHAFROTH. One million and thirty-eight thousand dollars.

Mr. CANNON. I am asking this question of the gentleman from Kansas. But let the amount be $1,038,000 or a million and a half of dollars. Let that be as it may. This is done in the name of taking care of the Indians——

Mr. CURTIS. Seventy-five hundred of them.

Mr. CANNON. But I understand that all the balance of the "animal" is to irrigate 100,000 acres of land to be sold to the white men.

Mr. CURTIS. That is right.

Mr. CANNON. So that in the name of caring for the Indians we are to be committed by this proposition here and now to the reclamation of the arid lands for the benefit of the whites. Am I right about that?

Mr. CURTIS. You are correct.

Mr. CANNON. Well, it seems to me that that is a great question.

Mr. CURTIS. With regard to the cost of this undertaking the expert does say it will cost $1,038,000. He gives us his figures; and I submit that if you will go over them you will find that he has not made the estimate large enough. I talked the other day to an expert who is here agitating this matter, and he said it would cost at least $2,000,000. If it does, then it will make that land cost us at first price over $16 per acre.

Mr. NEWLANDS. What expert said that?

Mr. CURTIS. The chief of the irrigation bureau at Chicago I do not know whether he is an expert or not; but he is here in the interest of this project, and he estimated the cost at $2,000,000.

Mr. NEWLANDS. I suppose the gentleman means the chairman of the irrigation commission.

Mr. SHAFROTH. He is not an expert in regard to the matter of cost.

Mr. CANNON. He is expert enough in working up letters to members of Congress. [Laughter.]

Mr. RAY of New York. I would like to ask the gentleman from Kansas a question for information. If this land should be irrigated for the benefit of these Indians, is it probable that they would avail themselves of the land—that it would be used for their benefit?

Mr. CURTIS. Oh, yes; for the benefit of those Indians. They are now irrigating about 1,500 acres. They have been self-supporting for four hundred years. But look at the expense. We had better move those Indians down into some other State and buy lands for them there that will not cost us five to eight dollars an acre every year hereafter to keep it in condition for raising crops.

But if you put in this dam that is proposed by this amendment, you must remove a military post that now contains twenty barracks with officers' quarters and a pumping plant. It is estimated that this will cost only $40,000. But, gentlemen, did you ever hear of a measure going through this body to build a fort with barracks, officers' quarters, and all things of that kind at an expense of $40,000? You all know that $40,000 would not begin the work.

Again, you must remove the agency. There is an agency building there; there is a schoolhouse, as well as a blacksmith shop, a mill, and other buildings which must be removed. Can this be done for ten, fifteen, or twenty thousand dollars? No.

Then there are 5 miles of railroad which would be destroyed at a cost, they say, of $40,000, and two bridges at a cost of $10,000. I submit that when you destroy railroads in countries of that kind, the expense of rebuilding them would be much more than these gentlemen estimate.

Another thing: Suppose the Indians would be benefited. Can this Government afford to build a dam that the very expert upon whom you rely admits will fill up in twenty-eight years? How does he get around this difficulty? He says we are fortunate in having another site, if this should fill up in twenty-eight years: that we may build at the Butte, at a cost of $2,643,000; and then when the Butte fills up, in about twenty years, we can build another at the Riverside at a cost of $1,922,000.

It seems to me that the facts which can be gathered from the reports are sufficient to defeat this amendment, and that this House ought to instruct its conferees to further insist upon its disagreement. We ought never to give in to this sort of a proposition. I do not see how these gentlemen, who claim to be the friends of irrigation, can come in here and support a proposition of this kind.

There is another thing to be considered. Nearly every dam that has been built in that country has been destroyed and is now a failure. They say there is not another stream like the Gila River in all this country—none so destructive, with its great washouts and floods. It would fill up a reservoir, as a gentleman says who lives in that neighborhood, in even less time than I have mentioned—less than twenty-eight years.

One other remark. There is now pending in court a case to decide whether or not the Florence Dam Company has the right to build a dam and take the water away from the Indians.

That question has not yet been settled. The Florence Dam Company, in order to secure a permit to build its dam, agreed to supply the Indians. The case is now in the courts, but how it will be decided we do not know. We people in Kansas are very much interested in that question, because the constituents of the gentleman from Colorado have been depriving the citizens of Kansas of the water of the Arkansas River, and we would like to have this question settled in the court. We do not think the people have the right to divert the water from its natural channels.

I hope the motion of the gentleman from Arkansas will not prevail.

Mr. LITTLE. I yield ten minutes to the gentleman from Arizona [Mr. WILSON].

Mr. WILSON of Arizona. Mr. Speaker, the discussion that has just gone on, the argument that has just been made in opposition to this appropriation, which is to be given to construct a dam, ostensibly for the Pima Indians on the San Carlos Reservation, and take them off the expense list of the Government, has proceeded upon a line of supposed facts that do not exist. The gentleman has made statements—of course, they must be hearsay, because they are not, as a matter of fact, true—and my purpose shall be to try to controvert some of them. Now, the merit of the proposition is plain when the facts are known. First, it is plain, because it will be humane for the Indians themselves, and, secondly, it will be a piece of business economy on the part of the Government. This question has been before the Committee on Irrigation of Arid Lands for nearly two years. Hearings upon top of hearings have been had by that committee, with a view of obtaining complete knowledge of the facts back of the proposition that the dam should be built. After exhausting the testimony on that subject and an investigation of all the facts, the committee has reached the conclusion which is formulated in the report, which I will read as a part of my argument.

Your committee find that the Indians known as the Pima Indians are located on the Sacaton Indian Reservation, on the Gila River, in the Territory

of Arizona, some 20 miles below Florence, in Pinal County. They and other Indians with them, mainly dependent upon the products of the soil coming from that reservation, are in number about 8,000. These Indians from time immemorial have occupied this particular section, now known as the Sacaton Reservation, which contains about 50,000 acres of land, 30,000 of which is the most productive soil of the valley, and have supported themselves by agriculture by utilizing for irrigation the waters of Gila River. They have always been the friends of the American people, and at times, when the savage warrior made it dangerous for the Americans and pioneers in that country to be there at all, because of their cruel warfare, they became the defender of the white man against the fierce Apache, and their reservation was a safe retreat for him; and now their chief boast is that not one of their tribe has ever stained his hands in white man's blood.

Mr. STEELE. I want right there to ask the gentleman if it is not a fact that the Pima Indians have been living on the lands referred to a great many years; that they were at peace with the whites, had irrigated their own lands, and cared for themselves, and these white men that the Indians had befriended had come in and stole their water rights?

Mr. WILSON of Arizona. I do not understand that to be the fact.

Mr. STEELE. Well, I do.

Mr. WILSON of Arizona. You have not studied the facts as the committee have that has passed on this matter.

Mr. STEELE. Because the gentleman states it is not the fact does not make it any the less true.

Mr. WILSON of Arizona. I make the statement as the committee found.

As civilization progressed and that country became settled, the lands of the Gila River have been taken up by the white settlers above this reservation, who bought them from the Government, which lands carried water rights, etc., and they have appropriated the waters of the river as they flow naturally down the stream, until now these Indians have not sufficient water to irrigate exceeding from one to two thousand acres of their land in the dry seasons. With sufficient water, which they crave so much to irrigate the lands which they desire to put into cultivation and to till, these Indians would be able to cultivate and raise products of the soil sufficient to pay all of the expenses to which the Government has been put on their account, and to create a sinking fund in the Treasury besides. In other words, it would take them off the expense list entirely, and that is great.

And if the Government has the right to convey these lands to the white settlers, who take them up and make them homes for the people, it has the right also as guardian of these Indians to make the lands sufficiently productive to take the Indians off the expense list of the Government, which now costs about $71,000 a year.

Mr. CURTIS. What does the gentleman say it costs—$71,000?

Mr. WILSON of Arizona. Last Congress appropriated $30,000.

Mr. CURTIS. And only $7,000 was used.

Mr. WILSON of Arizona. Do you not know that they cost twice that, with other contingent expenses?

Mr. CURTIS. They have an agency on the reservation, which cost six or eight thousand dollars, and they have a school; but the Indians only cost us $7,000.

Mr. WILSON of Arizona. I am told by those who have control of the Indians that their total expense to this Government, direct and contingent, amounted to nearly $71,000. Of course I do not know.

Mr. CURTIS. I suppose you took into consideration the fort, with probably one troop of cavalry?

Mr. WILSON of Arizona. There is not one fort nearer than 100 miles.

Mr. CURTIS. There is a military post at San Carlos; and it is said it will be destroyed if you build this dam.

Mr. WILSON of Arizona. On this point I desire to say this——

Mr. SHAFROTH. Finish reading your report.

Mr. WILSON of Arizona. I suppose I had better do that.

The Government of the United States now has appropriated through Congress $30,000 for their maintenance, simply to feed them, while the other expenses which the Government must bear on their account amounts to about $39,000 a year, making the expense about $70,000 every year that the Government must bear on account of these Indians, all of which would be avoided if this dam should be erected and the reservoir constructed as provided in the bill.

That it is practical and would be profitable to the Government to build this dam seems to have been established by the Government's experts who have investigated the facts concerning it. The preliminary report published in Senate Doc. No. 27, Fifty-fourth Congress, second session, and also in Water-Supply and Irrigation Paper No. 33, lately published by the Geological Survey, show plainly and conclusively that it is practical and that it would be profitable to build this dam, and that it should be built and this reservoir constructed.

Your committee also find it to be an established fact that the dam when built to the height of 150 feet, which it may be, will hold when full 247,000 acre-feet, or water enough to cover that number of acres a foot deep. If raised 70 feet higher, which it may be, it would contain 550,000 acre-feet.

Mr. CURTIS. You know it takes 2 acre-feet to irrigate 1 acre of land.

Mr. WILSON of Arizona. In some cases. You may waste 4 feet; you may get along with 2, or you can get along in an economical way with less.

This outlay will cost a little less than $1,000,000 or not exceed that amount, the amount carried in this bill. When completed there will be water enough saved for distribution, on an economic basis, in the dry season when water is needed, that could not be obtained from the stream, to irrigate the 30,000 acres of easy irrigable lands.

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This surplus would be at hand were the dam raised but 150 feet; and when raised 70 feet higher that surplus would be nearly enough to irrigate a half million acres. There would be sufficient water in this surplus, at a fair price, far below what white settlers now pay for water rights, to place all of their lands already purchased in a high state of cultivation, and to reach and reclaim much of the now Government land undisposed of, which might be disposed of to the white settlers at a reasonable price per acre with the water rights attached. These, all taken together, would reimburse the Government for its outlay in less than ten years. This being done would take the Indians off of the expense list of the Government—they would be made self-sustaining. Hundreds of thousands of acres of now idle land would be reclaimed and hundreds of homes made for the white settlers, and great wealth thereby added to the already existing wealth of the country.

These facts seem to be well established—indeed, uncontroverted.

To this 140,000 acres——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILSON of Arizona. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD, covering the whole subject, as I have not time to do it in debate.

There was no objection.

Mr. WILSON of Arizona. These findings certainly establish the merit of this proposition, placed on the basis of a policy toward the Indians alone.

But, on the general topic I maintain the Government should reclaim its arid lands, and on this I say that money expended for the reclamation of arid lands will result in a still greater growth and a still greater development, greater production of wealth than any other single enterprise in which the Government may embark. I have the data here, the figures showing what has heretofore been expended on other enterprises less important than this one.

Therefore, by your consent, and having your undivided attention, appearing for that brave people in my portion of the West who braved the dangers of the West, then inhabited by savage tribes, living under the burning sun, where the bird was without song, and who put their hands on the savage mane and led him from bloody plains of savage warfare to safe fields of industry and homes of civilized quiet peace, I proceed to the detailed statement of facts and give them as reasons why the Government should undertake to reclaim these arid lands. I submit also that these facts, grouped as argument, are more cogent and strong than any facts and arguments that were ever offered at the beginning of the governmental action in building internal canals for internal commerce.

Now, Mr. Speaker, as before stated, I apprehend that anyone who has not given particular attention to this question has no idea of the amount of land to be disposed of by the General Government. The Land Department, up to a few years ago, had not the slightest conception of it itself. Only about twenty-five years ago we heard from the Secretary of the Interior that there were perhaps 10,000,000 acres of public lands for sale; and yet since that time there have been over 150,000,000 acres sold, more than twice the area of the Republic of France; and since the investigation has been carried to its limit it has been found that there are more than 567,000,000 acres of Government lands subject to its disposition to-day.

Of that 567,000,000 acres of public lands subject to the disposition of the Government there are 541,265,248 acres of it in the arid West, in the fifteen States and Territories in the Union known as the arid region. An equal distribution of these lands among the several States, situated as they are, side by side, makes it a matter of inquiry as to whether or not it is not policy for the nation to take charge of them and place them in condition for sale to possible home seekers of the Union, in which over 76,000,000 of our people live and to whom the lands belong.

Now, I believe in equal distribution; and perhaps it is difficult to understand how the public land can be distributed in order that we may advance the theory that the distribution and reclamation of so vast a territory should be a national affair.

The reclamation of the arid lands should be by the Government.

First. Because of the immensity of the amount to be reclaimed and of its even distribution over the arid States and Territories, and because it must be reclaimed almost entirely by means of irrigation, if reclaimed at all—all in view of the fact that it is now the property of the General Government. Public opinion can hardly realize that there is now, or was at the end of the fiscal year 1899, a little more than 567,000,000 acres of public land undisposed of by the Government, yet it is true, and 541,265,248 acres

of this amount is situated in the arid States and Territories and is distributed as follows:

	Acres.		Acres.
Arizona	54,608,531	New Mexico	54,720,863
California	50,132,241	Oregon	38 435,873
Colorado	41,988,377	North Dakota	19,500,555
Idaho	34,225,149	South Dakota	13,006,396
Kansas	734,080	Utah	35,231,466
Montana	74,558,143	Washington	19,098,420
Nebraska	10,799,332	Wyoming	52,055,248
Nevada	42,385,735		

This list shows something of an even distribution of these lands over the arid States and Territories, and in view of this fact it becomes important to know something of how much of it is subject to reclamation, and how. As to this, the most authentic means at our command is the report of the special Senate committee of the United States Senate on the reclamation of arid lands and irrigation, made to the Senate in 1890. In that they reported that there was from 100,000,000 to 150,000,000 acres of this land that could be made productive, and that only by means of irrigation—more than five times the quantity of reclaimed land in British India, from which 110,000,000 people are maintained. Some maintain that these lands should be ceded to the States and Territories. All history shows that this would be a failure. Especially is it so here.

By the acts of Congress, March 2, 1849, to the act of March 12, 1860, nearly 60,000,000 acres of land of the General Government, lying in 15 States of the Union, known as swamp lands, were ceded to the various States in which they lay. They are as follows:

	Acres.		Acres.
Alabama	414,310	Michigan	5,729,843
Arkansas	7,668,987	Minnesota	3,109,142
California	1,773,857	Mississippi	3,325,437
Florida	16,631,302	Missouri	4,495,816
Illinois	1,493,718	Ohio	25,660
Indiana	1,265,107	Oregon	315,164
Iowa	933,949	Wisconsin	3,349,132
Louisiana	8,968,880		

These are the beneficiary States of the swamp land grants; and they are all, with a single exception, better able, so far as monetary expenditure may be concerned, to reclaim these lands granted to them by means of the levee system (and which is but the counterpart of the reservoir and canal system necessary to reclaim the arid lands, and far less expensive) than any of the arid States and Territories are to reclaim the arid lands in their boundaries. This will not be denied by those who oppose this theory I apprehend, because through the whole space of nearly fifty years not a single one of these States has ever made a single record of success by the reclamation of any of these lands that had to be reclaimed. They mostly went into the hands of alien speculators and land sharks for naught. On the other hand, the history of other countries that have taken the matter of reclaiming their arid lands in hand as a national enterprise for their people have made a prime success of it in every instance.

1. From time immemorial Egypt has maintained her entire population on lands that Egypt reclaimed as a national enterprise, and by it, in ages past, gained the name and title "The granary of the world."

This is no failure, and is an argument in our favor. Not only so, but in British India, where famine and starvation in former days prevailed because of the shortage in the production of the soil, since the reclamation of about 26,000,000 of acres of land by the Government as a national project famine has been prevented, death from starvation has ceased, and 110,000,000 of its people are maintained from the production of the reclaimed land by the hand of the Government. This is the success recorded in history for that enterprise.

The Governments of France, Spain, Algeria, Australia, Argentine, and Peru all bear the same testimony without a break on the same point. Therefore we see that in every instance when the work was taken in hand as a national enterprise it was a success, while on the other hand, when turned into the charge of the State, in every single instance it has proved a failure, and hence we fear the dangerous course wherein this all-important matter of reclaiming the public domain has so often heretofore fallen and foundered, and cling to that which has so often carried its followers into the haven of success.

Another reason is that, in the event the States and Territories were or should be financially able to reclaim the lands, insuperable physical barriers would be so prominently in the way that it could not be made practically effectual there.

This would be due to the fact that all of the streams of any great magnitude in the West, and from which the greatest irrigation schemes would necessarily flow for the reclamation of the greatest bodies of these arid lands, have their source in Wyoming, Colorado, and New Mexico. If these States should have the sovereign control of these lands in their boundaries, they would necessarily have the water as well, and would, as a matter of sovereign right, have the control of it, and would therefore be able to defy the law of prior appropriation as applied between individuals, and by diverting the head waters of those streams would have those States and Territories lying below them at their mercy. At least it would be so in a measure. To state these physical advantages in favor of those three sovereign communities is to argue the case on this point, in so far as I now have the time to advert to it on that point.

Again, to ask this reclamation to be made by the General Government for the people of the West would be asking only fair and impartial treatment as between them and the people of the South and East and North. It would be asking no more for the benefit of agriculture in the West than the Government has done for the benefit of inland commerce in those sections just named.

For the benefit of inland commerce in those sections the Government has appropriated from time to time as original expenditure, to say nothing of the cost of keeping up the various canals, etc., in which it had an interest, no less than $230,850,567.60, and, as before stated, none will deny that this was wisely expended, for it was.

These expenditures have been somewhat of a local nature too, rather than national, or for the national benefit. They were as follows—that is, there has been expended for inland commerce in the boundaries of the following States the following:

Alabama	$2,764,191.19	New Hampshire	$434,930.36
Arkansas	784,910.28	Mississippi	2,323,856.10
California	4,181,251.78	New Jersey	2,068,087.26
Connecticut	2,096,545.19	New York	17,495,321.60
Delaware	3,223,118.44	North Carolina	4,046,935.07
District of Columbia	240,000.00	Ohio	5,741,812.37
Florida	2,511,509.05	Oregon	5,264,863.66
Georgia	3,382,538.91	Pennsylvania	2,451,202.25
Idaho	15,000.00	Rhode Island	1,538,214.00
Illinois	4,948,784.11	South Carolina	2,912,679.90
Indiana	1,869,753.03	Tennessee	679,089.85
Iowa	319,563.37	Texas	6,052,097.16
Kansas	7,561.73	Vermont	767,946.84
Kentucky	1,705,531.99	Virginia	3,837,643.23
Louisiana	9,609,451.85	Washington	534,232.28
Maine	2,483,686.66	Wisconsin	7,705,301.32
Maryland	3,790,876.83	Miscellaneous expenditure	188,405,189.96
Massachusetts	4,943,767.10		
Michigan	3,805,167.81		
Minnesota	1,771,810.46	Total	230,850,567.60

Not only so, but in at least twenty States in the Union the Government has exercised the functions of a canal builder, not unwisely either, as before stated, and not in a single instance has it been done in any part of the vast arid West; and it has also all been done in the direct interest of commerce and not of agriculture. As evidence of this we submit the following statistics bearing on this subject:

IN GENERAL.

In the last fifty-three years Congress has expended in cleaning and improving harbors, building dams, canals, and the like work generally $392,606,596.28.

In 1896 alone for the same purpose $71,158,956.88 was expended.

This was all for the benefit of commerce in the East.

For canals and dams alone, for the benefits of commerce mainly, if not alone, the Government has made the following appropriations in the following-named States:

Alabama.—Grant of 5 per cent net proceeds of public lands after 1819; sale of same for canal on Tennessee River, $10,000.

Florida.—For the Peninsula Canal, $50,000.

Illinois.—Lake Michigan and Mississippi River Canal, $200,000; Hennepin Canal, $50,000.

Indiana.—Wabash River Dam and Canal, $65,000; Lake Erie and Wabash River Canal, $15,000; Ohio *vs.* land grant of 2½ sections on each side of all canals.

Iowa.—Canal from Red River to Mississippi, $1,500; Des Moines Rapids Canal, $733,750; Sault Ste. Marie Canal, $65,000.

Kentucky.—Louisville and Portland Canal, purchase of 1,000 shares of stock of the private corporation organized to build it. Value, $100,000. Subsequent purchase and maintenance of the same, $825,000.

Ohio.—Ohio River Falls Canal, $90,000; Cumberland River Canal, $10,000; Rough River Canal, $25,000; Zanesville and Taylorville Canal, $102,000.

Louisiana.—New Orleans Outlet Canal and Clarenton Canal, $150,000.

Mississippi.—Carondelet Canal, $25,000; canal from Mississippi to Gulf of Mexico, $75,000; also 6 per cent net proceeds of all public-land sales for canal purposes.

Michigan.—Grant of 300,000 acres of land to build canal between Lake Superior and Lac La Belle; St. Clair Canal, $1,090,250; Secretary of War authorized to draw for annual expenses for maintaining the canal; St. Mary's Canal, $850,000; Secretary of War authorized to draw for annual expenses in maintaining the canal.

New Jersey.—Ship canal across Bergen Neck, $150,000.

Oregon.—Cascade Canal, $1,728,000.

Pennsylvania.—Surveys for ship canal from Allegheny to the sea, $200,000; purchase of Monongahela Canal and improvements of the same, $358,733.

South Carolina.—Purchase of 800 shares of Dismal Swamp Canal Company's stock; Santee Canal, $39,000.

Tennessee.—Tennessee River Canal, $250,000.

Texas.—Galveston and Brazos River Canal, $25,000.

Virginia.—Purchase of 750 shares of Chesapeake Canal Stock Company's stock; purchase of 10,000 shares of Chesapeake and Ohio Company's stock; Chesapeake and Delaware Canal, $20,000; survey canal Chesapeake Bay to Charleston, $10,000.

Washington.—Survey canal Lake Union to Puget Sound, $10,000.

Survey canal Bakers Bay and Shoalwater Bay, $10,500.

Wisconsin.—Fox River and Wisconsin River Canal, 1½ sections of land on each side of Fox River, $25,000; Milwaukee and Rock River Canal, 5 per cent of net proceeds of public lands sales, $146,000; Wisconsin River Canal, $10,000; Green Bay and Lake Michigan Canal, grant of 200,000 acres. Purchase of portage of Lake Michigan and Lake Superior Canal, $350,000; improving same, $20,000.

To this much we refer to show what the Government has done for the benefit of inland commerce in the sections of country

before named, and that the Government has wisely done it as a national work we are here to assert. But while we do, we further assert that, as a work of the General Government, between the construction of a reservoir for the encouragement of inland commerce and the construction of one for agriculture, there is practically no difference; and if there is, then the argument is in favor of the latter.

To ask for this reclamation of the arid lands of the West by the General Government for the benefit of agriculture in this great western country is only to ask that fair play and even-handed justice be done between the different sections of this great country. It is but an appeal to the magnanimity of the General Government.

From May, 1875, to June 30, 1896, the Government received from sale of public lands, chiefly from the West, $336,532,129.20, which was expended in Eastern improvements. Scarcely a dollar was ever returned for any Eastern improvement or benefit.

This great Government can not afford to stain its great name with partiality so great as to refuse to add its aid to that great section in the West for the benefit of agriculture when it has done so much for commercial classes and commercial sections in other parts of the country. Indeed, my people do not expect it. They believe that this great country, whose bosom but a short time ago was trodden by the hoof of war, that passed from under it and through the greatest war known to civilization, and did it successfully, and did it without the confiscation of a single estate or the execution of a single political offender, can never be so unfair. So do I. I appeal for the speedy report and adoption of this amendment.

Mr. LITTLE. I yield ten minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, the amendment under discussion proposes an examination of certain reservoir sites, the survey of certain lands, and a report as to the feasibility of constructing reservoirs and irrigating lands along the Gila River in Arizona. Three hundred and sixty-five years ago the first white man visited what is now the reservation of the Pima Indians on the Gila River. At that time the ancestors of the Indians now residing there had their homes along the banks of that stream, carried on agriculture by means of irrigation, and had attained to a considerable degree of civilization.

From that time until the present these Indians have continued to occupy these lands, cultivate their little farms, and support themselves. As time passed the white man, who settled upon lands in the vicinity of the Indian reservation, diverted the waters of the Gila River above the Indian canals and took the waters which the Indians had been using for the purpose of irrigating their lands from time immemorial and used it for the purpose of irrigating the white man's land.

Appeals were made by the Indian agent to the Department of Justice at the time the Florence Canal was first proposed, asking the Department to protect these Indians in their right to use the waters flowing through the channel of the Gila, from which they had obtained the means of cultivating their farms for hundreds of years, since the white men first knew them, and for probably even a greater length of time prior to that date. The Department of Justice failed to take any action in the matter. The result was that the Indians were deprived of the opportunity to carry on their agricultural industry.

In this condition of things they planted only to see their crops destroyed by drought, hoping against hope, as they seeded and planted their little farms each year, that the white men would allow a sufficiency of water to reach their ditches to mature their crops, until they lost heart and became indolent and improvident and are now wards of the Government, requiring regular support and aid.

It is now proposed that the Government do these Indians tardy justice, by impounding the waters of the Gila River, so that their lands can be irrigated; and experts have informed us that it would be economical in conserving the waters for the use of the Indians to conserve a larger amount than they require and use the surplus waters for the irrigation of adjacent public lands. I personally have no knowledge of the feasibility of this scheme on the Gila River. The only information I have is that which I have received from the reports made by Government experts on the subject; but I will say that the gentleman from Kansas has very adroitly grouped all the objections that have been made to any of the proposed dam sites. He has raised all the possible objections that can be imagined in regard to all of them, and so skillfully stated his case that I imagine the House has taken it for granted that his objections apply to any one of the schemes proposed. The appropriation made by the amendment does not commit the Government to the irrigation of the land or the carrying out of this project; but it would give us a thorough examination and a full report, which would enable the House, possibly at the next session of Congress, to pass upon the subject intelligently.

Many gentlemen on the floor of this House, when approached and asked to give their aid in the settlement of the great question of irrigating and developing the arid West, have said that they oppose a general scheme, but would be glad to give their aid and support to some specific project. They would be glad to see work actually begun on some proposition that looked to the irrigation of the public lands.

Gentlemen, the opportunity is now presented to the members of the House to vote upon a specific project; to vote to do tardy justice to these Indians; to vote to make an experiment, or, at least, to begin investigation with the idea of making an experiment as to the wisdom and feasibility of the Government aiding in the development of the great arid West, and I hope that the House will support the amendment of the Senate. I now yield back the balance of my time.

Mr. LITTLE. I yield five minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, I have given this matter some little thought, but I have not so thoroughly investigated it as to be able to make up my mind decidedly as to whether I would be willing to vote for this proposition or not as it stands and as it came from the Senate. I have been an economist, opposed to all appropriations that I thought were unnecessary and extravagant, as gentlemen will have seen by my position upon the various pension appropriations. I am opposed to all extravagant pension appropriations; I am opposed to pensioning deserters, coffee coolers, and bounty jumpers, and all others who do not deserve it; but whenever I see a poor soldier who has stood by the flag faithfully and met death upon the battlefield, or the widow of such a soldier, I am man enough to say that I am willing to vote for his or her pension [applause], but I am just as firmly opposed to pensioning that class of persons above mentioned.

Some of my friends on the Democratic side have twitted me on going back on my record in the manner in which a few bills were passed on last Friday. Gentlemen, not so.

My position on Friday only emphasizes the position I have taken, that I am opposed to fraudulent pensions and extravagant pensions, because on that day these bills were specially selected by the chairman of the Pensions Committee out of the whole list of them, and only deserving ones were presented. They were good bills, and they went through the Committee of the Whole and we discussed them. Every one was regularly passed by the Committee of the Whole before being brought to the House. I was instrumental in reducing the pension of the widow of General Lawton from $100 to $50, because I thought it was too much. I thought it was an injustice to the private soldier and his widow, whose pensions were so much smaller than hers. Another thing, it is a fact that among the bills passed on that day were a number for Mexican soldiers and their widows.

Now, then, let us look at this proposition. Here are these lands that are useless. Somebody has said give them away; they are of no account. But of course that will not be done. This question comes up. If we do not do something with them so that the Indians can make a living, will not the Government have to support them?

I say I want some light on this question. As I look at it and read the Senate amendment it seems to me that it does not commit the Government at all to the continuation of this project any more than the appropriation in the Fifty-third Congress of $20,000 committed the Government to the experiment in the rural free delivery. See how that system has grown from an appropriation of $20,000 to an appropriation in this Congress of three and one-half millions. That system has passed the stage of experimentation and is a practical thing to-day. The theory has been taken from it. Now that system is to be extended to the farmers, the merchants, the mechanics, and everyone who lives in sections remote from means of communication. I have always advocated the system from the start.

Mr. CURTIS. Does the gentleman from South Carolina understand that there has already been expended $31,500 in experimenting on this irrigation of arid lands?

Mr. TALBERT. Yes; but that has been consumed and the parties do not seem to be satisfied, or at least no definite result has been accomplished. Do not misunderstand me. I say I am not committed to vote for this proposition, and I want to throw out these suggestions and ideas if it would not be proper for the Government to spend another small sum in experimenting along this line, as I understand this is all the land the Government has, that the other public lands have been taken up by free settlers, or nearly all of them. Now, would not it be wise to experiment in this direction, as my distinguished friend [Mr. CANNON], chairman of the Committee on Appropriations, the great watchdog of the Treasury, said the other day along this line, to see if it will not finally prove beneficial not only to the Government but to the people?

As I said, I am not ready to say that I will vote for it, but I want to hear it discussed. I want some light thrown on it by the committee. I do not know whether it would be right to. It is a move in the right direction to utilize these lands, and the only way in the world to do it is to make the appropriation to experiment

without committing the Government absolutely with this policy. At any time the Government might see proper it could withdraw its support if it did not prove to be a practicable thing. This is about all I have to say on this question, but hope other gentlemen may discuss it in a way that more light may be thrown upon the subject, so that not only myself but others may better know how to cast their vote upon it.

Mr. SHERMAN. Mr. Speaker, I now yield five minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Speaker, I have been interested in this debate, especially in the remarks of the gentlemen discussing the measure who frankly admitted that they know nothing about the project from personal observation or examination. I desire to discuss this question briefly because I have personally been upon the ground, have examined the project at the request of the local people, have seen the Indians gathered there, have observed the soldiers at the post, examined the river, the railroad, and the land surrounding, and conferred with the Indian agent. My examination was accidental, given upon the solicitation of men who desired this dam, who happened to learn of my presence there and sought my examination with the hope that they would obtain my support for this proposition which they hoped to bring before Congress.

After a personal examination, solicited in that manner, I frankly say that this amendment ought not to be adopted. First, because it will not benefit the Indians in the slightest degree. They will not receive any benefit from it. Secondly, it will destroy the Government property, the schoolhouses erected for teaching the Indian children. It will destroy the best part of the farming land which the Indians now have in that valley. They now irrigate on both sides of that river back one-quarter of a mile with the use of little canals that have been built, and this dam will drive the Indians out of that valley and turn it over to the white man and his schemes. It will not benefit the Indians in the slightest degree. Now, when my friend says the white man has irrigated the lands outside of the Indian reservation and got good farming lands, that is true, but the Indians were never there by right—that is, outside the Indian reservation, and the Indians today are being benefited in like manner by the digging of ditches by the Government along that river, which will give them the same advantages that the white man has there outside of the reservation.

Mr. MONDELL. The gentleman I presume recognizes the fact that in the arid regions the value is in the water, not in the land, and that if the water is diverted at a point above the user and conveyed to other lands, the value of the lands from which the water is diverted is absolutely destroyed.

Mr. CORLISS. The reservoir you propose to build there will accumulate the water, but it will not add to the value of the surrounding property one-fourth of the cost of the dam.

Mr. CURTIS. The proposed dam is 85 miles above the Indian reservation.

Mr. CORLISS. Certainly; and it will not benefit the Indians in the slightest degree; on the contrary it will do them damage.

Mr. MONDELL. That is a matter of judgment.

Mr. CORLISS. This is not the scheme of the Indians; it is a white man's scheme, and it is wrong. This House ought not to appropriate one dollar for this purpose. Any man who will go upon the land and examine it will concur in my judgment. I have no interest whatever in this question. Happening to be there I was requested to examine it by men who desire to enter upon a project of this kind for their own purposes. They are not Indians. They are not working for the benefit of the Indians. They are working for the benefit of the white men who are located in that valley. The scheme is wrong, and the House ought to condemn this amendment.

Mr. LITTLE. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, I have not had an opportunity to visit the dam site which is proposed to be utilized for the storage of water; yet notwithstanding that fact, I have examined so many of the sites, have investigated in so many instances the question of the storage of water, that I feel fully justified in speaking with reference to the proposition. I have examined the report made by the Geological Survey upon this particular site. I have also examined the report which has been made upon this subject by the Committee on Irrigation of Arid Lands.

Mr. CORLISS. Does the gentleman think that the judgment of the Geological Survey compares in value with the judgment of the Indian agent, who is right on the ground, working the land with the Indians?

Mr. SHAFROTH. I do not know. I can not say what kind of an expert he is, whereas I regard the recommendations of the Geological Survey very highly. The lands there may appear to be absolutely void of fertility, yet we know that out West all you have to do in order to make the plains blossom as the rose is simply to put water on them. You farmers in Michigan may raise 25 or 30 bushels of wheat to the acre; but we can take land that looks like sand, and by putting water upon it we can raise double the amount per acre that you do.

Mr. CORLISS. There is no doubt about that; but suppose you have only half a mile between the hills.

Mr. SHAFROTH. The gentleman evidently does not understand the scheme. It is to conduct the water down to the plains——

Mr. CORLISS. I understand.

Mr. SHAFROTH. This is authorized by the irrigation laws of various States. You can use the stream as your ditch until you get to a place where you can divert the water onto the plains, and in this way you can reclaim any quantity of land.

Mr. CURTIS. How would you use the stream as a ditch when in a number of places the water is an underflow—not running in the bed of the river?

Mr. SHAFROTH. It comes up again afterwards.

Mr. CURTIS. In how many places on that river is that the case?

Mr. SHAFROTH. We have the same thing in the Arkansas River, in the State of Colorado, where we take all the water out of the river and conduct it upon the plains, and 10 miles below we construct a low dam across the river and get another supply of water equal to that which was taken out.

Mr. RICHARDSON of Alabama. Does not the Government have to support those Indians anyhow——

Mr. SHAFROTH. Yes, sir.

Mr. RICHARDSON of Alabama. And are you not simply trying to do something to aid them in making them self-supporting?

Mr. SHAFROTH. I want to be candid with the House. This question involves two propositions. One is to put the Indians in a condition that they can support themselves, and the second proposition is to reclaim public lands by means of irrigation.

Gentlemen have talked about the Government appropriating $1,000,000, as if none of that money was to come back. Why, Mr. Speaker, there can be no doubt that by this project these lands will be greatly increased in value. Storage water is the most valuable of all waters, because it can be tapped at the very season that you most need it. You do not need 2-acre feet for the reclamation of the land. Why? Because there is in this stream and in every Western stream plenty of water during three months of the year—April, May, and June. July and August are the months when this water obtained by storage is needed. Consequently you can get along with an additional acre-foot, which will increase the area to be reclaimed to twice the amount of acres indicated by the gentleman from Kansas.

I want to call attention to the facts in this case. I want to see whether gentlemen can not recognize that this is an admirable enterprise to be undertaken; whether they can not see that it is one in which the Government in all probability will not lose a dollar, but will reclaim public lands to the extent of 140,000 acres. The proposition contained in this amendment provides that after the reservoir shall be constructed there will be imposed upon the settlers who may locate on the lands to be irrigated by this reservoir such a proportion of the cost as will return to the Government the amount which it will have expended. Is it possible that this Government is going to be so niggardly in regard to its public lands as not even to put them in such a condition that they can be irrigated, when they will get back the entire cost of the enterprise?

Mr. HENRY C. SMITH. Will the gentleman allow me a question right there?

Mr. SHAFROTH. Certainly.

Mr. HENRY C. SMITH. How much would these lands be increased in value if this project were carried out?

Mr. SHAFROTH. They will be increased a great deal more than appears by the estimate which has been submitted here by the gentleman from Kansas.

Mr. HENRY C. SMITH. What is your estimate?

Mr. SHAFROTH. The estimate of the Committee on Irrigation of Arid Lands is that 170,000 acres could be irrigated at an expense of $1,000,000.

Mr. CURTIS. Oh, no.

Mr. SHAFROTH. Yes, sir.

Mr. CURTIS. One hundred thousand acres.

Mr. SHAFROTH. Oh, no; here is the language of the committee:

> Your committee also find it to be an established fact that the dam when built to the height of 150 feet, which it may be, will hold when full 247,000 acre-feet, or water enough to cover that number of acres a foot deep. If raised 70 feet higher, which it may be, it would contain 550,000 acre-feet. This outlay will cost a little less than $1,000,000 or not exceed that amount, the amount carried in this bill. When completed there will be water enough saved for distribution, on an economic basis, in the dry season, when water is needed, that could not be obtained from the stream, to irrigate the 30,000 acres of easy irrigable land of the Indians to the effect heretofore stated, and have a surplus of water sufficient to irrigate at least 140,000 acres besides.

Add your 30,000 acres of Indian lands to your 140,000 acres of public lands, and the result is 170,000 acres. Divide that into $1,000,000 and the result is $5.88 per acre.

Mr. CURTIS. How much would be the additional cost? Would it not amount to $1,000,000 for 50,000 acres?

Mr. SHAFROTH. Oh, no; it would not. Your expert says that this reservoir can be built for $1,000,000.

Mr. CURTIS. But the first dam will cost $1,038,000.

Mr. SHAFROTH. Oh, no.

Mr. CURTIS. That is what they say in this report.

Mr. SHAFROTH. Oh, no; I beg the gentleman's pardon. The contemplation is that this dam can be built to the height of 220 feet at a cost of $1,000,000.

Mr. CURTIS. One million and thirty-eight thousand dollars.

Mr. SHAFROTH. We are reading from different papers.

Mr. CURTIS. I am reading from Irrigation Paper 33.

Mr. SHAFROTH. I am reading from the report of the Committee on Irrigation of Arid Lands.

Mr. CURTIS. Who wrote the report?

Mr. SHAFROTH. I do not know. It was presented by the gentleman from Ohio [Mr. PHILLIPS].

Mr. HENRY C. SMITH. What will the land be worth per acre after it is irrigated?

Mr. SHAFROTH. Somewhere between $20 and $30 per acre; and the settlers are perfectly willing to pay their proportion of the total cost of the reservoir to the Government, so that the Government will not lose a single nickel by reason of this expenditure. And in that way you will add 140,000 acres of land that are now not worth 10 cents an acre to the best agricultural land in the world.

The people out there are not asking the Government to give this money for nothing. The proposition is that you construct this dam and that the settlers will give back the cost of construction for the water rights granted by the Government. When you take into consideration that feature of the scheme there can be no objection to it. Both political parties in the platforms of their national conventions indorsed the reclamation of the arid lands. Here is a feasible proposition that comes before gentlemen who have been in both the political conventions, and right here on the first-proposed feasible scheme that is presented you gentlemen fight it and say you will not give it your support.

Mr. CURTIS. What do you say about that part of the report in which they say that it will fill up in twenty-eight years?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHAFROTH. I would like to answer that question, but my time has expired.

Mr. LITTLE. I yield ten minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. I want to devote my time to that part of the Indian reservations that are on the arid domain. I have in my district 1,000 Ute Indians. A few years ago this House and the Senate started a commission to make a treaty with the Ute Indians in the reservations in Colorado and in New Mexico. That commission went on the Mancos and Dolores River and selected for a thousand Indians a piece of ground 15 miles wide by 40 miles long, as good as there is in the West. It had not one drop of water on it suitable for irrigation, with the exception of Ute Springs, that furnishes no water for irrigation beyond some little truck patches. It had water in the great canyons in the Mancos and waters in the Dolores River. These commissioners told these Indians that the Government would reservoir the spring waters or the spring flows that they might irrigate these lands and become self-supporting. Now, four or five years have passed. These Indians can not grow a single article of food. One of them appeared here last spring and said to me that he and his family had 640 acres of ground and could not cultivate one single acre.

Mr. CURTIS. Have not we for several years been appropriating money, putting it in the hands of commissioners, to get your irrigation company to furnish water to these Indians?

Mr. BELL. No, sir.

Mr. CURTIS. In this bill there is an appropriation, and we have been doing it for the last three years.

Mr. BELL. That is for the purpose of irrigating certain land the Utes have taken in severalty. The Government has never been brought down to watering a reservation that has been taken by the Indians as a tribe, though the agents have investigated from time to time. Now, I know how different these questions seem to you from the appearance they make to one on the ground.

Mr. HEPBURN. Will the gentleman allow me to ask him a question there?

Mr. BELL. Certainly.

Mr. HEPBURN. These settlers that you now speak of went upon these lands when they knew they were arid, did they not?

Mr. BELL. The Government put these Indians on. I am talking about Indians.

Mr. HEPBURN. I thought you were talking about settlers?

Mr. BELL. I have not mentioned anybody but Indians. We have Indian tribes scattered all over the arid West. We have failed to provide them with water for irrigation, loaded them down with land, and they are not progressing to any perceptible degree. As I said a while ago, an Indian by the name of Frost, who talks good English, came to Congress for the purpose of trying to prevail on Congress to allow him to sell some of his ground that he might buy a horse, buy a plow, buy tools and implements that he is in need of.

He said that he and his children and wife owned 640 acres of ground, and the white men were using it just as they had before it was taken in severalty. The Government had loaded them down with land and made it impossible for them to fence it and cultivate it, and, therefore, the whites still had possession of this ground. Now, I imagine this same condition upon this Gila River Indian Reservation. You put such environment around the American Indian on the arid domain that he can not become self-sustaining, and never can until these lands are watered.

Mr. GILBERT. If the gentleman will permit me, the difficulty that presents itself to my mind, not knowing anything practical about the subject, is whether these reservoirs will not fill up in a few years.

Mr. BELL. Those that have been built have not filled up. At places they do fill up, but can not they be dredged the same as our waterways in the country, and the same as we dredge our ditches?

Mr. CURTIS. The expert says that at the place where it is proposed to put this reservation that it will fill up in twenty-eight and five-tenths years, and there is no means possible whereby it can be cleaned out.

Mr. BELL. I would dislike to take the word of a mere Indian inspector.

Mr. CURTIS. This was an expert from the Geological Survey.

Mr. BELL. Mr. Lippincott and others of the survey out there insist that they have not sufficient information upon which to base a reliable opinion. They are now demanding such information. The difficulty is that the Indian Department and those interested in the Indians and know something about the conditions upon the ground are continually hampered by our Representatives in Congress, who do not know the conditions on the ground.

Mr. GILBERT. What are the facts in those countries—from Egypt, India, Italy, and other countries where irrigation has been practiced for years—about the duration of reservoirs, and what are the processes by which they are kept clean?

Mr. BELL. I have never heard of a reservoir that has ever filled up to any great extent since the world began. I have known ditches and canals where the dredging machine had to go into them occasionally and had some matter, the loose soil, pumped out. That can be done over and over again. A partner of mine had control of pretty nearly every ditch in Colorado and he ran the dredging machines through but one, to my knowledge, out of many, and this was because of the small grade given to the canal. He went right along; it is not a very expensive operation. But here is the point on this special reservation: You must reservoir this water or you must move these Indians and give them land at some other place. The idea of putting a wild Indian in a position where he can not make a living is a crime. But some one says why not make the white man let the water come down? Now, if you had lived at the tail end of a lateral as long as I have you would know something about this subject.

We had a deputy water commissioner with a legal decree for priority, one who lived at the lower end of the canal, and he could not get the water down to himself. You can not do it. The man upstream will have the water, and it would take an army of men to secure it for these people. This water is decreed to users as priority one, two, three, etc., according to the time of appropriation. The first in time is the first in right. A neighbor of mine came into town during the low flow and someone asked him what priority number he had. He said he had No. 28 during the day and No. 1 during the night. That expresses the whole situation.

Mr. WILSON of Arizona. On the question of the complaint about the filling up of the reservoirs, is it not a matter of history that from the time British India as a natural enterprise made it possible to irrigate the lands there, was there any complaint of the filling up of the reservoir?

Mr. BELL. Never. If the reservoir or ditch should fill with dirt or sand it could be dredged out just like you would do with navigable streams, but settling grounds can be chosen and avoid such possible filling.

Some of them may fill up, but this is a mere bugaboo. This information is asked for, this little appropriation for experts; and this Government to-day has got the best expert, probably, alive in charge of irrigation of Indian lands, Prof. Walter Graves, who was the chief advising engineer of the West on hydraulic plants before he became an employee of the Government. He now represents all the canals for irrigation of the Indian arid lands of the United States, and is the highest authority on such matters.

[Mr. RIDGELY addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for

the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 6146. An act for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers;

H. R. 6204. An act for the relief of Oliva M. Clifford; and

H. Res. 74. Joint resolution authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

The message also announced that the Senate had passed, without amendment, the following resolutions:

House concurrent resolution 86.

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand.

House concurrent resolution 79.

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the report of the dedication of the Chickamauga and Chattanooga National Military Park, of which 8,000 shall be for the House of Representatives, 4,500 for the Senate, 600 for the office of Secretary of War, 500 for the Chickamauga Park Commission, and 25 copies for each of the speakers at the dedication.

House concurrent resolution 59.

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, 500 copies of the report of the assistant inspector-general on the State Homes, and 150 copies of the record of members for the use of the Home.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 109.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 2,200 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives, and 200 for the use of the War Department.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I now yield to the gentleman from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Speaker, I do not know that I have any particular information touching this precise amendment, but I want to say something upon the subject generally of irrigation. In the first place I desire to say that the just laws are general laws, and that I am opposed to special legislation in every respect. The gentleman from Colorado [Mr. SHACKLEFORD] said that we did not seem to understand the scheme, but the scheme seems to be that this Government shall make land worth 10 cents an acre by an expenditure of money worth $20 an acre. I believe that these schemes should be local schemes, and should be taken care of by the States. I do not believe it is fair to tax the people in my district, who own farming land worth from $75 to $125 an acre, to make these lands which are practically useless worth $20 an acre and to bring them into competition with the lands in the part of the country like our district which have been purchased and which are now owned by the farmers.

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. HENRY C. SMITH. Yes.

Mr. NEWLANDS. The Republican platform reads as follows——

Mr. HENRY C. SMITH. Oh, I know how the Republican platform reads, and I will answer the question before it is asked. I want to say that if my party or any other party is wrong, it ought to get right.

Mr. NEWLANDS. So the gentleman proposes to repudiate his party platform?

Mr. HENRY C. SMITH. I am not in a position to repudiate anything. I am not speaking for my party. I am speaking for myself. I think it is mighty commendable, as I read the history of the Indians, that they are now desirous of having water. [Laughter.] It is the first time I ever heard of an Indian clamoring for water.

Mr. TALBERT. They have found out how good it is.

Mr. HENRY C. SMITH. The gentleman says the Indians have found out how good it is, but it is simply a scheme, and the idea of helping the poor Indian is all in the air. The poor Indian gets nothing out of it. It is the landowners, the great corporations and trusts that own these large fields of arid lands that are going to get the water and get the benefit of it, and the poor Indian will get nothing.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. HENRY C. SMITH. Yes.

Mr. RIDGELY. I understand the gentleman alleges as a reason why he opposes this amendment that it will bring additional lands in competition with the lands now under cultivation.

Mr. HENRY C. SMITH. That is one reason, and I oppose it on the ground that I am opposed to special legislation for special classes and special privileges; and I want to say further that in proof of what I said that this is not for the benefit of the Indians you people off in that country take out these committees from Congress at a large expense to view your domain and to view your enterprises. The Indians do not take them out there, but landowners take them out there.

Mr. RIDGELY. Now for the question: Do you favor a proposition to aid in the construction of additional merchant ships which would come into competition with those we now have?

Mr. HENRY C. SMITH. I will determine that when I get to it, my friend. [Laughter.] That is not before the House at present. I want to say in a general way, though, that I am opposed to subsidies, and I am opposed to the present bill now before the Senate. I am frank to say that. If it was here to-day I would not vote for it. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twenty-one minutes.

Mr. LITTLE. How much time has this side, Mr. Speaker?

The SPEAKER pro tempore. Fourteen minutes.

Mr. LITTLE. I will yield ten minutes to the gentleman from Nevada.

Mr. NEWLANDS. Will not the gentleman from New York yield to me five minutes besides?

Mr. SHERMAN. I do not think I can. If the gentleman from Arkansas has only reserved four minutes, I think it would be fair to yield to him.

Mr. NEWLANDS. Mr. Speaker, let us ascertain first the proposition with reference to which we are called upon to vote. The Senate amendment under consideration involves work of investigation regarding the proposed reservoir at San Carlos, on the the Gila River, which it is estimated when constructed will cost eleven hundred thousand dollars, and appropriates $100,000 for that purpose, for examining the proposed foundation of the dam, making borings, making surveys, ascertaining the area of public land that can be brought under reclamation, so that Congress may be informed whether or not this project is feasible—this project which has been recommended by the scientific bureau of the Government, the Geological Survey. The amendment expressly states that the Government of the United States is not committed beyond the appropriation and that the appropriation is simply for investigation. It provides not only for an investigation of the dam site, but of the underflow, the contention on the part of one Senator being that there was sufficient underflow which if availed of would satisfy all requirements.

Mr. CURTIS. Does not the gentleman know that to tap the underflow would cost $30 an acre, according to this report?

Mr. NEWLANDS. I do not know. I have not gone into the details of this report. Here it is, a long public document elaborately prepared by a learned and scientific and practical man, Mr. Lippincot, the hydraulic engineer of the West, whose fame in that region is unsurpassed. When these gentlemen say that the scheme is practical and feasible, and the Senate of the United States has appropriated $100,000 for the investigation, I insist we ought to allow it.

Now, what is this scheme? Why, the Indians have their reservation below this proposed reservoir 100 miles or so. They number about 8,000; they have been farmers for centuries. The fact is that in Arizona indubitable evidence exists of prehistoric irrigation. These Indians are tillers of the soil, as they always have been. They are the Indians with whom the whites of that region have taken refuge when wars were being waged with the fierce and cruel Apaches. They have been deprived of their water—how? Why, sir, settlers upon the lands of the United States, taking advantage of the opportunity presented by our laws, have entered lands above them and have diverted the water, thus depriving the Indians of the water supply to which they had been accustomed. And with what are we confronted now? Why, sir, we must either allow these Indians to starve, or we must feed them, or we must remove them, or we must permit them to remain upon their lands, the Government storing the flood waters of this river so that they may be available for irrigation. And the evidence is that 93 per cent of the flow of that river goes to waste—93 per cent!

Now, what is the expense involved? The gentleman from Kansas says that an expert has admitted to him that the cost would be $2,000,000. When I asked him who the expert was, he said he was Mr. Maxwell, the chairman of the Irrigation Association. Now, I admit that Mr. Maxwell is a very capable man—probably better informed on this subject than any man outside of the special profession of hydraulics and irrigation engineering—but he is not an engineer, and his statement to me was not that this undertaking would cost $2,000,000, but that it would pay even if it cost $2,000,000. I did not understand him to say that it would cost $2,000,000. The statement of the hydraulic engineer, Mr. Lippincott, is that it will cost a little over a million dollars. The expense account of these Indians is likely to increase from day to day. Unless they become tramps and wanderers over the face of the earth, it will amount to thirty or forty or fifty thousand dollars a year. More than that, this is an interest charge on at least $1,000,000. We shall have to keep it up, and so this expense capitalized would mean $1,000,000. What is the compensation of the scheme?

Why, sir, there are 100,000 acres of land, the richest land in the country, subject to this reservoir, the waters of which can easily reclaim it. What will be the value of that land so reclaimed? Such land in Arizona to-day is worth from forty to fifty dollars an acre; for recollect that this land is in the citrus belt; it is in the area of intensive cultivation, and it is no extraordinary thing to find in southern California land in that belt worth from $1,000 to $1,500 an acre. In that region 10 acres of land under this intensified cultivation will support a family. Is it, then, unreasonable to suppose that these hundred thousand acres of land will sell for at least $20 an acre? And under this amendment this land is reserved from general entry—is reserved as a part of the entire project from which the Government may recoup itself by sales. This land to which water is to be supplied is land absolutely valueless without water, but with it is very valuable. Recollect that in that arid region land is worthless; water is invaluable.

Now, in view of these facts presented by scientific men employed by the Government—members of a corps unsurpassed anywhere in scientific and practical work—I ask, Are we warranted in refusing an appropriation of $100,000 for investigation, for preliminary work, in order to ascertain beyond a doubt whether or not the scheme is practicable? I ask whether every consideration of humanity does not demand that we do something for these Indians. And in connection with that we can do the businesslike thing of recouping the cost of the enterprise by placing these public lands, when made valuable by this enterprise, under sale. Is it not a reasonable thing to take at least this initial step, which, as I have already stated, does not commit us finally to the enterprise?

Mr. GILBERT. Is there any doubt about the fertility of the soil there when the water is supplied?

Mr. NEWLANDS. None whatever.

Mr. TALBERT. I would like to ask just one question. This money, as I understand, is not given away, but is to be expended in the interest of the Government, and it will receive its return in the way of rentals of this water power?

Mr. NEWLANDS. Well, as a rule, the land is sold with the water rights; and that land, when this improvement has been made, will be worth from $40 to $50 an acre.

Mr. TALBERT. Then this is not a gift to anybody?

Mr. NEWLANDS. No, sir.

Mr. TALBERT. As I understand, this preliminary outlay may return a large percentage to the Government.

Mr. NEWLANDS. I ask the gentleman from New York [Mr. SHERMAN] whether he will not yield five minutes more, as the gentleman from Washington [Mr. JONES] desires to be heard?

Mr. SHERMAN. I will yield the gentleman from Nevada three minutes of my time.

Mr. NEWLANDS. How much time has this side remaining?

The SPEAKER pro tempore (Mr. WARNER). Four minutes.

Mr. SHERMAN. I will yield the gentleman from Nevada three minutes of our time.

Mr. NEWLANDS. I propose to yield that time to the gentleman from Washington [Mr. JONES].

Mr. SHERMAN. I did not give the gentleman the time to be yielded to other gentlemen. I thought the gentleman wanted it for himself. I am not giving my time to be farmed out to the opposition. That would not be fair.

Mr. NEWLANDS. I ask the gentleman whether he will not give three minutes to the gentleman from Washington, a member of his own side of the House?

Mr. SHERMAN. I supposed the gentleman was asking the time for himself. I can not give him time to be farmed out to anyone else. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. CANNON]. How much time does he desire?

Mr. CANNON. Five or ten minutes.

Mr. SHERMAN. I yield the gentleman ten minutes.

Mr. CANNON. Mr. Speaker, I regret that upon such a question as this we should have to address comparatively empty seats. I do not know that I can do more than to put into the RECORD very briefly what possibly I may have stated in substance heretofore.

To me this is an exceedingly important question. We have got to the parting of the ways. I think the gentleman from Nevada recognizes that fact as well as the other gentlemen who have given attention to this proposition.

Mr. NEWLANDS. I thought we came to "the parting of the ways" when both parties declared last summer in their platforms in favor of a national scheme of irrigation.

Mr. CANNON. Oh, my friend, that is as you construe their declarations.

Mr. NEWLANDS. There is no room for misconstruction.

Mr. CANNON. I do not think the Democratic party by any manner of means made any such declaration as the gentleman's remark would imply.

Mr. NEWLANDS. How about the declaration of the Republican party?

Mr. CANNON. As the gentleman seeks to draw attention to this point, I will read the declarations. Here is what the Democratic platform declared:

> We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

That is what they favored. An "intelligent system." What was that? A general system. The Republican platform is substantially to the same effect.

Mr. NEWLANDS. But I thought the gentleman was against a general system or any system by the Government of the United States.

Mr. CANNON. I am talking about this proposition now.

Mr. NEWLANDS. Oh.

Mr. CANNON. An "intelligent system" for general purposes. There are a dozen ways of working it out. One is by passing the bill reported from the Committee on Irrigation, which proposes a general system and puts aside the proceeds of the public lands for the purpose of irrigation. That is a general system. Another is, under apt and proper guards, to grant the arid lands to the respective States. That is another general system. Another project, not a general system, is to come here and in the name of God and humanity and the "poor Indians" to steal—I will not say steal, but to facilitate the passage of this appropriation, artfully concealing within it a committal of the Government to the reclamation of arid lands. On the one hand the cry is a humanitarian cry; they talk about "the poor Indian," and at the same time they undertake to put in here a provision that commits the Government—to what? To the reclamation, according to the gentleman from Colorado, of 140,000 acres of land, to be sold, as he says, to the white men, while you reclaim 30,000 acres for the use of the Indians.

Mr. NEWLANDS. Does the gentleman say this proposition commits the Government——

Mr. CANNON. Substantially.

Mr. NEWLANDS. To the irrigation of a hundred thousand acres of land?

Mr. CANNON. Substantially; I have read the proposition.

Mr. NEWLANDS. Let me read it. I certainly do not think the gentleman could have read it.

Mr. CANNON. I do not yield. I must state my proposition in ten minutes.

Mr. NEWLANDS. But you stated it wrong.

Mr. CANNON. I will read what it says:

> *Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam at San Carlos.

Mr. NEWLANDS. Now, the gentleman says this commits the Government, though the bill says that it does not. I ask the gentleman if he is not quibbling with the question?

Mr. CANNON. The gentleman from Nevada does not lack for ability and ordinarily he does not lack for candor. But now let us see what this is. It appropriates $100,000 to do what?

> And for examining, surveying, and designating the vacant public lands which could be irrigated with the stored water from said reservoir in excess of the needs of the Indians, and in preparing the plans and estimates for the construction of said reservoirs and canals, with detailed reasons therefor, and giving as accurate an estimate as possible of the total amount which could be received from the sale of the land irrigated to actual settlers, with the facts and circumstances.

Why, these lands have been surveyed and surveyed and surveyed, and the whole scheme is described in the public document that the gentleman cited. Now, then, this is a hundred thousand dollars.

Mr. NEWLANDS. Will the gentleman permit an inquiry?

Mr. CANNON. I do not yield at this time. Later on I may. Now, notice how it spreads out. What is the proposition—that you should estimate how much of this can be for sale to white people, and all that kind of thing. Now, then, the gentleman says the Government is not committed because there is a provision, artfully prescribed, that the Government shall not be committed

hereby to construct the dam 185 feet high at San Carlos. Well, in the name of all that is good and lovely, if you do not expect to commit the Government by this, what is the use of the survey?

Mr. NEWLANDS. Will the gentleman permit an interruption?

Mr. CANNON. Not just at this moment.

Mr. NEWLANDS. It is very apropos at this moment.

Mr. CANNON. I will yield to my friend for a suggestion.

Mr. NEWLANDS. Does the gentleman remember when the Nicaragua Canal——

Mr. CANNON. Not on the Nicaragua Canal.

Mr. NEWLANDS. I am not asking about the Nicaragua Canal. Does the gentleman remember after the surveys and estimates were required for the Nicaragua Canal scheme——

Mr. CANNON. Oh, Mr. Speaker, I do not yield.

Mr. NEWLANDS (continuing). That an amendment was sought to be put upon the sundry civil bill, and the gentleman opposed it upon the ground that plans and estimates had not been sufficiently made to justify the commencement of the work?

Mr. CANNON. Precisely; and here is the proposition made to the Government to-day. Here is a proposition to withdraw the lands from sale, 170,000 acres. Here is the proposition to make another survey for a dam 180 feet high, 80 miles away from the Indian reservation. Here is another proposition to inquire how much can be irrigated for white men of the 170,000 acres, the cost thereof, the price thereof; and it is openly avowed if this appropriation is made, to go ahead and commit the Government to irrigate the lands for profit. Now, then, I am not for it, and I am not for it because it does substantially commit the Government to this work. That is the very object of it, artfully concealed, and it strikes hand with the poor Indian; but while the poor Indian gets 80,000 the poor white man gets 140,000, and all in the name of humanity, the old flag, and an appropriation. [Laughter.] Now, then, this is a large question. The gentleman the other day said there were 600,000 acres of arid lands.

Mr. NEWLANDS. Six hundred millions.

Mr. CANNON. Six hundred million acres of arid land. How much can be irrigated I do not know.

Mr. NEWLANDS. Will the gentleman permit me to inform him?

Mr. CANNON. I do not yield at this moment, I prefer to occupy my few minutes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERMAN. I yield to the gentleman such time as he desires.

Mr. CANNON. I hope to get through in five minutes.

Mr. SHERMAN. I yield the gentleman five minutes.

Mr. CANNON. I do not desire to occupy much time. Now, how much of that affords water?

Mr. NEWLANDS. Now, if the gentleman will permit me, I will inform him.

Mr. CANNON. I prefer to have my five minutes. I will try to get through in four, and then I will yield to my friend.

How much of that water will irrigate, I know not. The canyons that can be dammed and the storm waters that can be stored there within this 600,000,000 acres of land, I know not what it would amount to; I think the gentleman was quite accurate when he said—which he afterwards qualified—it to be over 700,000,000. Now, I undertake to say that, in my judgment, to enter upon the irrigation of the arid lands at the expense of the National Treasury would cost two thousand or twenty-five hundred millions, and we would be passing legislation and appropriations here from Congress to Congress to administer it through our Secretary of the Interior, with the swarms and swarms of agents.

I do not believe it can be economically or honestly done. And I wondered a little bit how my good friend from Nevada, a member of the Democratic party, I believe, now in full membership—I wonder they did not keep him out a little bit longer on probation. The Democratic party in many respects does not meet my approval; the Democratic party in many of its doctrines does meet my approval. I have always, from young manhood up to the present time, believed that at the very foundation of the Government lay the principle of local self-government; and if anything is to come out of this 600,000,000 acres of land in the coming centuries that is good for the people that reside there, and good for the people of the whole country, it must come by intelligent local administration and local government. "Ah, but the money of the Government can make money by irrigating these lands and selling them to the settler!" What nonsense!

The Government in the name of humanity bought the Indians' poor land, almost at an expense of $40,000,000, to throw open for free homes. The Government was going to be reimbursed. I am not abusing the fact that they were thrown open for free homes; but the Government paid threefold what the land was worth. The Government going into this business of reclaiming 600,000,000 acres of land and selling them out at cost or a profit is idle nonsense; and I want to say upon this question of irrigation of arid lands, if there is ever general legislation and special appropriations it must depend upon this House.

Take the position. In the Senate there are 90 members, 26 of them Senators from the arid or semiarid States, and 36 Representatives in the House. Whereas the balance in this House is 330 Representatives as against 36 in round numbers. Here population is represented and there States are represented, and the 40,000 population in the State of Nevada has as many votes in the Senate as the great State of New York, that has as much population as the whole thirteen original States that are represented by the 26 Senators. Now, then, if anything is to be done, let it be done when we are not pressed for time. Let it be done on a general bill. Let it be well guarded and fully discussed. Let it not be a committal in this left-handed way by a partnership with alleged humanity for the benefit of the Indian. I trust that the motion to concur in the Senate amendment will be defeated.

Mr. LITTLE. Mr. Speaker, in the few minutes remaining I will only make a brief statement of my position in this matter, as it will be impossible to enter into a detailed discussion of the question. Nothing developed the fact more than the debate in this House that we need definite information upon the proposition submitted.

The question about which we are talking does not commit the Government in any degree to the final adoption of the project. Primarily the investigation is intended to reach the necessities of the Indians on this reservation, because in the near future—and it is practically so now—these 8,000 Indians must be fed by the Government, unless they secure water privileges on their lands.

I believe it is the duty of the Government, as these Indians are located upon the arid lands, to water the lands for them if it is practicable to do so. I believe that it is not only right, but it is wisdom and economy to do so. Otherwise we must go on and feed them as mere ration Indians and destroy any hope of their advancement in the future. The principal objection, it seems, to the proposition is that it is proposed to withdraw something near 200,000 acres of the public lands from sale or entry.

The exact proposition is to cause a thorough investigation to ascertain, if possible, if these Indian lands can be watered from the underflow of this river in a cheaper way than the building of a dam.

I am free to confess I do not see any bugbear about it; that if the Government can, by constructing this dam, reserve the flood waters and water these Indian reservations and reclaim the Government land, or any major portion of it, I can see no reason why it should not be done. If it will reimburse the Government, so much the better, but whether or not it will reimburse the Government, whether it will be ultimately wise for us to pursue the course after we have had a thorough and full investigation, this Congress can determine after this investigation.

We should not forget that a large portion of this country is interested in the general subject of irrigation, and we must not forget, too, that from sixty to ninety million dollars a year of public moneys go to the improvement of rivers and harbors of the country, every project of which is investigated by an engineer before it is adopted. This is only a direction to the Secretary of the Interior to cause this investigation to be made to get an estimate of the cost and determine the practicability of the project.

I believe it ought to be done; I believe it is wise for it to be done. I do not appreciate the action of the watchdogs of the Treasury that after hundreds of millions of dollars have been expended in other matters not so wise as this they even reject the proposition to appropriate $100,000 on a mere matter of investigation. I believe it ought to be done, and I believe the wisdom of this House will cause it to be done. [Applause.]

Mr. SHERMAN. Mr. Speaker, this amendment in which my honored colleague moves that the House concur does not aim alone to care for the Indian. It does not propose, Mr. Speaker, simply to make it possible for the Indians upon that reservation to have their lands irrigated, so that they may hereafter derive a support. It goes further than that, and I believe its real object is not to benefit poor Lo, not to look out for the poor Indian, but to look out for the rich whites. The proposition is, Mr. Speaker, to provide for irrigation first for the benefit of the Indian, and then for reclaiming the lands on the Gila River not included in the Indian reservation.

I had supposed my honored colleague from Arkansas had taken the same view of this proposition as did I, but I discover that with him—

> While the light holds out to burn
> The hardened sinner may return.

He seems to have deserted. The proposition, if it were simply a proposition to care for the Indian and did not involve a general proposition of irrigation, would not, I believe, be so earnestly advocated on this floor as it is to-day.

If it did not go beyond that, if it did not furnish an opening wedge for this great proposition of national irrigation, a wedge which it has been attempted to insert here in this House by an

amendment on the river and habor bill, by an amendment on the sundry civil bill, and, if not successful, by inserting it on this bill, which I trust it will not be, will be attempted to be inserted upon every other great appropriation bill that has not yet been considered. If it did not furnish this opening wedge it would not be so earnestly advocated, and it would go along by unanimous consent in the conference the same as fifty or sixty or ninety other amendments went.

Gentlemen choose to say that the platforms of the two great parties have committed them to the question of national irrigation. Mr. Speaker, the platform of no political party committed it to come in here in violation of the rules of the House to have enacted in the closing minutes of the Congress as an amendment to an Indian appropriation bill a proposition which directly involves the expenditure of more than $5,000,000 on irrigation and which eventually, Mr. Speaker, entails an expenditure of untold millions more.

If this proposition were presented originally in the House, it would have gone out on a simple point of order. Every gentleman knows that. Every gentleman knows that the only way that they could get a consideration of this proposition upon an Indian appropriation bill was to have it inserted and injected as an amendment in the Senate and therefore to prevent us invoking the rule and striking it from the bill where it does not belong.

Gentlemen say that this is a great scheme that will bring back into the Treasury thousands upon thousands of dollars that we have paid out. Brings back into the Treasury, Mr. Speaker! Why, we paid out millions of dollars to buy land, and the argument was presented then time and again that when we were purchasing these lands the United States Treasury would be more than reimbursed from the sale of them, and yet, starting with an amendment to an Indian appropriation bill a few years ago and followed up by a separate bill, this House eventually opened up these lands for free entry, and by that single act, Mr. Speaker, made it impossible to return to the Treasury the millions of dollars that have been paid for their purchase.

We do not desire, we have no right, to enter into any great business enterprise of this kind, even were it possible, even were it probable that the United States Treasury would ever be reimbursed for the outlay. But, Mr. Speaker, every sensible man in this House knows that the United States Treasury would not be reimbursed for the money paid out.

Now, the proposition here, Mr. Speaker, is to continue a survey. The advocates of the irrigation proposition attempt to hide behind that very thin veil their real object, which is to enter upon this great project. If it is a survey alone that is desired, we have already done that. We have already appropriated twenty or thirty thousand dollars, and the surveys have been made completely and fully; and the report, covering more than 100 pages, illustrated, is now in the possession of the House, and that report shows that the construction of the irrigation dam in this valley alone would cost more than $5,000,000.

But, Mr. Speaker, this proposition goes beyond that. This is the opening wedge to the general proposition that the Government shall enter upon the business of national irrigation. My friend from Wyoming [Mr. MONDELL] says that we are granting tardy justice to the Indians if we adopt this proposition.

Why, Mr. Speaker, that is a statement nobody ought to make on this floor, because it is not borne out by the facts. We have appropriated every year all that the gentlemen most interested have claimed as necessary to succor these very same Indians. And in making appropriations, Mr. Speaker, as we have done, and as we shall continue to do rather than enter upon this irrigation scheme, we are saving to the Treasury of the Government thousands and thousands of dollars.

Mr. MONDELL. Will the gentleman allow me a question?

Mr. SHERMAN. Yes, if it is a question.

Mr. MONDELL. Does the gentleman consider that it is justice to the Indians to rob them of the opportunity to support themselves—to make beggars of them—and then to dole out a few dollars from the Treasury of the United States to support them in idleness?

Mr. SHERMAN. "The gentleman" does not consider such a policy justice, and he makes a declaration that this Government does not do anything of the kind; that this Government tries to educate the Indians in self-support, and it furnishes schools in which 30,000 Indian children are given an education—not a collegiate education, but an education which trains them as carpenters, cabinetmakers, harness makers, etc., which trains them in all practical trades, by which, if they would follow them, they could support themselves.

Mr. MONDELL. Will the gentleman inform the House just which class of the various branches of legislation he has enumerated would enable the Pima Indians to raise crops on desert lands without water?

Mr. SHERMAN. Well, the Pima Indians can raise crops upon lands that are not desert lands. Neither the Pima Indians nor the white men are undertaking to raise crops on purely arid lands. The gentleman knows that, and there is no pretense that they can do so.

Mr. MONDELL. Does the gentleman deny the truth of my statement that as a matter of fact the Government would be doing only tardy justice to these Indians by supplying them now with the water which it has allowed its citizens to divert from the lands of the Indians?

Mr. SHERMAN. I say that the Congress of the United States has not been tardy in giving justice or succor to these particular Indians or to any other Indians in the United States. The Congress of the United States has been liberal and generous in its treatment of the Indians at all times and under all circumstances and under all conditions.

Mr. MONDELL. The gentleman does not distinguish between justice and charity.

Mr. NEWLANDS. Allow me to ask the gentleman from New York [Mr. SHERMAN] whether he regards it as good policy to turn into paupers a race of people, 8,000 in number, who are engaged in honest industry—to make them dependent simply upon the charity of the Government.

Mr. SHERMAN. I regard it as bad policy to come in here in the closing hours of Congress with an amendment to an appropriation bill which under the rules of this body could find no place here, and which provides not alone for the succor of the Indians, but provides vastly more for the enrichment of the white men.

I regard it as very bad policy to introduce such a proposition upon this bill. And therefore, Mr. Speaker—and with this single word I shall close—I beseech this House to vote down the proposition of the gentleman from Arkansas to concur in this amendment. I ask the House to send their conferees back to meet the Senate conferees, with a vote in favor of striking this proposition from the bill. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion to recede and concur.

The motion was rejected; there being on a division (called for by Mr. LITTLE)—ayes 58, noes 97.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] reserved a separate vote on amendment 52.

Mr. SHERMAN. I move that the House insist on its disagreement to that amendment.

Mr. LITTLE. On amendment 52 I desire to move to recede and to concur with an amendment.

Mr. SHERMAN. Why not send it back to conference rather than waste time upon it here? The gentleman knows that he and I can get together on the proposition in conference.

Mr. LITTLE. All right.

Mr. SHERMAN. In order that this question may be sent back to conference, I move that the House insist on its disagreement and ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE as conferees on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. DAYTON. I desire to present a second conference report on the naval appropriation bill. I ask unanimous consent that the reading of the report be dispensed with, and that the statement of the House conferees be read instead.

There was no objection.

Mr. HAWLEY. I desire to say that at the conclusion of the reading of this report I shall ask a separate vote on amendment 89.

The SPEAKER. The Clerk will report the statement. The demand of the gentleman from Texas [Mr. HAWLEY] will come up later.

[For conference report see Senate proceedings.]

The statement was read, as follows:

The managers on the part of the House of Representatives make the following statement of the resolution of the second conference with the managers on the part of the Senate on the disagreeing votes of the two houses on Senate amendments to H. R. 13705, making appropriations for the naval establishment:

The Senate receded from its amendment No. 3, providing for an increase of pay of clerks to commandants at certain navy-yards.

The House receded from its disagreement to the amendments of the Senate—

No. 8, making $50,000 immediately available in the emergency fund;

No. 10, detailing assistant chiefs to certain bureaus;

No. 65, appropriating $10,000 for the extension of roads, paths, clearings, and improving grounds at Naval Observatory;

No. 84, constructing marine barracks on land attached to the Naval Academy;

No. 85, constructing commandants and junior officers' quarters on the land attached to the Naval Academy; and

No. 86, involving clerical computation—all the aforesaid agreements being agreed to.

The House receded from its disagreement to the amendment of the Senate—

No. 7, appropriating $300,000 for the emergency fund, and agreed to the same with an amendment as follows:

"In lieu of the sum proposed insert $250,000;" and the Senate agreed to same.

The House receded from its disagreement to the amendment of the Senate—

No. 24, providing depots for coal, and agreed to the same with an amendment as follows:

"In lieu of the sum proposed, insert $600,000," thereby reducing the appropriation $100,000; and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate—

No. 26, providing for the maintenance of colliers, and agreed to the same with an amendment as follows:

"In line 5 of said amendment strike out the words 'four hundred' and insert in lieu thereof the following: '$350,000,'" thereby reducing the appropriation $50,000; and the Senate agreed to the same.

The committee of conference have been unable to agree upon the following amendments:

No. 9, providing for an inspector of naval accounts;

No. 25, providing for the acquisition of land for a naval station at Pearl Harbor, Hawaii;

No. 39, striking out fire-protection system and extending office building for construction and repair and for fireproof construction at the navy-yard at Portsmouth, N. H.;

No. 40, providing for office building for steam engineering at Portsmouth, N. H.;

No. 42, involving a clerical computation as to amount to be allowed to Portsmouth, N. H.;

No. 60, making appropriations for naval station at Charleston, S. C.;

No. 61, involving clerical computation;

No. 67, relating to the Board of Visitors to the Naval Observatory and providing that Superintendent thereof shall be a line officer;

No. 79, striking out the House provision for commissioning cadets from Annapolis;

No. 80, for promotion of petty officers to ensign under certain conditions;

No. 8, authorizing the President to appoint three of the acting cadets of the war with Spain as ensigns;

No. 82, authorizing the President to appoint certain additional cadets at Annapolis;

No. 89, authorizing the construction, by contract, of three Holland torpedo boats.

GEO. EDMUND FOSS,
ALSTON G. DAYTON,
AMOS. J. CUMMINGS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. HEPBURN. I want to ask——

The SPEAKER. Does the gentleman from West Virginia yield?

Mr. DAYTON. I do.

Mr. HEPBURN. I wish to make an inquiry with reference to amendment No. 80, which reads as follows:

Whenever, in view of the vacancies in the grade of ensign on July 30 of any year unfilled by graduates of the Naval Academy, the Secretary of the Navy shall so recommend, the President may appoint to that grade, as of July 30, from among the boatswains, gunners, or warrant machinists, not exceeding six in any one calendar year. No person shall be so appointed who is over 35 years of age, who has served less than six years as a warrant officer, who is not recommended by a commanding officer under whom he has served, nor until he shall has passed such competitive examination as may be prescribed by the Navy Department.

Did the House conferees refuse to agree to that amendment?

Mr. DAYTON. They did, and for a reason which I will explain. I do not care to say very much about this; but it will be noticed that amendments 79, 80, 81, and 82 relate to the increase of naval officers—the personnel of the Navy. They are so related to each other that in order to have a comprehensive scheme we have disagreed to all of them, because we think these several amendments ought to be settled or determined together.

Mr. HEPBURN. Now, one question in regard to amendment No. 10. Is there an agreement with regard to that?

Mr. DAYTON. There is.

Mr. HEPBURN. That is the amendment authorizing the detail of an officer as an assistant to the chief of each of the bureaus of the Navy Department. In that connection I wish to ask how many naval officers are now on duty in the city of Washington?

Mr. DAYTON. I can not undertake to state without referring to the figures.

Mr. HEPBURN. I have been informed there are 101.

Mr. CUMMINGS. The information for which the gentleman from Iowa inquires was sent to the Naval Committee before the holidays, and it ought to be on file.

Mr. DAYTON. It is on file. I can furnish the statement by reference to the papers, but I can not undertake to give the information offhand. Since the Spanish war about 76 per cent of our naval officers have been at sea, and the others on shore duty. I can not undertake to say where they are. I want to say that this amendment carries no appropriation and involves the detail of no new officer to these bureaus.

Mr. HEPBURN. Is it not all the time more and more to put the power of the great Department of the Navy in the hands of the personnel of the Navy?

Mr. DAYTON. Not at all. If the gentleman will allow me, I will make an explanation so that I think he can understand it. Take, for instance, Admiral George W. Melville, the head of the Bureau of Steam Engineering. There are eight bureau heads. Four of them have had an assistant chief for a number of years by a similar provision to this. Four of them have not. This provision simply means that there may be designated one man in that Bureau to act in the absence, by sickness or other cause, of the head of a bureau, and does not provide for any new officers, or anyone that is not already employed.

Mr. HEPBURN. Then these officers apparently, if it costs the Government nothing to have them as assistant chiefs of the bureaus, are supernumeraries and not performing the duty of any other officer.

Mr. DAYTON. It is simply to expedite the management of the public business. In the absence of the chief of the bureau the assistant chief acts in his place. He has already now an officer there.

Mr. HEPBURN. As it is now the chief clerk would act?

Mr. DAYTON. The chief clerk nominally can act, but practically can not act, because he has not the informatian. His clerical duties would prevent him from having the necessary knowledge. For instance, the Chief of Steam Engineering contracts for a large amount of machinery, and business in relation to it has to be considered. If the chief should take sick, or should be sick for two or three weeks, there would be substantially no one who could carry out that contract, and serious delays might grow therefrom.

Mr. HEPBURN. It would be just the same situation as if the division chief or bureau head in any of the other Departments should be sick, would it not? There is some way of carrying on the business if one man happens to be sick.

Mr. DAYTON. We have in all of the auditors' offices a deputy auditor, who acts in his stead.

Mr. HEPBURN. Each of these heads of bureaus is a rear-admiral, is he not?

Mr. DAYTON. He is not.

Mr. HEPBURN. He draws the pay?

Mr. DAYTON. He draws the pay, and his rank is relative while at the bureau head.

Mr. HEPBURN. And the name.

Mr. DAYTON. Yes.

Mr. HEPBURN. While he is a bureau chief he is a rear-admiral. Now, what does that cost the Government of the United States?

Mr. DAYTON. It only costs the pay of the rank.

Mr. HEPBURN. What is the pay of a rear-admiral?

Mr. DAYTON. There is no increased pay.

Mr. HEPBURN. I am trying to find out what is the matter of cost of the head of one of these bureaus?

Mr. DAYTON. I do not undertake to say. It depends upon the man's service, the rank that he has now in the Navy.

Mr. HEPBURN. Suppose the chief has got the pay of a rear-admiral; suppose the assistant has got the pay of a captain. What would the administration of this office, at its head, cost the Government of the United States a year? That is what I want to find out.

Mr. DAYTON. No pay more, because if you read the amendment you will see—

This officer shall be detailed from the same corps from which the chief of the bureau is appointed, and such officer during detail shall receive the highest pay and allowance of said grade.

Not another cent.

Mr. HEPBURN. I am asking the gentleman what is the total cost of the administration of that bureau, so far as the chief and the assistant chief are concerned, to the Government of the United States for each year.

Mr. DAYTON. I say that it is absolutely impossible for me to state that here, because it depends upon what rank the chief occupies and the time of service he has.

Mr. HEPBURN. What is the acting pay of a rear-admiral?

Mr. DAYTON. The pay of a rear-admiral varies.

Mr. HEPBURN. Does it?

Mr. DAYTON. Certainly.

Mr. HEPBURN. That is what I want to find out.

Mr. DAYTON. There are two grades. The first nine get more than the others.

Mr. HEPBURN. Can not the gentleman give the House the information?

Mr. DAYTON. I can by referring to the Naval Register, which every gentleman has access to, and ought to be able to figure out for himself without having it figured out in the House for him.

Mr. HEPBURN. I want to know whether this is going to cost ten or twelve thousand to ornament our bureaus with this distinguished kind of a head and subhead?

Mr. DAYTON. If the gentleman will pardon me, I have it here. The first nine rear-admirals get seventy-five hundred sea pay, and on shore sixty-three hundred and seventy-five. The second five get fifty-five hundred and fifty sea pay and forty-six hundred and seventy-five on shore.

Mr. HEPBURN. Now, suppose a captain is detailed. What does he get?

Mr. DAYTON. A captain gets $3,500 at sea and $2,975 on shore.

Mr. HEPBURN. So the administration of one of these bureaus, as you have it now, or propose to have it, would be nearly $8,000 for the head.

Mr. DAYTON. That is true; but they receive that now, whether they are in the bureau or anywhere else.

Mr. HEPBURN. Not if he is needed somewhere else.

Mr. DAYTON. But the trouble is, my friend, there is no difficulty about these higher officers at sea. It is the junior officers that are needed for sea duty.

Mr. HEPBURN. We have no places for the higher officers at sea? Is that the admission of the gentleman?

Mr. DAYTON. There is no lack of these higher officers. It is the officers of the lower grades.

Mr. HEPBURN. Will the gentleman tell us how many gentlemen there are now on the Navy active list drawing the pay of a rear-admiral?

Mr. DAYTON. Eighteen.

Mr. HEPBURN. How many at sea now?

Mr. DAYTON. Five.

Mr. HEPBURN. Or three?

Mr. DAYTON. Five.

Mr. HEPBURN. Mr. Speaker, I ask to have a separate vote on this amendment No. 10.

Mr. DAYTON. I hope the gentlemen will not insist on that.

Mr. HEPBURN. That is all I have to say.

Mr. DAYTON. I hope the gentleman will not insist.

Mr. HEPBURN. Will the gentleman let us have a separate vote on this?

Mr. DAYTON. Why, if it is insisted on; but I hope the gentleman will not insist upon that.

Mr. HEPBURN. I want to insist on a separate vote on this amendment No. 10.

Mr. RIXEY. Mr. Speaker——

Mr. DAYTON. I do not desire to yield. I want to make direct motion that the conference report be adopted.

The SPEAKER. The Chair will state for the information of the gentleman from Iowa that paragraph 10 is in the conference report; hence he can not get a separate vote on that unless the conference report be voted down.

Mr. HEPBURN. I suppose it can be had by unanimous consent. I ask unanimous consent that there may be a separate vote.

Mr. DAYTON. I am constrained, because it is a mere matter of detail, to object to that.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RIXEY. A parliamentary inquiry.

The SPEAKER. The Chair understands the gentleman from West Virginia to decline to yield.

Mr. RIXEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIXEY. I desire to ask the gentleman from West Virginia some questions in regard to the conference report, on the line upon which he has been interrogated by the gentleman from Iowa. I also——

The SPEAKER. That is not a parliamentary inquiry.

Mr. RIXEY. The parliamentary inquiry is this: Can there be debate on the question of the adoption of this conference report? We wish to give our reasons against the adoption of that report.

The SPEAKER. That is hardly a parliamentary question. It depends entirely upon the gentleman from West Virginia, who controls the floor.

Mr. RIXEY. I desire time to oppose it.

The SPEAKER. The Chair can not determine that. The gentleman from West Virginia has the floor.

Mr. DAYTON. I ask for the previous question on my motion to adopt the conference report.

The SPEAKER. The gentleman from West Virginia asks for the previous question on his motion to adopt the conference report.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were 48 ayes, 76 noes.

So the previous question was refused.

Mr. HEPBURN. Now, Mr. Speaker, I desire to be recognized in opposition to the report.

Mr. DAYTON. I believe I have control of the floor, Mr. Speaker.

Mr. HEPBURN. I think not. I think the control changes under this last vote.

The SPEAKER. The gentleman from Iowa is recognized to control the floor.

Mr. HEPBURN. Mr. Speaker, I do not think we ought to adopt this provision of this report. If the gentleman had allowed us a separate vote, he could have avoided all difficulty in regard to this matter. But there is something about the Naval Committee, Mr. Speaker, something about their duties, something about their associations, that unfit them, apparently, for the ordinary courtesies and fill them with the certainty that they are always immaculate in being right. The gentleman who has had charge of the bill has at all times refused to allow anything like discussion, and at all times has resented the slightest suggestion that other opinions than his own might be entertained by other gentlemen.

Mr. DAYTON. I am sure the gentleman from Iowa will certainly not make that statement in the light of the facts. I want to enter a disclaimer against it, kindly, and say that if I have sought to save time it was because there are a large number of items still undisposed of that will necessarily require almost the very last hour of this Congress to dispose of, and it did not seem to me that the gentleman himself would want to insist on a mere matter of detail in the administration of the Department and actually demand a separate vote. I certainly disclaim meaning any discourtesy to him or to the House.

Mr. HEPBURN. With the gentleman's disclaimer, there is a propriety in my withdrawing what I have said. But the gentleman has furnished me with a text in the suggestion that this is a mere matter of detail. I differ with him; that is a mistake. It is not a mere matter of detail when you put that great department of the Navy in the hands of naval officers. It is a part of the civil branch of this Government, and the usurpation, the creeping in from year to year of high officials of the Navy Department, has made the Navy what it is—the aristocracy that the people are complaining of.

You see how they manifest their power. When any legislation is proposed the Navy Department always takes a hand. They always have their lobby here—151 of them, I am told, in this city to-day. This is a civil department of the Government. Ninety-odd of them are on the retired list, residing here. What opportunity is there for fair and considerate legislation with a power like that?

Now it is proposed to give them more and more power in this great Department. In my judgment there ought not to be a naval officer connected with that Department. If the chief, if the head, needs advice he can always have it, and have it in the proper way, without giving to these men the command and control. This, as I have said before, is a civil department. It has become a military department, and here is a proposition to add eight more.

Oh, says the gentleman, this is inexpensive to the Government; it costs nothing to the Government. These 8 men may be captains, drawing nearly, or quite, perhaps, $3,000 a year, a total of $24,000, and they are nonexpensive only upon the hypothesis that now before their assignment they are worthless to the service. Will the gentleman take that horn of the dilemma? Are these men worthless to the service? If they cost nothing through this detail here, then it is the duty of the Navy Department to get rid of them as an incubus, expensive and useless to the Government.

We pay them from year to year because it is supposed that they are useful, that at some station, at some place, in the discharge of some duty, they are giving a quid pro quo for that which they receive. If they are, taking them away from that place makes it necessary to supply that place at the cost of the Government. So that the gentleman is unfortunate when he says that this action on the part of the committee costs nothing.

Here is the chief of one of these bureaus, an admiral, drawing perhaps something in excess of $5,000 a year, and here is, we will say, a captain to be detailed, drawing $3,000 more, a total of $8,000. The compensation of the Secretary of the Department is only $8,000, and it costs as much to administer one of these eight bureaus. Is there wisdom in that? Sixty-four thousand dollars a year to administer eight bureaus of the Government, when you give to the eight Cabinet officers only $64,000 a year.

There ought to be on the part of this great committee some regard for economy, some regard for the proper expenditure of the money of the Government, even if you are to start on this scheme of allowing the Navy to govern itself, for that is what the present system means. If you are going to pursue that, you surely ought to observe some of the economies that are to be found with reference to other Departments.

What would you say to a proposition to pay $8,000 to the head of any one of the bureaus in other Departments? I think you would find opposition to that. Mind you, these additional officers dispense with none that we now have. We do not get rid of a chief clerk, we do not get rid of his assistant; this is additional, and it is an addition except upon the hypothesis, as the gentleman suggests, that the officers are worthless where they are now disposed of.

I reserve the balance of my time, and will now yield five minutes to the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. Mr. Speaker, I can not say that I indorse all that the gentleman from Iowa has said, but I do indorse his opposition to giving assistant chiefs to three of these bureaus. The Secretary of the Navy for two years has in his annual reports recommended that three of these bureaus should be consolidated. He has stated that it is in the interest of economy, of business methods, to consolidate the bureaus. There has not been, so far as I am aware, any recommendation from the Navy Department for assistant chiefs to any of these bureaus. I think it would be well here for the Clerk to read what the Secretary of the Navy says in regard to the consolidation of the three bureaus.

The Clerk read as follows:

CONSOLIDATION OF BUREAUS.

The recommendation heretofore made that the organization of the Navy Department be simplified by the consolidation of the three bureaus of Construction and Repair, Steam Engineering, and Equipment is renewed. Under the present system, from the inception of its design until completed and placed in commission, the plans and specifications of a naval vessel are in the hands of three bureaus, each with a distinct organization, each having exclusive jurisdiction within certain lines, and all charged with the duty of carrying on work within, but not beyond, their respective provinces, as nearly as may be at the same time.

Such a system is, in practical administration, cumbrous and expensive, and from its very nature tends to develop controversies respecting the scope of each bureau's duties and to occasion friction, delay, and want of harmony in doing whatever approaches border lines of jurisdiction. It is to the credit of the officers in charge of the bureaus concerned that work upon ships now under construction has been carried on without more friction; but the system itself is none the less objectionable, and is a source of inconvenience, delay, largely increased cost, and occasional confusion.

The present divided organization is the outgrowth of conditions which no longer exist. The hull, the propelling machinery, and the articles of equipment of a modern steamship no longer constitute simple, distinct, and separable elements in construction, but, on the contrary, in their multiplicity of details are so interwoven as to render embarrassing their supervision by three sets of independent administrative officials.

The union of these three bureaus, the chief function of which is to deal with the material of the ship, into one bureau, which might appropriately be called the bureau of ships; the consolidation of their several corps of assistants and inspectors, and the conduct of the really integral work of building and equipping vessels, under the management of one responsible chief instead of three chiefs, would promote the efficient and economical administration of this important part of the business of the Navy Department.

A chief of bureau is practically an Assistant Secretary. The proposed consolidation would not only reduce three of these assistants to one, but in like manner reduce the supervising, mechanical, and clerical forces in every navy-yard, and thus save great and unnecessary expense. At present each of these bureaus in question has at each yard its separate shops, inspectors, foremen, and workmen, all often doing the same kind of work. No private business is run on such a wasteful and inharmonious plan. I renew the recommendation in this respect of my last annual report.

Mr. RIXEY. This conference report, instead of following this recommendation, proposes to give to each one of the bureaus, which the Secretary says should be consolidated, an assistant chief. The only evidence before the Naval Committee, so far as I am advised, tending to show that there ought to be an assistant chief is the testimony of Admiral Bradford, who is at the head of one of the bureaus recommended for consolidation; and the reason he gives in favor of this proposition is that he wants someone to preside in his absence. I read from his examination:

Mr. DAYTON. Touching the question of establishing an assistant chief for the bureaus that do not have such assistants at the present time, I desire to ask you, Admiral, if such action is taken by us, whether it would involve any additional expense?

Admiral BRADFORD. None; unless the allowances of the assistant chief are increased by the act.

The CHAIRMAN. What bureaus have assistant chiefs now?

Admiral BRADFORD. The Bureau of Medicine and Surgery, the Bureau of Navigation, the Bureau of Ordnance, and the Bureau of Supplies and Accounts.

The CHAIRMAN. What bureaus have not?

Admiral BRADFORD. The Bureau of Equipment, the Bureau of Steam Engineering, the Bureau of Construction and Repair, and the Bureau of Yards and Docks. There does not appear to have been any method followed in assigning assistant chiefs of bureaus, as some of the bureaus having the largest expenditures are without an assistant. I would like to call attention to the fact that the present law was passed when there was but one officer in a bureau, and of necessity he had to be represented by a clerk during his absence. As I have said in my statement, there is a lack of harmony in my absence, and my chief clerk is a young man without any experience or training in professional matters, while there are in the bureau, among my subordinates, gray-headed officers who have commanded ships.

[Here the hammer fell.]

Mr. RIXEY. I ask for five minutes more.

Mr. HEPBURN. I yield that time to the gentleman.

Mr. RIXEY. The reason that this officer gives for wanting an assistant chief seems to be that he may preserve harmony in presiding over the Admiral's board in his absence.

Mr. Speaker, it seems to me that when the Secretary of the Navy recommends the consolidation of three bureaus—when the Naval Committee takes no action whatever upon that recommendation—we ought at least to pay respect enough to the recommendation of the head of the Department not to place an assistant chief in each one of these bureaus.

This provision contemplates that the assistant chief shall be an officer of the Navy. At this time the Navy is in urgent need of officers to officer its ships. Under such circumstances is it not wholly improper, when clerks can perform the required duties, to force upon the Department, against its recommendation, assistant chiefs for these bureaus?

The House should insist, as I trust it will, upon its disagreement to the Senate amendment for detailing naval officers to act as assistant chiefs of bureaus.

Mr. DAYTON. I would like now to make a little explanation about this matter.

Mr. HEPBURN. I reserve the balance of my time.

Mr. DAYTON. Mr. Speaker, this is not a matter of very grave import. The gentleman from Virginia [Mr. RIXEY] is mistaken in saying that Admiral Bradford is the only man who has recommended this proposition. Heretofore Congress, without question, has passed legislation of this kind from time to time with respect to four out of the eight bureaus.

I say this has been done without question. We have now an assistant chief in the Bureau of Navigation, in the Bureau of Ordnance, in the Bureau of Supplies and Accounts, and in the Bureau of Medicine and Surgery. That leaves the Bureaus of Yards and Docks, of Equipment, of Construction and Repair, and of Steam Engineering without any officer of this kind.

The question of the consolidation of the bureaus does not arise here at all, because that is a change that can hereafter be made if Congress in its wisdom should so determine. This is only a question, as I understand, in regard to the proper management of the detail business of the Department. In these other bureaus an officer of this kind has been asked for. The request is now made in behalf of the four bureaus I have named.

The gentleman is wholly wrong in supposing that this will increase expenses. Admiral Bradford says that it is a mistake to suppose that the detail of this officer involves additional expense. This legislation is asked in the strongest language by Admiral Melville, who says:

That I should continue from year to year to make a recommendation for the appointment of an assistant chief of bureau, in spite of as many failures to obtain the requested action, is only explained by the fact that the need for this officer continues to be as great and even greater than before, owing to the increasing work.

I am sure that you fully understand the advantages of having at all times an expert engineer officer at the head of the bureau, and when, by force of circumstances, the chief of the bureau is compelled to be absent, a fully competent and authorized assistant should be ready to fill the desk. At other times the assistant chief of bureau could be fully occupied with a division in the bureau, at the same time not so trammeled with a particular and absorbing detail as to prevent keeping himself in touch with all controlling work, and thus be ready to prevent delay in Bureau business should the chief of bureau be called away.

An appointment of this kind is an obvious necessity for securing the best results, and it is to that end that I continue my request that you urge Congress to provide for such an appointment. Under the present system, when the engineer in chief is absent the chief clerk becomes the acting chief of bureau and has to assume responsibility for work with which he can not be professionally familiar. At the same time his duties as chief clerk continue to demand his attention, and these are extensive and important enough to fully occuy a man of ability and energy, such as, I am pleased to state, the Bureau possesses in the present incumbent.

I make this explanation, hoping that the House will not consider this a matter of such importance as to demand a rejection of the conference report. We heretofore reported a disagreement upon this item. A large majority of the House committee favored this item and placed it upon the appropriation bill as reported to the House, but it was ruled out on a point of order.

The Senate inserted the item. We reported from the conference a disagreement upon it, in order that, if desired, there might be a controversy upon it and a separate vote. There being no separate vote demanded and apparently no controversy, the House conferees have agreed to the amendment. That is the situation; and with that statement I have nothing further to say.

Mr. MORRIS. Will the gentleman allow me a question?

Mr. DAYTON. Certainly.

Mr. MORRIS. Who performs the duty of assistant chief of bureau now?

Mr. DAYTON. The chief clerk, who, however, has his other duties to perform.

Mr. MORRIS. But he does perform the duties of chief now——

Mr. DAYTON. So far as they are performed. Admiral Melville states the matter very aptly when he says that this officer has duties already sufficient to occupy all his time, although he is a man of ability and experience.

Gentlemen of course understand that the supervision of all these plans for the construction of new vessels, with all the details of machinery, etc., is a very exacting duty; and it is also a fact that the Chief of the Bureau of Steam Engineering, who principally has charge of this duty, is becoming a man of age. He is a man whom this House ought to be willing to deal with in a kindly spirit, so far as the extending of little courtesies like this that he may desire.

Mr. MORRIS. I understood the gentleman to say a few moments ago that these assistant chiefs were wanted because the chief clerk could not perform the duties.

Mr. DAYTON. Because he had other duties that occupied all his time.

Mr. MORRIS. Because he has not the capacity?

Mr. DAYTON. Oh, no; I do not say that, but because his other duties occupy all his time.

Mr. HEPBURN. I yield to the gentleman from Kentucky [Mr. WHEELER] five minutes.

Mr. WHEELER. Mr. Speaker, I am such a friend of the American Navy that I am afraid I am considered by some gentlemen on this floor an extremist. Therefore I have no hesitancy in expressing my opinion on this provision. I am opposed to it, and the grounds of my opposition grow out of my friendship for the American Navy. If it had not been for the creation of so many bureaus in the Navy Department we would not have been "turned down" yesterday in our efforts to increase the appropriation for the construction of ships.

Not only has the Secretary of the Navy recommended the consolidation of three bureaus, in which it is now proposed to create

these new offices, but the fact is that had this not been a short session of Congress these three bureaus, I undertake to say, would have been consolidated or would have been recommended for consolidation by the Naval Committee of the House; and the fact is that these six, seven, or eight bureaus, every one striving to procure as large an appropriation as possible for that particular bureau, is what has increased the naval bill to such gigantic proportions.

I am opposed to doing anything that will tend to further fix the bureau system upon the Navy Department. The gentleman who has just preceded me [Mr. RIXEY] has called attention to the fact that the Secretary of the Navy has recommended their consolidation, and I believe the House should reject this proposition. If you desire to promote the interest of the American Navy, the sooner you get away from the bureau system the better it will be.

If I had time I could go into the details, and show this House that in every navy-yard of the United States we have within the last three years appropriated hundreds of thousands of dollars to construct separate and independent buildings for each bureau in the Department, and all the business could have been transacted in one building.

I know we could have saved enough within the last three naval appropriation bills to construct the four battle ships the House rejected yesterday if we had one bureau, as I am satisfied the majority of the friends of the American Navy prefer. I hope the House will vote down this provision, because it is the intention of the Committee on Naval Affairs of the Fifty-seventh Congress, if constituted as now, to ask the House to consolidate these three bureaus, and perhaps others, in obedience to the recommendation of the Secretary. [Loud applause.]

Mr. HEPBURN. I yield ten minutes to the gentleman from Kentucky.

Mr. BERRY. Mr. Speaker, no one takes more interest in the Navy of the United States or is prouder of its achievements than the humble member from the Sixth district of Kentucky, who retires with this Congress. I had an opportunity of casting a vote for the Spanish-American war, and I have never regretted it. Growing out of that war there was a controversy which was thoroughly discussed in the press, among the people, and in this House, as to the relative merits of two naval officers whose names were associated with the greatest battle of ironclads that has ever occurred, resulting in the destruction of the Spanish fleet at or near Santiago.

There has been from that day, July 3, 1898, a most persistent effort on the part of the Navy Department to recognize Admiral Sampson, who took no part in the defeat of Cervera's fleet, as the hero of that engagement, when he was miles away from the scene of conflict, and to ignore Admiral Schley, who directed the battle and was at the post of danger from start to finish. I desire now to have read in my time a letter or indorsement written by Admiral Sampson upon the application of a distinguished warrant officer, Charles Morgan, who has rendered valuable service to his country and sought to be promoted from a gunner to a commissioned officer in consideration of duty well and heroically performed.

The Clerk read as follows:

These are Sampson's indorsements respecting the application of Gunner Morgan:

NAVY-YARD, BOSTON, MASS., *February 14, 1901.*

Indorsement 1. Respectfully forwarded to the Navy Department for its consideration.

2. Mr. Morgan has good professional ability. He also has, which distinguishes him from most other warrant officers, a gentlemanly bearing. If he were to be commissioned as an ensign he would probably compare favorably, both professionally and in personal conduct and bearing, with other officers of that grade, as far as his technical education would permit.

3. It is earnestly to be hoped, however, that the Secretary of the Navy will not find it necessary to take advantage of the authority which I understand is to be granted him to appoint a certain number of warrant officers to the grade of ensigns.

While it is true that these men are selected from a large class of men of very unusual ability, which distinguishes them as perhaps the professional equals of their officers as far as their technical education stands, it is also true that they are recruited from a class of men who have not had the social advantages that are a requisite for a commissioned officer.

It is submitted that in time of peace the Navy's function consists, to a certain extent, of representing the country abroad, and it is important that the Navy's representatives should be men of at least refinement. While there are perhaps a certain few among the warrant officers who could fulfill this requirement, I am of the opinion that the vast majority of them could not.

Once they are commissioned they will have the same social standing as other officers, and no distinction properly could be made in extending general invitations. The consequences that would arise from their acceptance might not redound to the credit of the Navy or the country which the Navy represents.

I do not mean to detract from the sterling worth of the warrant officers of the Navy; I merely mean to suggest to the Department that, unfortunately for them, they have been deprived of certain natural advantages, and in consequence their proper place is that of leading men among the crew, and not as representatives of the country in the wardroom and steerage.

4. I request that this may be brought to the personal attention of the Secretary of the Navy.

W. T. SAMPSON,
Rear-Admiral, United States Navy, Commandant.

Mr. BERRY. Now I wish to say that this letter was written by a man of humble origin himself; that he was not born with a silver spoon in his mouth or any specially blue blood in his veins.

Whatever refinement he has must have been derived from his education at the Naval Academy, and his indorsement reflects upon himself more than it does on the gallant gunner, Charles Morgan, who sought his indorsement.

I then ask every American to contrast the sentiment of that letter with the conduct of Admiral Schley in the midst of battle. Cool, calm, and brave, sending a message to the firemen and coal heavers below that the battle is going well, and when it is all over has the magnanimity to say the credit of the engagement is due to the men behind the guns as much as to the officers that stood on the bridge.

The American people have already rendered an opinion favorable to Schley, and no bureau or department will change their conclusion.

Mr. HEPBURN. I yield three minutes to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I concur entirely in all that the gentleman from Kentucky [Mr. BERRY] has said regarding Admiral Sampson and Admiral Schley. In this connection I should like to have the Clerk read an editorial from to-day's New York Journal regarding Admiral Sampson.

The Clerk read as follows:

SCHLEY AVENGED AT LAST.

Public men are fond of making fools of themselves in many ways and of showing their true characters. Admiral Sampson, who hereafter must be looked upon as a disgrace to American citizenship and to the American Navy, has expressed his feebleness of spirit pathetically and completely.

Wise legislation, demanded by public opinion, has at last authorized the promotion in the Navy of men from the ranks.

Gunner Morgan, a man, as Sampson admits, of admirable character, good education, temperate habits, and professional ability, applied for promotion.

Admiral Sampson, the unparalleled idiot of public life, vetoes the man's application on the ground, if you please, that he is not "a gentleman."

Admiral Sampson, the most extraordinary sample of a two-legged idiot that the world has ever seen, feels that if men should be promoted from the ranks they would "not know how to behave at social parties on board ship." Read this extract from the letter of Sampson, the amazing micro-cephalic Admiral:

"While it is true that these men are selected from a large class of men of very unusual ability, which distinguishes them as perhaps the professional equals of their officers as far as their technical education stands, it is also true that they are recruited from a class of men who have not had the social advantages that are a requisite for a commissioned officer."

Therefore, according to Admiral Sampson's view, the United States of America is to be deprived of the services and command of any American sailor who happens not to come up to Sampson's idea of dancing-class manners.

The greatest sailor in the history of France was Jean Bart, a common fisherman. All through his career, while he was fighting and winning the battles of France, he lacked absolutely the dancing-class manners which our prize fool, Sampson, considers essential to a sailor's make-up. The King of France in Jean Bart's day sent for him and was glad to receive him at court, although, of course, Sampson would not have thought him fit to appear on the quarter-deck during naval receptions.

Paul Jones was another case of a sailor who, according to Sampson, would have been unfit.

Extended to the Army and other walks of life, Admiral Sampson's idiot view would have kept Andrew Jackson from beating the British. It would have kept Abraham Lincoln out of the White House, and would have made the men in charge of this nation's affairs a class of empty-faced simpletons like Admiral Sampson himself.

There has been talk of promoting Admiral Sampson. That talk should cease. We call upon every genuine American in the Senate to prevent it. There has been talk of Admiral Sampson's bravery in spite of his absence from his post on the only occasion when he had a chance to fight. We don't believe in that bravery. A misguided idiot can not be brave.

It is our opinion that this admiral has insulted every man in the Navy. He has insulted all the men who, by risking their lives behind the guns, must be depended on to win our battles.

Admiral Sampson has deserved dismissal from the Navy.

We have no hope that he will be dismissed, but we predict that he will receive in the Senate and the House of Representatives such a raking over as few men have got in our history.

You must remember that Captain Sigsbee himself recommended Gunner Morgan for promotion. It was Morgan who, in charge of the divers investigating the wreck of the *Maine*, proved that the ship had been destroyed by an explosion from the outside.

It is Morgan who, according to the insufferable snob, Sampson, is unfit for promotion because he is "recruited from a class of men who have not had the social advantages that are requisite for a commissioned officer."

Below we reprint in full the milk-sop Sampson's letter to the Secretary of the Navy.

Mr. SULZER. Mr. Speaker, just a few words more. That editorial expresses my sentiments. The gentleman who wrote it ought to have his salary increased. It is a masterpiece, and in my judgment reflects the sentiments of every true American.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Speaker, I have but few words to say, and in the time I occupy I want to correct a misstatement inadvertently made by the acting chairman of the Naval Committee. He said that the pay of these detailed officers—at least as I understood him—would be shore pay. I do not so read this amendment:

These officers shall be detailed from the same corps from which the chief of the bureau is appointed. Such officer during such detail shall receive the highest pay and allowances of his grade.

So that while this officer is on shore duty he is especially distinguished by having the sea pay with all the allowances that are possible.

Mr. Speaker, I am not so much objecting to the increase of cost, although I think, notwithstanding the conclusions of the chairman of the committee, that it does add to the cost. The gentleman says it costs nothing. That is only upon the supposition that the officer you are to detail and take from the place that he now fills is worth nothing to his Government in his present place.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. HEPBURN. Certainly.

Mr. CANNON. As I understand it, and I want to ask if I am incorrect, that there is now a shortage of a thousand officers for legitimate use in the Navy, aliunde this——

Mr. HEPBURN. The gentleman can inform you. Whatever information we have upon that subject has been referred to his committee, and he is the repository for the facts of the matter. But whether there is a thousand lacking, we have been compelled, or at least have contemplated, sending the class from Annapolis half baked into the Navy as the result of not having as many officers as are needed. I think the gentleman is familiar with the facts.

Mr. DAYTON. Will the gentleman allow me to answer the gentleman?

Mr. HEPBURN. Certainly.

Mr. DAYTON. I would say to the gentleman that there is no demand for officers of the higher grades at sea, but the demand is for the officers of the junior grades.

Mr. HEPBURN. We do know that there have been complaints of a dearth of officers. We do know that there have been recommendations to send the cadets prematurely into the Navy. We do know that there is upon shore now nearly 700 officers. I have been informed that there are 151 now in this city on the active list, and yet the gentleman proposed to add 8 more at the highest price, giving them the fullest pay, with all allowances that are possible in their grade.

Mr. Speaker, I am opposed to this. I am opposed to this though it does not cost a cent. I am opposed to the civil branch of the Government being dominated by the military. It is not right. It is destructive of our ideas. We have attempted to legislate against it in the highest of our laws. Yet here is a proposition to put more military men in civil places.

We are now at war. Over in the Philippines there is a war, and yet we find, as I am informed, that there are 71 officers of the Regular Army snugly ensconced in comfortable positions at the Military Academy. One would suppose that when the tocsin of war is sounded they would want to be with their comrades on the battlefield, that may be a field of glory. That would be the proper aspiration, that they would want to be side by side with them; but in these degenerate days we find, if I have been correctly informed, 71 of these gentlemen have sought the secure asylum of a snug place in the Military Academy.

I do not want any military officer filling any civil position. It is wrong in essence and ought not to be permitted. We ought not to yield to the encroachments of a military class upon the civil function, and I am opposed not only to allowing further details upon our civil service from the military ranks, but if I had the power I would send every man to his regiment and every man to his ship.

If the gentleman does not desire to occupy any more time, I am willing to have a vote; but I ask that we may vote the proposition of approval of this report down, and let it go again to the committee.

Mr. DAYTON. May I ask the gentleman in that connection if he thinks it would be fair to vote down the conference report after he sat here silent on the floor when he had an opportunity to have a separate vote on the last conference report simply because the conferees declined to allow a separate vote?

Mr. HEPBURN. I asked the gentleman to let us have a separate vote on this proposition, and he refused.

Mr. DAYTON. It was impossible to do that.

Mr. HEPBURN. I asked unanimous consent, and the gentleman refused.

Mr. DAYTON. You could not have it by unanimous consent or otherwise.

Mr. HEPBURN. The gentleman suggests that it is very unfair that I, having consented to this by silence, should now oppose it. I want to remind the gentleman that he opposed it; he came in first and asked for a vote of disagreement, and we followed his lead. Now the gentleman has seen new light and he upbraids me because I can not shift my position as rapidly as he can.

Mr. DAYTON. I beg the gentleman's pardon.

Mr. HEPBURN. Is not my statement true? Did not the gentleman ask us to vote a disagreement?

Mr. DAYTON. Certainly.

Mr. HEPBURN. And now he comes in and upbraids me for not changing my views.

Mr. DAYTON. I want to say, Mr. Speaker, that conferees must agree, as I understand it. There must be an agreement or the bill will fail. Both sides must give away something. I came in with a disagreement in order that if there was any objection to the adoption of this provision it might be expressed by gentlemen. The conferees made that report, and no objection was made on the part of any member of the House, and in the disposition of these matters the Senate insisted on it, and we yielded it because it carries no appropriation and was a matter of Department detail.

Mr. HEPBURN. If that is all, it is still a great deal. The gentleman shifted his position and then upbraids me for not doing it. I am not the same lightning calculator.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understand the gentleman's position is that the House can not get at a vote on this feature of the bill against which the gentleman from Iowa has spoken unless it votes down the conference report.

Mr. HEPBURN. That is what I understand.

The SPEAKER. The question is on agreeing to the report.

The question was taken; and the report was disagreed to.

Mr. DAYTON. Mr. Speaker, I ask that the House further insist and ask for a conference.

The SPEAKER. There are several amendments to be disposed of first. The Chair understands that the gentleman from Iowa is entitled to the floor.

Mr. HEPBURN. I will yield to the gentleman from West Virginia.

Mr. WHEELER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. I desire to ask the gentleman from Iowa if it is his intention to ask the House to instruct the conferees?

Mr. HEPBURN. No; let them have a full and free conference.

Mr. DAYTON. Oh, there will be no trouble about the proposition at all; it will go out in a moment. If the gentleman had told me that he was so vigorously opposed to the proposition I would have been glad to have followed it, and there would have been a further disagreement.

I now move, Mr. Speaker, that the House further insist on its disagreement upon the amendments not agreed to in the conference report and ask for further conference.

The SPEAKER. Does that apply to all the amendments remaining open?

Mr. DAYTON. Yes.

The SPEAKER. All amendments not heretofore agreed to?

Mr. DAYTON. Yes.

Mr. HAWLEY. Mr. Speaker, I desire to ask for a separate vote on a paragraph not agreed to in the conference report. It is paragraph 89, and I move that the House recede and concur.

Mr. CUMMINGS. Mr. Speaker, I want to understand the parliamentary status. I understood that the gentleman from Texas was to make that request, and I want to know whether the request was barred out by the action of the chairman of the House conferees.

The SPEAKER. Not at all. The question is on insisting on the disagreement to the Senate amendments, except amendment 89.

Mr. WATSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WATSON. Is it in order to ask for a separate vote on Senate amendment 80?

The SPEAKER. If it is in relation to one that has not been closed, it is in order.

Mr. WATSON. I desire a separate vote on amendment numbered 80.

The SPEAKER. The question is on the motion of the gentleman from West Virginia, on all open amendments except 80 and 89, that the House further insist on its disagreement to the Senate amendments, and asks for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on amendment No. 80, which the Clerk will report.

The Clerk read the amendment at length.

The SPEAKER. The Chair desires to know what motion the gentleman from Indiana makes.

Mr. WATSON. I will withdraw my request for a separate vote, Mr. Speaker.

Mr. DAYTON. I move that the House disagree to all the other amendments and request a further conference.

The SPEAKER. There are but two amendments remaining undisposed of at this time. One is amendment No. 80, upon which the gentleman from Indiana demanded a separate vote, and he now withdraws that demand.

Mr. DAYTON. Then I move that the House further insist on its disagreement to amendment No. 80.

The motion was agreed to.

The SPEAKER. The Clerk will now report amendment No. 89.

The Clerk read as follows:

That the Secretary of the Navy is hereby authorized and directed to contract for three submarine boats of the Holland type, similar in design,

dimensions, and other respects to the six Holland boats contracted for by the Secretary of the Navy on August 25, 1900: *Provided*, That no contract shall be entered into for the submarine boats herein provided for until the first of the six submarine boats contracted for by the Secretary of the Navy on August 25, 1900, shall have been found by the official trials to comply with all of the contract requirements and been accepted by the Secretary of the Navy as working to his satisfaction: *Provided further*, That the price to be paid for each boat shall not exceed $170,000, the maximum price agreed on between the Secretary of the Navy and the Holland Company, April 11, 1900, said agreement being printed in Senate Document No. 321, Fifty-sixth Congress, first session.

The SPEAKER. What motion does the gentleman from Texas desire to make?

Mr. HAWLEY. I desire to move to recede and concur in this amendment, and to instruct the conferees.

Mr. DAYTON. I desire to be recognized, Mr. Speaker, in the proper time in opposition to that motion, and I rise now to ask my colleague on the naval committee if we can not have an understanding as to the limit of debate upon that item. I recognize that it is an important matter, and one that the House ought to instruct the conferees upon.

The SPEAKER. The Chair understands that the gentleman from Connecticut has a motion.

Mr. HILL. I desire to offer an amendment and make a motion to recede and concur with an amendment.

The SPEAKER. The other motion would take precedence, but the gentleman should have the amendment read now.

Mr. HILL. I will have it read now, so that the House may understand it.

The SPEAKER. It is impossible for the House to vote intelligently on the first motion unless it knows what the gentleman's amendment is. The gentleman from Connecticut [Mr. HILL] moves that the House recede from its disagreement and concur in the amendment of the Senate with an amendment which the Clerk will read:

The Clerk read as follows:

On page 75 (amendment 89) strike out lines 8, 9, 10, 11, and 12, and insert in place thereof as follows:

"That the Secretary of the Navy is hereby authorized, in his discretion, to contract for three submarine boats of such character and design as he may approve: *Provided*,"

Also strike out all of said amendment after the word "dollars" in line 21.

Mr. DAYTON. I believe I have control of the time.

Mr. HAWLEY. I do not so understand. I understand that the control of the time is a matter of agreement.

Mr. DAYTON. I think the question can be settled amicably.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] having yielded to the gentleman from West Virginia can not any longer control the floor. The motion of the gentleman from Texas will have to be submitted.

Mr. DAYTON. I ask the gentleman from Texas [Mr. HAWLEY] how much time he wants?

Mr. HAWLEY. Before an agreement is reached, I desire to ascertain the parliamentary status of the amendment offered here, and whether it is not appropriate for me——

The SPEAKER. There are two motions made. One is that the House recede from its disagreement and concur in the Senate amendment with an amendment. The other is the motion of the gentleman from Texas, which is simply to recede and concur. That motion will have to be voted upon first. The gentleman from West Virginia is in charge of the bill and controls the time for one hour.

Mr. HAWLEY. The point I desire to make is that if the motion of the gentleman from Connecticut is to be voted on prior to the question of concurring in the amendment of the Senate, I want to reserve any point of order that it may be necessary to reserve against that amendment on the ground that it embraces a question not in dispute in this bill.

The SPEAKER. The gentleman can reserve his point of order until the proper time. The gentleman from West Virginia is entitled to the floor.

Mr. DAYTON. Now, I would like to have an understanding with the gentleman from Texas and the gentleman from Connecticut as to how much time each wishes to occupy on this question.

Mr. HILL. I do not care for more than five minutes.

Mr. DAYTON. What time does the gentleman from Texas desire?

Mr. HAWLEY. Three-quarters of an hour, I think, though I may not consume myself any of it.

Mr. DAYTON. Does not the gentleman think he can get along with fifteen minutes, and the gentleman from Connecticut with five?

Mr. HAWLEY. Suppose we agree that the gentleman from West Virginia have half an hour, and I have half an hour?

Mr. DAYTON. I want the gentleman to have all the time he desires. I yield him thirty minutes of the hour I control.

The SPEAKER. The gentleman from West Virginia yields thirty minutes to the gentleman from Texas.

Mr. CUMMINGS. I object.

The SPEAKER. The gentleman can not object. The gentleman from West Virginia is yielding his own time.

Mr. DAYTON. In view of the fact that my colleague on the committee [Mr. CUMMINGS] objects, I withdraw my proposition. I want to be absolutely fair to him. I would like to understand how much time he wishes.

Mr. CUMMINGS. I would like to have half an hour in my own right.

Mr. DAYTON. I ask unanimous consent that the debate be limited to three quarters of an hour on each side, the time on one side to be controlled by the gentleman from Texas and on the other by myself.

The SPEAKER. Is there objection? The Chair hears none.

Mr. HAWLEY. I yield thirty minutes of my time to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, the Senate amendment simply provides that if the five submarine boats already contracted for shall have been found by the official trials to comply with all of the contract requirements and have been accepted by the Secretary of the Navy as working to his satisfaction he shall be directed to build three more submarine boats of the same type.

Now, Mr. Speaker, what are these submarine boats? For twelve years the Navy Department has been considering the question of submarine boats. A dozen competitors have appeared. Holland was among them—without a cent—imploring the assistance of the Government and not receiving it. Not one cent was given to him for perfecting his invention.

He received the same treatment from the Navy Department that Hotchkiss, Gatling, and Maxim received when they applied to the Department for aid in perfecting their inventions. They were driven abroad for assistance, and we have become purchasers of their guns at their own prices. The first submarine boat was not built in accordance with the designs of the inventor. The Navy Department insisted upon having a finger in the pie, and imposed an engine upon him which was a dead failure. All of this imposition was at the expense of the inventor. The same policy was pursued as was pursued in the construction of the Ammen ram. The interference of the Navy Department in the plan made it a complete failure as to speed. After the failure of the first submarine boat the inventor, at his own expense and by the aid of friends, constructed a submarine boat on his own plans and offered her to the Department.

The Board of Construction, consisting of Messrs. Bradford, Melville, O'Neil, Hichborn, and others, in 1898 laid down the requirements for a successful submarine boat to fulfill. The Holland Company spent over $100,000 to come up to the requirements laid down by the board and succeeded on November 9, 1899, according to the Board of Inspection and Survey, in carrying out every requirement laid down by the Board of Construction.

It did more than this. As to torpedo-discharge apparatus and adaptability to submarine warfare, the following was contained in a letter from the Secretary of the Navy to the Holland Company, dated May 3, 1898:

8. It is to be understood that all parts of the torpedo-discharge apparatus shall be thoroughly practicable and efficient, and that the boat complete and her armament shall be efficient, practical, and adapted to the uses of submarine warfare, including the means of supplying air inside during the whole time that she may be used to effect a submarine operation in war.

This question was decided affirmatively by the Board of Inspection and Survey's report.

It would therefore appear that the question of the efficiency of the *Holland* in submarine warfare was never submitted by the Secretary to his Board on Construction, but to the highest board in the Navy, namely, the Board of Inspection and Survey, containing such fighting officers as Admiral Frederick Rodgers and Capt. Robley D. Evans.

On the report of the Board of Inspection and Survey the Secretary of the Navy, under authority of law, bought the Holland boat. It cost the inventors over $280,000 to build it, including the experiments, and they received for it $170,000. Thereupon the House supplemented the action of the Secretary of the Navy by authorizing the construction of five more of this same type of boats. My friend, the acting chairman of the committee, voted for those five boats, not only in the committee, but in conference as well.

These five boats, if the contract had been drawn up in time, would at this very hour have been in the Potomac, subject to your inspection. This proposition from the Senate simply provides that if these boats fill the requirements to the satisfaction of the Secretary of the Navy three more boats shall be built. There is a good reason for this, and one that ought to awaken every American. To-day we are informed that the English admiralty has contracted for five of these very boats. It is quick to comprehend their value and to take advantage of it. If we fail to authorize the construction of these three boats proposed by the Senate, the draftsman, the machinist, and other experts of the

Holland Company may be transferred to the banks of the Clyde, and another American invention probably become the property of a foreign Government.

There is no question whatever, Mr. Speaker, concerning the merits of these submarine boats. All the officers of the Navy who have had any experience with them and who have seen them in operation unite in saying that they are needed in the service and that they are far more efficient than was anticipated.

Now, as to their efficiency Lieut. Nathan Sargent, the commanding officer of the U. S. S. *Scorpion*, one of the blockading squadron at Newport, says:

The moral effect of an anticipated attack from the *Holland* submarine boat was great.

Capt. William M. Folger (formerly Chief of Ordnance of the United States Navy), now commanding the battle ship *Kearsarge*, the flagship of the blockading squadron, says in his report:

It is clear that the *Holland* type will play a very serious part in future naval warfare. There is no doubt whatever that the vessel at Newport can approach a turret ship unseen either by night or day. Her only danger is she may be run over herself by picket or large vessel.

Rear-Admiral Farquhar, the present commander in chief of the North Atlantic squadron (formerly chief of yards and docks), which was blockading Newport, says, after witnessing the performances of the *Holland:*

The *Holland* impressed everyone with the idea that under ordinary circumstances she could always get in a torpedo either day or night without being discovered.

The *Holland* arrived at Newport June 24 last, and Lieut. Harry H. Caldwell, then of Admiral Dewey's staff, was assigned to command her. The annual report of Commander N. E. Mason, in charge of the torpedo station, says, under date of September 1, 1900:

Up to the present date the boat has made 10 runs entirely under the control of the Navy crew.

Under date of September 27 last, Lieutenant Caldwell makes a lengthy report, and, among other things, says:

She (the *Holland*) is in excellent condition. There have been many minor accidents, but, I think, fewer than on the ordinary torpedo boats.

Commander N. E. Mason, U. S. N., makes a lengthy report on October 1, in which he says:

In my opinion the *Holland* has been a grand success so far, and for some time the naval crew have had entire charge of her, under command of Lieutenant Caldwell, running and working her both night and day without the presence of any of the Holland experts.

Having made several dives in the boat myself with the naval crew alone, I am of the opinion that they are competent in every way to maneuver and manipulate the boat successfully.

During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla, the *Holland* made a successful attack on the fleet at night by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor, and with the naval crew alone in her.

Here is what Admiral Dewey says in a letter to Senator STEWART:

Replying to the first of the questions which you propound, viz, whether or not in view of the favorable reports made by officers of the Navy upon the U. S. S. *Holland* since she has been in the possession of the Government, I agree with those officers as to the great value of this type of boats for harbor and coast defense, I have to state that I do, and that my opinion as to its value has not changed since my testimony before the House Committee on Naval Affairs in April last.

What did Admiral Dewey say at that time? Let me read it:

Gentlemen, I saw the operation of the boat down off Mount Vernon the other day. Several members of this committee were there. I think we were all very much impressed with its performance. My aid, Lieutenant Caldwell, was on board. He could tell, if necessary, what was done from the inside. The boat did everything that the owners proposed to do. And I said then, and I have said it since, that if they had had two of those things in Manila Bay, I never could have held it with the squadron I had.

The moral effect—to my mind it is infinitely superior to mines or torpedoes or anything of the kind. With those craft moving under water it would wear people out. With two of those in Galveston, all the navies of the world could not blockade that place. I agree with the resolution of Mr. CUMMINGS. I think it would be money well spent. I think it would tend to keep peace. That is what we want a navy for. We want peace.

And, Mr. Speaker, if we can have peace with three submarine boats, at an expense of $500,000, as against four battle ships and cruisers at an expense of over $20,000,000, I say, in God's name, and in the name of the taxpayer, take the submarine boats.

Here let me read extracts from a letter from Lieutenant Caldwell, formerly of Dewey's staff, now in command of the *Holland*. It was written on January 12, 1901, to my colleague on the committee, the Hon. R. B. HAWLEY. He says:

The *Holland* has been under my charge from June 25, 1900, to the present time. Her longest submerged run was about 1½ miles. I consider her durable, habitable, and reliable as a vessel of war for coast and harbor defense.

During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla the *Holland* made a successful attack upon the fleet at night by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor and with the naval crew alone in her. The *Holland* was under my command. She left the torpedo station at sundown and was placed in a partially submerged condition, with the turret and about 6 inches of the hull above water, ready to dive at short notice. Cruised in this condition to southward and eastward of Brentons Reef light-ship. Sighted two vessels of blockading fleet and fired torpedo signal at them, but was not answered, and they disappeared before I could ascertain their identity.

About 9 p. m., about 7 miles south-southeast from harbor entrance, sighted U. S. S. *Kearsarge* within range and fired torpedo signal. Followed her and, getting within 100 yards without being discovered, showed light, hailed her, and informed her commanding officer that she had been torpedoed. The *Holland* was not seen by any vessel of the blockading fleet or torpedo boat, although she was within torpedo range of three of the former and several of the latter. I consider that the attack was a success, because the *Holland* could in all probability have torpedoed three blockading vessels without being discovered.

I believe that I could sink one or more vessels of a blockading fleet or else make them keep so far away as to make the blockade ineffective.

With six of the Holland boats under my command, having trained crews composed of American men and officered by men of my own selection, I believe I could break a blockade of New York City made by 15 ships of war. I would do it by direct night attacks, approaching the fleet from different directions in partially submerged condition and diving when discovered. If the fleet kept underway, by lying in wait at different points of its course or accompanying a decoy blockade runner.

Such, Mr. Speaker, is the opinion of officers who are in charge of the boat and who are entirely conversant with its merits.

Mr. GAINES. How much do these boats cost?

Mr. CUMMINGS. A hundred and seventy thousand dollars each. And right here let me talk to you upon this question of cost.

Mr. HOPKINS. What does the Secretary of the Navy say upon that?

Mr. CUMMINGS. The price is made by the Secretary of the Navy, but limited to $170,000. I read an extract from a report of the Board of Construction sent to Chairman Foss, dated January 2, 1900. It says:

As regards the cost of the present boats, namely, $170,000 each, the board is of the opinion that if the cost of construction, with a reasonable profit to the contractors, is alone considered, it is a very high price; but if the expenses of the company in developing the boat are taken into consideration, the price is not excessive.

Now, as to the question of desirability, the Secretary of the Navy, on January 9, 1901, also gave the chairman of the committee information on that point. He said:

The question with the Department is not so much the desirability of submarine boats. This may be regarded as largely settled by the fact that one is now in commission and has given promise of great possible efficiency, and that seven more have been authorized by act of Congress and are now in process of construction.

This speaks for itself and indicates that the Secretary is in accord with Admiral Dewey.

Mr. WM. ALDEN SMITH. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. Certainly.

Mr. WM. ALDEN SMITH. I see in looking over the testimony that was taken by the Committee on Naval Affairs that Admiral Hichborn said in answer to a question of Mr. VANDIVER whether he considered the *Holland* boat improved, he answered, "Yes, sir; the *Holland* to-day is an improvement on anything that has ever been built in the history of the world;" and further on, I think that in reply to a question of the gentleman from New York Admiral Hichborn replied that he regarded it as the most successful weapon that could be put in the hands of the American Navy.

Mr. CUMMINGS. That is true. I was about to call attention to it.

Mr. GAINES. Mr. Speaker, I am informed that the Government already owns either six or eight of these vessels.

Mr. CUMMINGS. It is building seven; it owns one.

Mr. GAINES. Where are they?

Mr. CUMMINGS. The seven boats, or six boats, will be completed according to contract in the time agreed to, and be here in Washington during the latter part of April, and this amendment of the Senate simply provides that if they fulfill the requirements and are satisfactory to the Secretary of the Navy he shall build three more.

Mr. CANNON. How long does it take one of the shipyards to build one of these boats, under a stress?

Mr. CUMMINGS. Nine or ten months.

Mr. CANNON. Ordinarily, or working under a stress?

Mr. CUMMINGS. I do not think you can build one of them in less than nine months, possibly seven.

Now, here is the testimony of Lieut. Commander Wainwright, Superintendent of the Naval Academy at Annapolis:

Mr. CUMMINGS. You have the submarine boat at Annapolis?
Commander WAINWRIGHT. Yes, sir.
Mr. CUMMINGS. How long has she been there?
Commander WAINWRIGHT. About two months, I think.
Mr. CUMMINGS. Have you had any experience with her.
Commander WAINWRIGHT. Yes, sir; I went down on her. We went out into the bay.
Mr. CUMMINGS. How far?
Commander WAINWRIGHT. Out into deep water.
Mr. CUMMINGS. Six or seven miles?
Commander WAINWRIGHT. Five or 6 miles.
Mr. CUMMINGS. How did she work?
Commander WAINWRIGHT. Beautifully. I was very much surprised. I followed the boat for a good many years, the plans as they were growing,

but I was very much surprised to see how well she can be handled. Of course Lieutenant Caldwell is an expert.

Mr. CUMMINGS. Who went with you?

Commander WAINWRIGHT. Lieutenant Caldwell and his regular crew who handle her.

Mr. LOUDENSLAGER. What is your opinion as to the degree of efficiency she will obtain?

Commander WAINWRIGHT. I think she is an excellent harbor-defense boat.

Mr. DAYTON. What speed does she make under water?

Commander WAINWRIGHT. About 5 or 6 knots. She makes all the speed you can use under water.

Mr. DAYTON. What speed does she make on the water?

Commander WAINWRIGHT. She makes a little over 8 knots. That is about as much as they can hope for with a submerged boat.

The CHAIRMAN. How long does she stay under water at one time?

Commander WAINWRIGHT. I do not know. She is practically under water most of the time, but she should do fighting when awash.

The CHAIRMAN. How far did you travel on her?

Commander WAINWRIGHT. We went slowly until we came to the deep water, and then we went down 12 or 13 feet. Her nose was lower than that. Lieutenant Caldwell wanted to show me how she could dive. She made what I call porpoise dives. She steers beautifully.

The CHAIRMAN. Were you ever out in rough weather with her?

Commander WAINWRIGHT. No, sir.

The CHAIRMAN. Do you know how she will stand rough weather?

Commander WAINWRIGHT. I do not see how that should bother her—that is, awash.

The CHAIRMAN. You have to come up every little while to get air?

Commander WAINWRIGHT. You can run awash and run a long time, because you can open up and take the air down and shut up again. I do not mean to sink her completely under water.

Mr. LOUDENSLAGER. What do you think is the greatest point of efficiency?

Commander WAINWRIGHT. When she is awash. Then she is just barely out of water and she would be very hard to destroy by any large boat. She will only dive when the small boats are after her. I think she is the best harbor torpedo boat built. I would not mind trying her in daytime.

I want to say that the new boats now being built are guaranteed a speed of 8 knots on the surface and 7 knots under water.

Now, Mr. Speaker, the House committee this year voted down a proposition to build seven additional boats by two majority; the Senate Committee on Naval Affairs was unanimously in favor of building three. I am confident that a majority of the House committee would to-day favor their amendment. It will be impossible, in my opinion, for the Senate to recede in view of the unanimous action taken by their committee. The conferees have twice disagreed. It is now about time for the House to take some action.

Believing, as I do, that these ships are of great value and that they will save to the Treasury of the country millions upon millions in the way of battle ships and cruisers, I earnestly commend this proposition of the Senate to the House of Representatives, and hope that they will instruct the conferees to accept the Senate amendment. How much time have I occupied, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed twenty-two minutes.

Mr. CUMMINGS. I yield two minutes to my colleague [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I concur in all that my colleague from New York [Mr. CUMMINGS] has said regarding these submarine boats. It is generally conceded to-day that these boats are a great success. Their practicability has been demonstrated by the best experts in naval warfare. They believe these boats are more formidable for coast defense and for harbor defense than the torpedo boats. The Government can have these boats built for a very small sum of money, and the Government should continue the building and construction of these boats. In my opinion, it will be wise economy.

My colleague from New York has given the testimony of the best men in the Navy in regard to the practicability and the destructive qualities of these submarine boats. The money of the people can not be better expended than by continuing their construction now. I wish the Senate had put in five instead of three. At the present time we ought to have five more of these boats. However, I shall stand by my colleague, Mr. CUMMINGS, and shall vote for the Senate amendment and to instruct the conferees on the part of this House to agree to that amendment. If we are going to have a great Navy, what better way can we improve and help the Navy than by having many of these submarine boats to protect our coasts and harbors?

[Here the hammer fell.]

Mr. CUMMINGS. I reserve the remainder of my time.

Mr. DAYTON. Mr. Speaker, I do not desire to take but five minutes—at the outside ten minutes—to state the reasons why the majority of the committee are opposed to the further construction of these submarine torpedo boats. In the first place, the men in charge of the Navy Department are all opposed, with a single exception, to further building the submarine boats until further experiment and information may be had in reference to them. This includes the Secretary of the Navy, the Construction Board, with the single exception of Admiral Hichborn, who retires by reason of the age limit on the 1st day of March.

Mr. HAWLEY. Will the gentleman name the other members of the Construction Board?

Mr. DAYTON. The other members are Admiral Melville, in charge of the Bureau of Steam Engineering; Admiral Bradford, in charge of the Bureau of Equipment; Admiral O'Neil, in charge of the Ordnance Department, and Captain Woodward, if I remember rightly, in charge of the Naval Intelligence Office—four out of five.

In addition to this, they have the general board of naval officers, who advise with the Construction Board and the Secretary of the Navy, and who has at its head and as its chairman Admiral Dewey, and this board has made its recommendation as to what we should construct, and this board has not recommended at this time any further addition to these boats. Admiral Dewey has joined in the full report, recommending that we construct other type of vessels, but not recommending these boats.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. DAYTON. No; the gentleman must speak in his own time.

Mr. GAINES. Will the gentleman yield to me for a question?

Mr. DAYTON. No; I want to get this statement into the RECORD, and then I will yield. I want to say that Capt. Robley D. Evans and Captain Chadwick—in fact, the great majority of the officers with whom I have talked in reference to this and sought information from—regard it as an experiment, and say that we ought not under any circumstances to expend more money in regard to the construction of these boats until we have ascertained their utility and their benefit. Now, the third reason——

Mr. GAINES. Will the gentleman yield to me now?

Mr. DAYTON. Not until I have finished this statement. The third reason why these boats should not be constructed is because the amendment proposes to give the monopoly in the construction of submarine boats to one company, when there are other companies in this country that are willing and anxious to compete and make as good a boat as those of the Holland Torpedo Company.

In fact, there are two companies to-day that are offering to this country to compete for the construction of these vessels, and are ready at any time, as they state, to show that their vessels are equal, if not superior, to the Holland Torpedo Company's boats. I refer to one, the *Argonaut*, where, it seems to me, the practical operation of it every day carries out this view, and it can be obtained at a much less price, to which I will refer in a moment.

The fourth is that the Holland boat is dangerous. It is constructed so that it must be run by three distinct and separate motive powers. First, compressed air, and the compressors in it are unable to keep up the supply of compressed air when it is running equal to the exhaust of that compressed air. Second, electricity, and third, gasoline, and already one crew in charge of this vessel have nearly lost their lives from the very fact of a leak of the gasoline in this confined space of the Holland boat.

The fumes of that gas came very nearly destroying the lives of the crew. Fifth, it is too slow in speed. Its actual test trial of speed—and we have it all here set forth—shows that it does not come up to or equal similar vessels in France; that it has not been able to attain under water a speed exceeding 6 or 7 knots an hour. When you remember that there are undercurrents in every harbor, and that these currents are variable, and that the speed of counter-currents may be very great, you can see how unreliable it is to depend on a boat with no greater speed than that.

Another thing about it is, it has been demonstrated that the compass under water is affected by the torpedo and by its confined condition, and these conditions and the currents make it absolutely impossible to steer it by the compass.

And lastly, Mr. Speaker, the cost of this vessel, by the expert testimony that has been presented to the committee, does not exceed fifty to seventy thousand dollars, while under this provision we are asked to give this company a monopoly of building them at $170,000 each.

Ah, but the gentlemen say that these are inventions, and the time they have taken in the construction of these vessels ought to be compensated for. I call attention to the fact that we have already compensated them. We have already given them the construction, as the gentleman from New York [Mr. CUMMINGS] said, of seven; yes, eight.

We have already one, and we have given them a contract by last year's bill for seven more, amounting to over a million dollars, and there is no reason, legally or morally, why there should not be open competition and this Government should not be able to get these vessels at their fair and reasonable cost, which will not exceed, in my judgment, $50,000, and the experts say will not exceed over $70,000.

I want to say further, gentlemen, that this invention is not a new one. I state upon the testimony of such men as Melville, O'Neil, Bradford, Evans, and many other naval officers that there is not a single thing about the Holland torpedo boat that presents any practical new features over and above the experiments that have been made for one hundred and twenty-five years; not since the time that Fulton tried his experiment in France, which was then a success so far as this Holland torpedo boat is a success.

It is not a new thing for a boat to be able to dive under water. It is not an unusual thing for a boat to be able to come up from

the water, or an unusual thing for a boat to cast its torpedo. Now, then, with this explanation I desire to yield to my colleague.

Mr. GAINES. Before the gentleman leaves the floor I hope he will yield to me, as he said he would.

Mr. DAYTON. What is the gentleman's question?

Mr. GAINES. The gentleman a few moments ago said that Admiral Dewey had not approved of this boat. Did I understand him correctly?

Mr. DAYTON. I said that Admiral Dewey—and if the gentleman had listened he would not have asked me this question—had joined in the full and unanimous report of his board, which did not recommend the construction of any of these vessels.

Now, Mr. Speaker, I do not want to lose this time, and I want to yield five minutes to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, this is a plain business proposition for the House to consider. The Senate amendment provides that it shall be made the duty—it is made mandatory—of the Secretary of the Navy to buy three Holland submarine torpedo boats as soon as he shall have tested the first one of the six that are now under construction. The committee fixed the price at $170,000 each which he will be allowed to pay. The amendment I have offered takes away the mandatory provision and leaves it to the discretion of the Secretary of the Navy whether he will buy three additional boats, and leaves it to him to approve of the design and character of the boat, but makes the maximum limit of cost the same as it is now.

My reason for offering the amendment was to throw the construction of these three boats open to public competition. There is an organized concern in the district which I have the honor to represent that is building a substantial and working submarine boat—engaged every day in the exploitation of wrecks under water. They wish the privilege of making a bid upon these boats if they are to be built.

I fully agree with the committee that we ought to insist on the action of the House and not agree to build any of these boats at this time. But if we are to build any, the work should be thrown open to public competition, and every sound, substantial concern in the country that wishes to bid for them should have that privilege. That is all that my amendment contemplates. I submit it to the judgment of the House for a vote.

Mr. THROPP. Do you propose to limit competitors to the Holland boat?

Mr. HILL. Not at all. My amendment strikes out all reference to the Holland boat, and allows everybody, whether in Pennsylvania or Virginia or Idaho or elsewhere, to bid upon this proposition.

Mr. HAMILTON. Can the gentleman state how many individuals or establishments are engaged in the manufacture of this kind of boat?

Mr. HILL. I do not know. I simply know that good, substantial men in the Fourth district of Connecticut, who are able to put up the money and carry out their contract, desire the privilege of bidding upon this contract if it is to be made. In my judgment it should not be made at all at present.

Mr. GAINES. Do all these proposed contractors live in the United States?

Mr. HILL. I do not know. The gentlemen to whom I refer live in the State of Connecticut and are responsible men.

Mr. CUMMINGS. Does not the gentleman know that this boat has been in competition with 9 different types?

Mr. HILL. I do not care if there were 900. The competition should be open to every responsible concern. This is a proposition upon which every responsible concern in the United States should have the privilege of bidding.

Mr. VANDIVER. Would it not be well if the company for which the gentleman speaks should go ahead and complete their invention and then offer to the Government such a proposition as these other people offer?

Mr. HILL. This invention is complete, and the boats are at work. But here is a proposition absolutely barring out that concern, barring out everybody but one particular bidder—making it mandatory upon the Secretary of the Navy to buy nothing but the Holland submarine boats. I propose to strike out that provision and let everybody bid.

Mr. VANDIVER. Would it not be well if the people for whom the gentleman speaks should present their invention to the Navy Department, have it investigated by naval officers, and have it reported on officially?

Mr. HILL. My amendment provides that—

The Secretary of the Navy is hereby authorized in his discretion to contract for three submarine boats of such character and design as he may approve.

That is all. If the persons for whom I speak can not meet the specifications they will not put in a bid. If they can, they will.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 11598. An act for the relief of Frank B. Case;

H. R. 1136. An act for the relief of parties for property taken from them by military forces of the United States; and

H. R. 12901. An act to supplement existing laws relating to the disposition of lands, etc.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, numbered 2 and 3, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes;

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; and

H. R. 13729. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 88.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 8998) granting an increase of pension to Alexander F. Hartford.

House concurrent resolution 87.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 4963) granting an increase of pension to Charles E. Churchill.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2471) for the relief of Olivia M. Clifford.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6012. An act to provide an American register for the steam yacht *May*.

NAVAL APPROPRIATION BILL.

Mr. HAWLEY. I yield five minutes to the gentleman from Missouri [Mr. VANDIVER].

Mr. VANDIVER. Mr. Speaker, this is a plain, simple proposition. I want to say frankly that personally I care nothing about this matter. I commenced the consideration of this proposition early in the session, I frankly state, with some little prejudice against it. Until I heard the opinions expressed in the committee room in the official hearings, and until I learned the facts in the case, I had not determined to support the proposition to complete any more of these boats. But when Admiral Dewey, Admiral Hichborn, Lieutenant Caldwell, and other officers of the Navy for whom I entertain the highest respect gave their unqualified indorsement to this invention I thought it demanded from me at least respectful consideration.

The question is simply this: Shall we proceed with further developments in this direction, or shall we abandon the project? All admit that this is a period of rapid development in naval construction. This is comparatively a new invention. I do not pretend to say that it has fully and finally demonstrated its usefulness, but I do believe, from what I have seen of it and from what I have heard of it, that it has so fairly presented itself to our consideration as to require of us, if we perform our duty as public men, to develop it until we shall have fairly tested whether or not the principle is a practical one.

Mr. HAMILTON. Assuming that it is practicable, would it not be better to leave the matter open for general competition?

Mr. VANDIVER. It has been open to competition for years past, and so far as we are informed this is the only invention of the kind that has received any sort of official indorsement from those who have examined it and who are in position to give valuable information about it.

I want to refer to what took place nearly a year ago when the Naval Committee of the House, the Naval Committee of the Senate, together with Admiral Dewey and a number of others, went down the Potomac to a point opposite Mount Vernon and witnessed the experiment with this boat. Everybody on board the vessel seemed to be delighted with the performance that we witnessed, and after we came back Admiral Dewey and others, in our committee room, freely stated to us that they thought this invention had fully demonstrated its usefulness; that it had passed beyond the stage of experimentation.

Admiral Dewey said that if two of those boats under the control of the enemy had been in the harbor of Manila he never would have been able to enter that harbor with the squadron he had. He stated further that if two of those boats were placed in the harbor of Galveston all the navies of the world would not be able to blockade that harbor. With such indorsement as this, and realizing the importance of this question, I offered in the committee—and I believe I offered it here in this House when the bill was under consideration before—a substitute proposition.

I did not want to appear to oppose every proposition for enlargement of the Navy. I wanted to wait a little on battle ships and see if we can develop this new invention, which is much less costly.

[Here the hammer fell.]

Mr. HAWLEY. I yield the gentleman three minutes more.

Mr. LENTZ. I rise to a question of personal privilege.

The SPEAKER pro tempore (Mr. MCCALL). The gentleman from Missouri [Mr. VANDIVER] will suspend. The gentleman from Ohio [Mr. LENTZ] will state his question of personal privilege.

Mr. LENTZ. Last evening I delivered to the foreman of the RECORD my speech under the general leave to print——

The SPEAKER pro tempore. The Chair would suggest that the gentleman from Ohio permit the gentleman from Missouri to conclude and then bring up this question of personal privilege later.

Mr. LENTZ. How long will it take the gentleman to conclude?

Mr. VANDIVER. Only a very few minutes.

Mr. LENTZ. With the understanding that I may have the floor next, I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Missouri will proceed.

Mr. VANDIVER. Mr. Speaker, I was just about to say that I am in favor of progress—reasonable progress, conservative progress—in the improvement of the Navy; and although I took a position against authorizing a contract for more battle ships to be built just at this time, although I thought we were going, or had gone, just as rapidly as prudence would justify, yet I wanted to see some improvements made in this other direction, because I believed it to be more economical.

As Admiral Dewey had testified before our committee that two of these boats would be sufficient to protect any harbor on our coast, I thought it would be a good business investment for us to put two of them in every important harbor. I do not want to do this at once, because this important invention may still be improved; but I want the Government at this time to order at least three more of these boats, and I think the Senate amendment is a wise one.

I want to say further that there are six of these boats now in course of construction; and under the provisions of the Senate amendment, as soon as one of these boats is completed it is to be tested, and if it proves to be entirely satisfactory then the Secretary of the Navy is authorized to contract for three more, but not unless these others are satisfactory.

One more word, and then I am through, as I suppose my time has about expired. It seems to me that there has been a change of front on this question within the last year. The Naval Committee, a year ago, was absolutely unanimous in favor of this Holland boat experiment, as I remember—absolutely unanimous. I do not see why they should to-day repudiate the stand they took then. These three boats can be built for less than half a million dollars, while a battle ship costs five millions or more, and the torpedo boat is, for some purposes, more effective than the great war vessel. Eminent naval experts declare that it will revolutionize naval warfare. At any rate I know it will reduce the cost. Let us try it.

PERSONAL PRIVILEGE.

Mr. LENTZ. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LENTZ. Last evening I took my remarks, made under the general leave given last Wednesday, to the foreman of the RECORD. I had called the office up early in the afternoon.

Mr. CANNON. I rise to a question of order.

Mr. LENTZ. I think I have the floor.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I do not understand that any question of privilege can be raised on a conference report that does not interfere in any way with the conference report.

Mr. LENTZ. I had understood that——

Mr. CANNON. Let the Speaker pass upon it.

Mr. LENTZ. I had understood that I——

The SPEAKER. The gentleman will suspend for a moment. The Chair is not quite clear about this matter. If this was a conference report that we were considering, the Chair would readily sustain the point of order; but the conference report has been beaten. It is out of the way. It is not before the House at all.

Mr. CANNON. We are proceeding now to the consideration of a privileged matter, an hour and a half discussion on each side. Now, is it possible that gentlemen can be taken off their feet during that hour and a half on a question of privilege having no connection with the matter that is being considered by the House?

Mr. LENTZ. I submit, Mr. Speaker, no one was discussing any matter here, and I was recognized to have the floor.

The SPEAKER. Still the point of order was made against the gentleman being heard at this time.

Mr. LENTZ. I understand that.

The SPEAKER. The Chair will hear the gentleman on his privilege for a while. Of course the Chair readily sees that matters may spring up that would have to be considered eo instanti.

Mr. LENTZ. I took my speech to the Public Printer, the foreman of the RECORD, and left it, having been told, however, that they were very much crowded, and might not be able to print it last evening. I left it there, and went back this morning, and was told that my speech had been sent over, as I understood them to say, to the Reporters.

I followed that up, thinking it went there, and asked the Reporters for it, and they could not produce it. I was then told it was delivered to the Speaker, and by the Speaker to the gentleman from Ohio [Mr. GROSVENOR]. I want to know, in the first place, upon what authority that could be done. I understand that the control of the CONGRESSIONAL RECORD——

Mr. CANNON. I renew my point.

Mr. LENTZ (continuing). Is in the House, and not of any gentleman. I also understand a gentleman is not entitled to inspect the Reporter's notes, much less his speech. I am anxious to know if speeches are to be held out of the RECORD until some one member is satisfied to have them printed; and I am a little curious to know if my speech is to be edited, and whether the gentleman from Ohio is to eliminate and insert until it suits him. Has it come to pass that Congress is to have a censor as well as in the Philippine Islands?

I suppose that if my speech should go into the RECORD, when in the RECORD, if there is anything in it objectionable, I am perfectly willing to have it brought up in the proper way, under the rules, and have the House pass upon it whether I have violated the general leave to print or not. When these remarks are in the RECORD there is ample time before this Congress adjourns for gentlemen to submit their views in reply.

At the end of the Fifty-fifth Congress there was an extra number of the CONGRESSIONAL RECORD issued, probably three weeks after we adjourned, and the gentleman from Ohio [Mr. GROSVENOR] almost monopolized that extra issue or number of the CONGRESSIONAL RECORD. Had my speech appeared this morning, and had it not been withheld—and certainly no one was authorized to withhold it—there would be an entire week to reply to any part of it; and I welcome replies to it.

The SPEAKER. The Chair will interrupt the gentleman.

Mr. LENTZ. I ask the Speaker why my speech was withheld from the RECORD?

The SPEAKER. The attention of the Chair was yesterday called to the fact that a great abuse of the privilege of the House had been exercised by the gentleman from Ohio under the leave given him to print, and the Chair asked the young man who waits upon the Printing Office to hold the gentleman's remarks until the Chair could have an opportunity to glance over them; but amid the pressure of business of yesterday the Chair was unable to examine that and many other things left by members upon his desk. Nor has he had time this morning; but not having the time the Chair only a short time ago, when the messenger came to him, told him to go ahead and print the gentleman's remarks, and if there was anything offensive or anything wrong it could be corrected by the House, which was the proper body to settle it.

Mr. LENTZ. Will the Speaker permit me? No living man could have known a word in my speech before 9.30 last night. No one upon earth except my stenographer and myself in my room had put eyes upon a word in that speech before last night. This gentleman who told the Chair that there was anything improper in it must have falsified to the Chair. He must have been mistaken.

The SPEAKER. It seems to the Chair that this matter has now developed beyond the point the gentleman wants it to be.

Mr. LENTZ. Am I to understand the Speaker to say that my speech has been sent to the Printing Office?

The SPEAKER. The Chair will state to the gentleman that such matters have been repeatedly brought to the attention of the Chair, and by taking time and by getting the parties together who have been firing at each other in debate the matter has been fixed up. The Chair had an instance of that only last week, but the Chair had not in the closing hours time to attend to this thing.

This young man when he spoke to me about it, representing the Printing Office, was given the copy an hour or so ago. It was in the hands of the Government Printer when the matter was brought to the attention of the Chair. The Chair has not read a single word, but has given direction that it must take the usual course, and if there is anything in it that is censurable it is for the House to do that if it sees proper.

Mr. LENTZ. As early as 5 o'clock yesterday, or rather half after 3, I telephoned down to the Public Printer asking him to send the messenger.

The SPEAKER. There is nothing before the House.

Mr. RICHARDSON of Tennessee. There is a matter of privilege before the House. I want to be heard on the matter of privilege.

Mr. LENTZ. Just a minute. Certainly not after half past 3, I asked them to send a messenger to get a pamphlet matter.

The SPEAKER. The Chair makes this ruling, that if anything further is to be done in this matter a distinctive proposition must be submitted to the House.

Mr. RICHARDSON of Tennessee. I intend to submit a resolution.

The SPEAKER. The Chair understands the gentleman intends to submit a resolution.

Mr. RICHARDSON of Tennessee. I intend to submit a resolution.

The SPEAKER. That is the proper course to pursue.

Mr. RICHARDSON of Tennessee. I had commenced to write it, but had not got it finished. I could state what it is, however.

The SPEAKER. The gentleman had better put his resolution in writing.

Mr. LENTZ. I desire to make a further statement, in order that I may not be misunderstood.

The SPEAKER. The Chair will not permit any further discussion until some distinctive propocition is before the body.

Mr. HAWLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAWLEY. I desire to know what time there is remaining on each side.

The SPEAKER. The gentleman from Texas has fifteen minutes.

Mr. LENTZ. Mr. Speaker, I understand we are waiting for the gentleman from Tennessee to prepare his resolution.

The SPEAKER. That is the situation. Some distinct proposition must be before the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the resolution I desire to offer I will read, and then send it to the desk. It is written very hurriedly.

Resolved, That the Speaker has no right to withhold from the RECORD the speech of a member made on a general leave to print.

Mr. Speaker, I desire to be heard for a moment.

Mr. CANNON. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. CANNON. It is not a question of privilege; it is a bare declaration as to the right of the Speaker and the rights of members. A question of privilege must be something more direct in hand. This is a general proposition. It might cover the rules, be a mere declaration or order, and so on. My other point is that there is already a privileged matter before the House, upon which an hour and a half's debate has proceeded, and that can not be interrupted by such a general resolution as the gentleman offers.

The SPEAKER. The Chair desires to say in regard to the point of order made by the gentleman from Illinois that there are privileged questions and questions of privilege. The gentleman submits a privileged question, but the gentleman from Ohio submits a question of privilege, and the Chair would be very loath to hold that the question of privilege should not be considered. The Chair has stated all that he knows about this matter.

Mr. LACEY. Mr. Speaker, I raise the question of consideration.

Mr. RICHARDSON of Tennessee. I have not yielded the floor, Mr. Speaker.

The SPEAKER. The Chair desires to state, if he was not understood before, that he has not seen this speech or this manuscript, knows nothing about the contents of it, heard none of the discussion, did not intend to keep it out of the RECORD, and gave no such orders. He asked to have it held, as it was submitted to the Chair by the young man from the Printing Office, and in the pressure of business it was overlooked. The Chair never thought of it again until brought to his attention to-day. But the gentleman from Iowa raises the question of consideration.

Mr. SHERMAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SHERMAN. Would it be in order to move that the resolution be referred to the Committee on Rules?

The SPEAKER. The question of consideration raised by the gentleman from Iowa must be disposed of first. It is a privileged and proper question to be raised.

Mr. RICHARDSON of Tennessee. But, Mr. Speaker, I had commenced to address the House and had uttered one sentence, and I do not think I can be taken off the floor.

The SPEAKER. The resolution has been introduced and the question of consideration has been raised, and the question is whether the House will now consider the resolution.

Mr. RICHARDSON of Tennessee. But the hour is so late that if we do not consider it now the speech will be kept out another day.

Mr. LACEY. That would be too bad.

Mr. RICHARDSON of Tennessee. Yes; it would be too bad.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

The SPEAKER. The Chair desires to state to the House that on a matter which in a sense points toward him the Chair will exercise a privilege which he thinks he has a right to exercise and order tellers instead of counting. The Chair appoints the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Iowa [Mr. LACEY] as tellers.

Mr. RICHARDSON of Tennessee. To relieve that trouble, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 130, "present" 5, not voting 100; as follows:

YEAS—118.

Adamson,	Elliott,	Lloyd,	Salmon,
Allen, Miss.	Finley,	McClellan,	Scudder,
Atwater,	Fitzgerald, N. Y.	McCulloch,	Shafroth,
Bailey, Tex.	Fleming,	McDowell,	Sheppard,
Bankhead,	Foster,	McLain,	Sims,
Barber,	Gaines,	Maddox,	Slayden,
Bell,	Gilbert,	May,	Smith, Ky.
Bellamy,	Gordon,	Meyer, La.	Spight,
Benton,	Green, Pa.	Miers, Ind.	Stallings,
Brantley,	Griffith,	Moon,	Stark,
Brewer,	Hay,	Muller,	Stephens, Tex.
Burke, Tex.	Henry, Miss.	Naphen,	Sulzer,
Burleson,	Henry, Tex.	Norton, S. C.	Sutherland,
Carmack,	Howard,	Otey,	Swanson,
Chanler,	Jett,	Pierce, Tenn.	Talbert,
Clark,	Johnston,	Polk,	Thayer,
Clayton, Ala.	Jones, Va.	Quarles,	Turner,
Clayton, N. Y.	King,	Ransdell,	Underwood,
Cochran, Mo.	Kitchin,	Rhea, Ky.	Vandiver,
Cooper, Tex.	Kleberg,	Richardson, Ala.	Wheeler,
Crowley,	Kluttz,	Richardson, Tenn.	Williams, J. R.
Cummings,	Lamb,	Ridgely,	Williams, W. E.
Davenport, S. W.	Lanham,	Riordan,	Williams, Miss.
Davis,	Latimer,	Rixey,	Wilson, Idaho
De Armond,	Lentz,	Robb,	Wilson, N. Y.
De Graffenreid,	Lester,	Robinson, Ind.	Wilson, S. C.
Denny,	Levy,	Robinson, Nebr.	Zenor,
Dinsmore,	Lewis,	Rucker,	Ziegler.
Dougherty,	Little,	Ruppert,	
Driggs,	Livingston,	Ryan, N. Y.	

NAYS—130.

Allen, Me.	Dayton,	Kerr, Ohio	Reeves,
Babcock,	Dick,	Knox,	Roberts,
Bailey, Kans.	Dovener,	Lacey,	Rodenberg,
Baker,	Eddy,	Landis,	Russell,
Barney,	Esch,	Littauer,	Shelden,
Bartholdt,	Fletcher,	Littlefield,	Sherman,
Bishop,	Fordney,	Long,	Smith, Ill.
Boutell, Ill.	Gamble,	Loud,	Smith, Iowa
Bowersock,	Gardner, Mich.	Loudenslager,	Smith, Samuel W.
Brick,	Gardner, N. J.	Lovering,	Smith, Wm. Alden
Bromwell,	Gibson,	Lybrand,	Southard,
Brosius,	Gill,	Mahon,	Spalding,
Brown,	Gillet, N. Y.	Mann,	Sperry,
Brownlow,	Graff,	Mercer,	Steele,
Bull,	Greene, Mass.	Metcalf,	Stevens, Minn.
Burke, S. Dak.	Grosvenor,	Miller,	Stewart, N. J.
Burkett,	Grout,	Minor,	Stewart, N. Y.
Burleigh,	Grow,	Mondell,	Sulloway,
Burton,	Hamilton,	Moody, Oreg.	Tawney,
Butler,	Haugen,	Morgan,	Tayler, Ohio
Calderhead,	Hawley,	Morrell,	Thomas, Iowa
Cannon,	Hedge,	Morris,	Thropp,
Capron,	Hemenway,	Mudd,	Van Voorhis,
Cochrane, N. Y.	Henry, Conn.	Needham,	Vreeland,
Conner,	Hepburn,	Olmsted,	Wadsworth,
Cooper, Wis.	Hill,	Otjen,	Wanger,
Corliss,	Hitt,	Overstreet,	Warner,
Cromer,	Hoffecker,	Parker, N. J.	Watson,
Crumpacker,	Howell,	Payne,	Weeks,
Curtis,	Hull,	Powers,	Weymouth,
Cushman,	Jack,	Prince,	Young.
Dalzell,	Jones, Wash.	Pugh,	
Davenport, S. A.	Joy,	Ray, N. Y.	

ANSWERED "PRESENT"—5.

Cowherd,	Phillips,	Smith, H. C.	Wright,
McCall,			

NOT VOTING—100.

Acheson,	Crump,	Kerr, Md.	Rhea, Va.
Adams,	Cusack,	Ketcham,	Robertson, La.
Aldrich,	Dahle,	Lane,	Ryan, Pa.
Alexander,	Davey,	Lassiter,	Shackleford,
Allen, Ky.	Davidson,	Lawrence,	Shattuc,
Ball,	Driscoll,	Linney,	Showalter,
Barham,	Emerson,	Lorimer,	Sibley,
Bartlett,	Faris,	McAleer,	Small,
Berry,	Fitzgerald, Mass.	McCleary,	Snodgrass,
Bingham,	Fitzpatrick,	McDermott,	Sparkman,
Boreing,	Foss,	McRae,	Sprague,
Boutelle, Me.	Fowler,	Marsh,	Stewart, Wis.
Bradley,	Fox,	Meekison,	Stokes,
Breazeale,	Freer,	Mesick,	Tate,
Brenner,	Gaston,	Moody, Mass.	Taylor, Ala.
Broussard,	Gayle,	Neville,	Terry,
Brundidge,	Gillett, Mass.	Newlands,	Thomas, N. C.
Burnett,	Glynn,	Noonan,	Tompkins,
Caldwell,	Graham,	Norton, Ohio	Tongue,
Campbell,	Griggs,	O'Grady,	Underhill,
Catchings,	Hall,	Packer, Pa.	Wachter,
Connell,	Heatwole,	Pearce, Mo.	Waters,
Cooney,	Hopkins,	Pearson,	Weaver,
Cousins,	Jenkins,	Pearre,	White,
Cox,	Kahn,	Reeder,	Woods.

So the House refused to consider the resolution.

Mr. KITCHIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. KITCHIN. Yes; and my name was not called on the second roll call.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. KITCHIN's name was called, and he voted "aye" as above recorded.

Mr. McCALL. Mr. Speaker, I would inquire if my colleague, Mr. FITZGERALD of Massachusetts, has voted?

The SPEAKER. He has not.

Mr. McCALL. Then, being paired, I withdraw my vote of "no."

Mr. McCALL's name was called, and he voted "present," as above recorded.

The Clerk announced the following pairs:

For this day:

Mr. CRUMP with Mr. CATCHINGS.
Mr. SHOWALTER with Mr. ALLEN of Kentucky.
Mr. DAVIDSON with Mr. BRENNER.
Mr. McCLEARY with Mr. COWHERD.
Mr. KETCHAM with Mr. GRIGGS.
Mr. REEDER with Mr. McALEER.
Mr. LORIMER with Mr. BURNETT.
Mr. HEATWOLE with Mr. TATE.
Mr. JENKINS with Mr. RYAN of Pennsylvania.
Mr. MESICK with Mr. SHACKLEFORD.
Mr. ALDRICH with Mr. NEVILLE.
Mr. BOREING with Mr. BRUNDIDGE.
Mr. EMERSON with Mr. BREAZEALE.
Mr. GRAHAM with Mr. DAVEY.
Mr. FREER with Mr. COX.
Mr. LANE with Mr. FOX.
Mr. MOODY of Massachusetts with Mr. NEWLANDS.
Mr. PEARCE of Missouri with Mr. McRAE.
Mr. O'GRADY with Mr. RHEA of Virginia.
Mr. SHATTUC with Mr. ROBERTSON of Louisiana.
Mr. PEARRE with Mr. STOKES.
Mr. STEWART of Wisconsin with Mr. SPARKMAN.
Mr. TOMPKINS with Mr. UNDERHILL.
Mr. MARSH with Mr. McDERMOTT.
Mr. PEARSON with Mr. GAYLE.
Mr. DAHLE with Mr. CAMPBELL.
Mr. KERR of Maryland with Mr. FITZPATRICK.

For this vote:

Mr. FOSS with Mr. BALL.
Mr. HOPKINS with Mr. NORTON of Ohio.
Mr. DRISCOLL with Mr. SNODGRASS.
Mr. FARIS with Mr. BERRY.
Mr. GILLETT of Massachusetts with Mr. CUSACK.
Mr. KAHN with Mr. GLYNN.
Mr. COUSINS with Mr. COONEY.
Mr. LAWRENCE with Mr. CALDWELL.
Mr. TONGUE with Mr. TERRY.

Until further notice:

Mr. WACHTER with Mr. SMALL.
Mr. PHILLIPS with Mr. GASTON.
Mr. FOWLER with Mr. BARTLETT.
Mr. BOUTELLE of Maine with Mr. BRADLEY.
Mr. LANDIS with Mr. CLARK.
Mr. WOODS with Mr. NOONAN.
Mr. WATERS with Mr. THOMAS of North Carolina.
Mr. BINGHAM with Mr. BROUSSARD.
Mr. McCALL with Mr. FITZGERALD of Massachusetts.
Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.
Mr. WRIGHT with Mr. HALL.
Mr. ADAMS with Mr. ALLEN of Mississippi.

Mr. COWHERD. Mr. Speaker, I find I am paired with the gentleman from Minnesota [Mr. McCLEARY], and I withdraw my vote of "aye."

Mr. COWHERD's name was called and he voted "present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to offer a privileged resolution, and I rise to a question of privilege for that purpose.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. It is a question affecting the integrity of our proceedings, and therefore of the highest privilege.

The Clerk read the resolution, as follows:

Whereas the speech of Mr. LENTZ, of Ohio, on the general deficiency bill, made in the House on Wednesday last, February 20, has been withheld from publication in the CONGRESSIONAL RECORD after the same was delivered to the Public Printer for publication by Mr. LENTZ; and

Whereas said speech has been turned over to the Speaker of the House, who, it is alleged, has delivered same to a member of the House for some purpose to the House unknown,

Resolved, That such action is hereby condemned by the House, and it is hereby ordered that said speech be delivered forthwith to the Public Printer for publication in the RECORD.

Mr. PAYNE. Mr. Speaker——

Mr. RICHARDSON of Tennessee. I desire to be heard on this resolution as a matter of privilege.

Mr. PAYNE. I make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. PAYNE. It is that the House is already engaged in the consideration of a question of the highest privilege, a conference report, and that this can not be taken away from the House by a resolution of this character.

The SPEAKER. That question the Chair has already ruled upon this afternoon, and overruled the point as the situation stood.

Mr. RICHARDSON of Tennessee. I want to be heard on my resolution.

Mr. LACEY. I raise the question of consideration.

Mr. RICHARDSON of Tennessee. This is a question of the highest privilege, affecting the integrity of our proceedings.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] raises the question of consideration.

Mr. RICHARDSON of Tennessee. I submit that the gentleman can not take me off the floor after I have stated that I desire to be heard.

The SPEAKER. Any member has the absolute right to raise the question of consideration.

Mr. RICHARDSON of Tennessee. If the speech of the gentleman from Ohio is to be withheld in this way, the right of publishing a speech is absolutely denied. I do not believe the House of Representatives will vote to sustain that position. I appeal to gentlemen——

Mr. GROSVENOR. The speech referred to was in the Public Printing Office long before this row.

The SPEAKER. Debate is not in order.

Mr. GROSVENOR and Mr. RICHARDSON of Tennessee (while the Speaker rapped for order) engaged in a colloquy.

The SPEAKER. The gentleman from Ohio and the gentleman from Tennessee are not in order. The question is, Will the House consider the resolution?

The question was put.

The SPEAKER. The noes appear to have it.

Mr. HULL, Mr. RICHARDSON of Tennessee, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 128, answered "present" 5, not voting 105; as follows:

YEAS—115.

Adamson,	Driggs,	Livingston,	Ryan, N. Y.
Atwater,	Elliott,	Lloyd,	Salmon,
Bailey, Tex.	Finley,	McClellan,	Scudder,
Ball,	Fitzgerald, N. Y.	McCulloch,	Shafroth,
Barber,	Fleming,	McDowell,	Sheppard,
Bell,	Foster,	McLain,	Sims,
Bellamy,	Gaines,	Maddox,	Slayden,
Benton,	Gilbert,	May,	Smith, Ky.
Brantley,	Gordon,	Miers, Ind.	Snodgrass,
Brenner,	Green, Pa.	Moon,	Spight,
Brewer,	Griffith,	Naphen,	Stallings,
Brundidge,	Hay,	Norton, Ohio	Stark,
Burke, Tex.	Henry, Miss.	Norton, S. C.	Stephens, Tex.
Burleson,	Henry, Tex.	Otey,	Sulzer,
Carmack,	Howard,	Pierce, Tenn.	Sutherland,
Chanler,	Jett,	Polk,	Talbert,
Clark,	Johnston,	Quarles,	Tate,
Clayton, Ala.	Jones, Va.	Ransdell,	Thayer,
Clayton, N. Y.	King,	Rhea, Ky.	Turner,
Cochran, Mo.	Kitchin,	Richardson, Ala.	Underwood,
Cooper, Tex.	Kleberg,	Richardson, Tenn.	Vandiver,
Crowley,	Kluttz,	Ridgely,	Wheeler,
Cummings,	Lamb,	Riordan,	Williams, J. R.
Davenport, S. W.	Lanham,	Rixey,	Williams, Miss.
De Armond,	Latimer,	Robb,	Wilson, N. Y.
De Graffenreid,	Lentz,	Robinson, Ind.	Wilson, S. C.
Denny,	Lester,	Robinson, Nebr.	Zenor,
Dinsmore,	Lewis,	Rucker,	Ziegler.
Dougherty,	Little,	Ruppert,	

NAYS—128.

Allen, Me.	Cochrane, N. Y.	Grosvenor,	Lawrence,
Bailey, Kans.	Conner,	Grout,	Littauer,
Baker,	Cooper, Wis.	Grow,	Littlefield,
Barney,	Corliss,	Hamilton,	Long,
Bartholdt,	Cromer,	Haugen,	Loud,
Bishop,	Crumpacker,	Hawley,	Lovering,
Boutell, Ill.	Cusack,	Heatwole,	Lybrand,
Bowersock,	Cushman,	Hedge,	Mahon,
Brick,	Dalzell,	Hemenway,	Mann,
Bromwell,	Davenport, S. A.	Henry, Conn.	Mercer,
Brosius,	Dick,	Hill,	Metcalf,
Brown,	Dovener,	Hitt,	Miller,
Brownlow,	Eddy,	Hoffecker,	Minor,
Bull,	Esch,	Hopkins,	Mondell,
Burke, S. Dak.	Fletcher,	Howell,	Moody, Mass.
Burkett,	Fordney,	Hull,	Moody, Oreg.
Burleigh,	Gamble,	Jack,	Morgan,
Burton,	Gardner, Mich.	Jones, Wash.	Morrell,
Butler,	Gardner, N. J.	Joy,	Morris,
Calderhead,	Gibson,	Kerr, Ohio	Mudd,
Cannon,	Gill,	Lacey,	Needham,
Capron,	Greene, Mass.	Landis,	O'Grady,

Olmsted,	Roberts,	Spalding,	Van Voorhis,
Otjen,	Rodenberg,	Steele,	Vreeland,
Overstreet,	Russell,	Stevens, Minn.	Wadsworth,
Parker, N. J.	Shelden,	Stewart, N. J.	Wanger,
Payne,	Sherman,	Stewart, N. Y.	Warner,
Pearce, Mo.	Sibley,	Sulloway,	Watson,
Phillips,	Smith, Ill.	Tawney,	Weaver,
Pugh,	Smith, Iowa,	Tayler, Ohio	Weeks,
Ray, N. Y.	Smith, Wm. Alden	Thomas, Iowa	Weymouth,
Reeves,	Southard,	Thropp,	Young.

ANSWERED "PRESENT"—5.

Bankhead,	Prince,	Smith, H. C.	Wright.
Cowherd,			

NOT VOTING—105.

Acheson,	Davey,	Knox,	Ryan, Pa.
Adams,	Davidson,	Lane,	Shackleford,
Aldrich,	Davis,	Lassiter,	Shattuc,
Alexander,	Dayton,	Levy,	Showalter,
Allen, Ky.	Driscoll,	Linney,	Small,
Allen, Miss.	Emerson,	Lorimer,	Smith, Samuel W.
Babcock,	Faris,	Loudenslager,	Sparkman,
Barham,	Fitzgerald, Mass.	McAleer,	Sperry,
Bartlett,	Fitzpatrick,	McCall,	Sprague,
Berry,	Foss,	McCleary,	Stewart, Wis.
Bingham,	Fowler,	McDermott,	Stokes,
Boreing,	Fox,	McRae,	Swanson,
Boutelle, Me.	Freer,	Marsh,	Taylor, Ala.
Bradley,	Gaston,	Meekison,	Terry,
Breazeale,	Gayle,	Mesick,	Thomas, N. C.
Broussard,	Gillet, N. Y.	Meyer, La.	Tompkins,
Burnett,	Gillett, Mass.	Muller,	Tongue,
Caldwell,	Glynn,	Neville,	Underhill,
Campbell,	Graff,	Newlands,	Wachter,
Catchings,	Graham,	Noonan,	Waters,
Connell,	Griggs,	Packer, Pa.	White,
Cooney,	Hall,	Pearson,	Williams, W. E.
Cousins,	Hepburn,	Pearre,	Wilson, Idaho
Cox,	Jenkins,	Powers,	Woods.
Crump,	Kahn,	Reeder,	
Curtis,	Kerr, Md.	Rhea, Va.	
Dahle,	Ketcham,	Robertson, La.	

So the House refused to consider the resolution.

The following additional pairs were announced:

On this vote:

Mr. SAMUEL W. SMITH with Mr. MULLER.

Mr. POWERS with Mr. BANKHEAD.

Mr. BANKHEAD. I find I am paired with the gentleman from Vermont, Mr. POWERS, and I desire to withdraw my vote.

The result of the vote was announced as above stated.

Mr. SULZER. I rise to a question of personal privilege. I offer the following resolution——

Mr. PAYNE. I move that the House do now adjourn.

Mr. SULZER. I had the floor, Mr. Speaker.

Mr. RICHARDSON of Tennessee. I make the point that the motion of the gentleman from New York [Mr. PAYNE] is dilatory.

The SPEAKER. The point of order is overruled. As many as are in favor of the motion that the House adjourn——

Mr. RICHARDSON of Tennessee. Did the Speaker overrule the point of order I made that this motion is dilatory?

The SPEAKER. Certainly he did.

The question being taken, there were—ayes 120, noes 98.

Mr. RICHARDSON of Tennessee. I call for tellers.

Mr. SULZER, Mr. PAYNE, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 101, answered "present" 8, not voting 129; as follows:

YEAS—115.

Bailey, Kans.	Dovener,	Jones, Wash.	Pearce, Mo.
Baker,	Eddy,	Kerr, Ohio	Ray, N. Y.
Barney,	Esch.	Lacey,	Reeves,
Bartholdt,	Fletcher,	Landis,	Roberts,
Bishop,	Fordney,	Lawrence,	Rodenberg,
Boutell, Ill.	Gamble,	Littauer,	Russell,
Bowersock,	Gardner, Mich.	Littlefield,	Shelden,
Brick,	Gardner, N. J.	Long,	Sibley,
Bromwell,	Gibson,	Lovering,	Smith, Ill.
Brown,	Gill,	Lybrand,	Smith, Iowa
Bull,	Graff,	McCall,	Southard,
Burke, S. Dak.	Greene, Mass.	Mahon,	Spalding,
Burkett,	Grosvenor,	Mann,	Steele,
Burleigh,	Grout,	Mercer,	Stevens, Minn.
Burton,	Grow,	Metcalf,	Stewart, N. J.
Butler,	Hamilton,	Miller,	Sulloway,
Calderhead,	Haugen,	Minor,	Tawney,
Cannon,	Hawley,	Moody, Mass.	Tayler, Ohio
Capron,	Heatwole,	Moody, Oreg.	Thomas, Iowa.
Cochrane, N. Y.	Hedge,	Morgan,	Thropp,
Conner,	Hemenway,	Morrell,	Van Voorhis,
Cooper, Wis.	Henry, Conn.	Morris,	Vreeland,
Corliss,	Hepburn,	Mudd,	Wanger,
Cromer,	Hill,	Needham,	Warner,
Crumpacker,	Hitt,	Olmsted,	Watson,
Cushman,	Hoffecker,	Otjen,	Weeks,
Dalzell,	Hopkins,	Overstreet,	Weymouth,
Davenport, S. A.	Howell,	Parker, N. J.	Young.
Dick,	Hull,	Payne,	

NAYS—101.

Adamson,	Barber,	Brantley,	Chanler,
Atwater,	Bell,	Brundidge,	Clark,
Bailey, Tex.	Bellamy,	Burleson,	Clayton, Ala.
Ball,	Benton,	Carmack,	Clayton, N. Y.
Cochran, Mo.	Johnston,	Norton, Ohio	Slayden,
Cooper, Tex.	Jones, Va.	Norton, S. C.	Smith, Ky.
Cummings,	King,	Otey,	Snodgrass,
Davenport, S. W.	Kitchin,	Pierce, Tenn.	Spight,
De Armond,	Kleberg,	Polk,	Stallings,
De Graffenreid,	Kluttz,	Quarles,	Stark,
Denny,	Lamb,	Ransdell,	Stephens, Tex.
Dinsmore,	Lanham,	Rhea, Ky.	Sulzer,
Dougherty,	Latimer,	Richardson, Ala.	Sutherland,
Elliott,	Lentz,	Richardson, Tenn.	Talbert,
Finley,	Little,	Ridgely,	Tate,
Fitzgerald, N. Y.	Livingston,	Rixey,	Thayer.
Fleming,	Lloyd,	Robb,	Underwood,
Foster,	McClellan,	Robinson, Ind.	Vandiver,
Gaines,	McCulloch,	Robinson, Nebr.	Wheeler,
Gordon,	McDowell,	Rucker,	Williams, J. R.
Green, Pa.	McLain,	Ryan, N. Y.	Wilson, S. C.
Hay,	Maddox,	Salmon,	Zenor,
Henry, Miss.	May,	Scudder,	Ziegler.
Henry, Tex.	Miers, Ind.	Shafroth,	
Howard,	Moon,	Sheppard,	
Jett,	Naphen,	Sims,	

ANSWERED "PRESENT"—8.

Brosius,	Driggs,	Ruppert,	Williams, Miss.
Cowherd,	Phillips,	Smith, H. C.	Wright.

NOT VOTING—129.

Acheson,	Cusack,	Lassiter,	Shackleford,
Adams,	Dahle,	Lester,	Shattuc,
Aldrich,	Davey,	Levy,	Sherman,
Alexander,	Davidson,	Lewis,	Showalter,
Allen, Ky.	Davis,	Linney,	Small,
Allen, Me.	Dayton,	Lorimer,	Smith, Samuel W.
Allen, Miss.	Driscoll,	Loud,	Smith, Wm. Alden
Babcock,	Emerson,	Loudenslager,	Sparkman,
Bankhead,	Faris,	McAleer,	Sperry,
Barham,	Fitzgerald, Mass.	McCleary,	Sprague,
Bartlett,	Fitzpatrick,	McDermott,	Stewart, N. Y.
Berry,	Foss,	McRae,	Stewart, Wis.
Bingham,	Fowler,	Marsh,	Stokes,
Boreing,	Fox,	Meekison,	Swanson,
Boutelle, Me.	Freer,	Mesick,	Taylor, Ala.
Bradley,	Gaston,	Meyer, La.	Terry,
Breazeale,	Gayle,	Mondell,	Thomas, N. C.
Brenner,	Gilbert,	Muller,	Tompkins,
Brewer,	Gillet, N. Y.	Neville,	Tongue,
Broussard,	Gillett, Mass.	Newlands,	Turner,
Brownlow,	Glynn,	Noonan,	Underhill,
Burke, Tex.	Graham,	O'Grady,	Wachter,
Burnett,	Griffith,	Packer, Pa.	Wadsworth,
Caldwell,	Griggs,	Pearson,	Waters,
Campbell,	Hall,	Pearre,	Weaver,
Catchings,	Jack,	Powers,	White,
Connell,	Jenkins,	Prince,	Williams, W. E.
Cooney,	Joy,	Pugh,	Wilson, Idaho
Cousins,	Kahn,	Reeder,	Wilson, N. Y.
Cox,	Kerr, Md.	Rhea, Va.	Woods.
Crowley,	Ketcham,	Riordan,	
Crump,	Knox,	Robertson, La.	
Curtis,	Lane,	Ryan, Pa.	

So the motion was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I voted by inadvertence. I am paired with the gentleman from New York, and ask to be recorded "present."

The name of Mr. WILLIAMS of Mississippi was called, and he voted "present."

Mr. PHILLIPS. Mr. Speaker, I find that I am paired, and I ask to withdraw my vote and be marked "present."

The following additional pairs were announced:

For balance of this day:

Mr. BARHAM with Mr. SWANSON.

Mr. ALEXANDER with Mr. RHEA of Virginia.

Mr. CURTIS with Mr. LASSITER.

Mr. PRINCE with Mr. GRIFFITH.

Mr. SHERMAN with Mr. DRIGGS.

Mr. STEWART of New York with Mr. RIORDAN.

Mr. BROWNLOW with Mr. LEWIS.

Mr. BROSIUS with Mr. LESTER.

Mr. O'GRADY with Mr. RUPPERT.

On this vote:

Mr. LOUD with Mr. BURKE of Texas.

Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.

The SPEAKER. Pending the announcement, the Chair submits the following report from the Committee on Enrolled Bills.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution No. 109:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 2,200 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate, and 1,350 copies shall be for the use of the House of Representatives, and 200 for the use of the War Department—

to the Committee on Printing.

Senate concurrent resolution No. 112:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War, in his discretion, be authorized to make loan of such tents or other quartermaster stores to the National Guard of the several States attending the coming inauguration of the President as may be necessary for their comfort during their visit to Washington: *Provided*, That he shall take

the receipt of the adjutant-general of the State borrowing such stores and hold the same as a charge against the State's quota until the return of such tents or stores in good order—

to the Committee on Military Affairs.

H. R. 9829. An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, with Senate amendments—to the Select Committee on the Centennial of the Louisiana Purchase.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3784. An act granting an increase of pension to Linsay C. Jones;

H. R. 1845. An act granting pensions to William Allen and Isaac Garman;

H. R. 9140. An act providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes;

H. R. 13951. An act authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay;

H. R. 4718. An act to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes;

H. R. 13049. An act granting a pension to Elizabeth Fury;

H. R. 13086. An act granting an increase of pension to Eunice Henry;

H. R. 13118. An act granting a pension to Rebecca J. Gray;

H. R. 13154. An act granting a pension to Ernestine Lavigne;

H. R. 4345. An act to create a new Federal judicial district in Pennsylvania to be called the middle district;

H. R. 13569. An act granting a pension to the minor children of Henry R. Hinkle;

H. R. 12442. An act granting an increase of pension to Mary E. Starr;

H. R. 8650. An act granting an increase of pension to William C. Whitney;

H. R. 3861. An act granting an increase of pension to Jesse Millard.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5450. An act granting an increase of pension to Rachel J. B. Williams;

S. 4828. An act granting an increase of pension to Norman Stewart;

S. 4772. An act granting an increase of pension to John W. Echelberger;

S. 1936. An act granting a pension to Mamie Craig Lawton;

S. 4734. An act granting a pension to Mary A. O'Brien;

S. 2037. An act granting an increase of pension to George F. Burrage;

S. 1850. An act granting an increase of pension to James C. Delaney;

S. 2843. An act granting an increase of pension to John Johnson;

S. 2915. An act granting an increase of pension Samuel Z. Murphy;

S. 2905. An act granting a pension to George M. Wilson;

S. 2828. An act granting an increase of pension to Hippolyte Perrault;

S. 5171. An act granting an increase of pension to Albert W. Fairchild;

S. 5170. An act granting a pension Louise Wolcott Knowlton Browne;

S. 5146. An act granting an increase of pension to Robert H. Jones;

S. 5868. An act granting an increase of pension to Hurbert Bascombe;

S. 4542. An act granting a pension to Jane W. Wood;

S. 95. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 227. An act for the relief of the Continental Fire Insurance Company and others;

S. 715. An act granting a pension to Fidillar White, alias William Johnson;

S. 76. An act for the relief of the University of Kansas;

S. 1455. An act granting an increase of pension to Alexander W. Browning;

S. 648. An act granting a pension to Margaret G. White;

S. 413. An act granting a pension to Albert S. Cummings;

S. 5622. An act granting an increase of pension to Georgina M. Mack;

S. 1365. An act granting an increase of pension to Lorinda N. Smith;

S. 5586. An act granting an increase of pension to John F. Townsend;

S. 1269. An act granting a pension to Nancy J. Dunaway;

S. 1212. An act granting an increase of pension to John W. Canaday;

S. 2153. An act granting an increase of pension to Jesse N. Dawley;

S. 1126. An act for the relief of Mrs. Narcissa G. Short;

S. 5681. An act granting an increase of pension to Merit C. Welsh;

S. 5675. An act granting an increase of pension to Mary C. Holmes;

S. 5726. An act granting an increase of pension to Zadok S. Howe;

S. 1293. An act for the relief of Francisco V. De Coster;

S. 3481. An act to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia;

S. R. 159. Joint resolution extending the time within which certain street railroads in the District of Columbia may be constructed;

S. 345. An act granting a pension to Catherine L. Nixon;

S. R. 157. Joint resolution authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa;

S. 6050. An act to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes;

S. 5506. An act granting a pension to Mary Fryer von Gardner;

S. 5322. An act granting an increase of pension to Daniel W. Warren;

S. 5505. An act granting a pension to Kate M. Scott;

S. 5507. An act granting a pension to Mary Priscilla Allen;

S. 5204. An act granting an increase of pension to John Scott;

S. 5191. An act granting an increase of pension to Selah V. Reeve;

S. 5031. An act granting an increase of pension to Margarete A. Potts;

S. 5431. An act granting an increase of pension to William H. Ball;

S. 5559. An act granting an increase of pension to Adolphus Richardson;

S. 3935. An act granting an increase of pension to James Ryan;

S. 3400. An act granting an increase of pension to Charles T. Shaw;

S. 4531. An act granting a pension to Harriett S. Richards;

S. 4237. An act granting a pension to Francis Helen Lewis;

S. 3746. An act granting an increase of pension to George W. Bodurtha;

S. 3619. An act granting an increase of pension to Mary A. Calhoun;

S. 3653. An act granting an increase of pension to Henry Smith;

S. 3648. An act granting a pension to Peter Shelt;

S. 3482. An act granting an increase of pension to Elias M. Lynch;

S. 5201. An act granting a pension to Samuel F. Radford;

S. 5925. An act to revive and amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;"

S. 3391. An act granting a pension to John Black;

S. 2738. An act granting an increase of pension to James M. Munn;

S. 2709. An act granting a pension to Marietta Elizabeth Stanton;

S. 2232. An act granting a pension to Frederick Sien;

S. 3280. An act granting an increase of pension to Henry Keene;

S. 3554. An act for the relief of W. T. Scott and others;

S. 2227. An act granting an increase of pension to Uriah Clark;

S. 2785. An act granting an increase of pension to William H. Gardner;

S. 5530. An act granting an increase of pension to James W. Harden;

S. 3521. An act granting a pension to William P. Payne;

S. 3535. An act for the relief of the Brooklyn Ferry Company, of New York;

S. 2163. An act granting an increase of pension to Franklin Kersting;

S. 3483. An act granting an increase of pension to Jeremiah Jackson;

S. 3386. An act granting a pension to Catherine L. Taylor;

S. 3343. An act granting a pension to Keziah Fausler;

S. 3339. An act for the relief of Leonard Wilson;

S. 3193. An act granting an increase of pension to Charles H. Force;

S. 3030. An act granting an increase of pension to Henry Guckes;

S. 3580. An act granting an increase of pension to Theron Johnson;
S. 5019. An act granting an increase of pension to Julia Crenshaw;
S. 5007. An act granting an increase of pension to Gecrge M. Tarburton;
S. 5119. An act granting a pension to Jesse A. Brunner;
S. 5074. An act granting an increase of pension to Sarah F. Bridges;
S. 5039. An act granting an increase of pension to Locie M. Mabry;
S. 4985. An act granting an increase of pension to George C. Jarvis;
S. 5144. An act granting an increase of pension to Charles Scott;
S. 5187. An act granting a pension to Corinne R. Struckland;
S. 5172. An act granting a pension to Elizabeth Bughman;
S. 5400. An act granting a pension to Martin Dismukes;
S. 5050. An act granting an increase of pension to Charles A. Marsh;
S. 5397. An act granting a pension to Charles McKenney;
S. 5369. An act granting an increase of pension to Edmund Cragg;
S. 5363. An act granting a pension to Lizzie Wattles;
S. 5326. An act granting a pension to Maggie Alice Brady;
S. 1550. An act granting an increase of pension to Kate Ezekiel;
S. 4728. An act granting an increase of pension to Marvin V. Tufford;
S. 5428. An act granting an increase of pension to Charles R. Cole;
S. 1203. An act granting an increase of pension to Lewis S. Horsey;
S. 5409. An act granting an increase of pension to John W. Philips;
S. 5405. An act granting an increase of pension to John H. Taylor;
S. 1017. An act for the relief of John M. Guyton;
S. 4731. An act granting an increase of pension to Henrietta M. Leiper;
S. 4543. An act granting an increase of pension to Stacy H. Cogswell;
S. 4695. An act granting a pension to James Dorcey;
S. 4692. An act granting an increase of pension to Asa W. Taylor;
S. 4630. An act granting an increase of pension to James H. Bellinger;
S. 880. An act for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.;
S. 914. An act granting a pension to Charles L. Summers;
S. 1065. An act granting an increase of pension to Bettie Lee Ward;
S. 5006. An act granting an increase of pension to John T. Comegys;
S. 5857. An act to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company;
S. 5869. An act granting an increase of pension to Martin Rodman;
S. 5451. An act granting an increase of pension to Mary M. Hyde;
S. 726. An act for the relief of Alice Walsh;
S. 1698. An act granting an increase of pension to Henry Hegwer;
S. 1786. An act granting an increase of pension to Fielding Marsh;
S. 1722. An act granting an increase of pension to Bertha Leavey;
S. 1602. An act granting an increase of pension to Morris B. Kimball;
S. 1673. An act to grant an honorable discharge from the military service to Charles H. Hawley;
S. 4960. An act granting a pension to Minerva M. Helmer;
S. 2104. An act granting an increase of pension to William L. Aten;
S. 2079. An act granting a pension to William Ashmead; and
S. 4938. An act granting an increase of pension to Esther Ann Grills.

WITHDRAWAL OF PAPERS.

Mr. KERR of Ohio, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of A. B. Keith, Fifty-sixth Congress, no adverse report having been made thereon.

The result of the vote was then announced as above recorded.

And accordingly (at 6 o'clock and 8 minutes) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers relating to claim of John D. Baldwin—to the Committee on Claims, and ordered to be printed.

A letter from the chairman of the Industrial Commission, transmitting a report on the distribution of farm products—to the Committee on Labor, and ordered to be printed.

A letter from the chairman of the Industrial Commission, transmitting a preliminary report of the relations and conditions of capital and labor employed in manufactures and general business—to the Committee on Labor, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILSON of Idaho, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 14241) to authorize the construction of reservoirs for the storage of water and for other hydraulic works for the reclamation of the arid public lands, and for other purposes, submitted a supplemental report (No. 2927); which said report was referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 1115) to provide for the establishing of a steam tug in connection with City Point life-saving station, Dorchester Bay, Massachusetts, and the placing of a searchlight at said station, reported the same without amendment, accompanied by a report (No. 2970); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill of the House (H. R. 14295) referring to the Court of Claims for adjudication a claim of the Cherokee Indians against the United States, and for other purposes, accompanied by a report (No. 2971); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. PAYNE, from the Committee on Ways and Means, to which was referred the resolution of the House (H. Res. 422) requesting certain information from the Secretary of the Treasury, reported the same adversely, accompanied by a report (No. 2969); which said resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14289) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 14290) to incorporate the Eastern Star Home for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 14295) referring to the Court of Claims for adjudication a claim of the Cherokee Indians against the United States, and for other purposes—to the Union Calendar.

By Mr. BURLEIGH: A bill (H. R. 14296) authorizing the extension of the post-office at Bangor, Me.—to the Committee on Public Buildings and Grounds.

By Mr. LITTLEFIELD: A joint resolution (H. J. Res. 313) for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

By Mr. VREELAND: A resolution (H. Res. 435) requesting the Secretary of the Interior to furnish certain information—to the Committee on Indian Affairs.

By Mr. HEATWOLE: A resolution (H. Res. 436) to print the last issue of the Calendar as a document—to the Committee on Printing.

By Mr. RIDGELY: A resolution of the legislature of Kansas, favoring S. 1439—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DOVENER: A bill (H. R. 14291) granting a pension to John T. Starkey—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 14292) to authorize Leo Bergholz to accept a decoration from the Shah of Persia—to the Committee on Foreign Affairs.

Also, a bill (H. R. 14293) to authorize William S. Sims, United States Navy, to accept a decoration from the President of France—to the Committee on Foreign Affairs.

By Mr. LONG: A bill (H. R. 14294) granting a pension to Joseph B. Phelps—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 14297) granting an increase of pension to D. C. Maples—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14298) for the relief of Robert McCampbell—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Judiciary was discharged from the consideration of sundry petitions relating to Senate bill No. 34, on the subject of vivisection, and the same were referred to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of the bishop and clergy of the Methodist Episcopal Church of Buffalo, N. Y., urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARHAM: Petition of R. T. Taylor and other citizens of Modoc County, Cal., for the establishment of an Indian school for the Pit River Indians—to the Committee on Indian Affairs.

By Mr. BINGHAM: Resolutions of the Methodist Episcopal Preachers' Meeting, of Philadelphia, and Synod of Pennsylvania Presbyterian Church, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, resolutions of the Presbytery of Philadelphia, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

By Mr. BUTLER: Petition of Women's Foreign Missionary Society of the Presbyterian Church of Pennsylvania, favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. COCHRANE of New York: Petition of Rev. A. C. Sewall and others, favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GIBSON: Petition of John H. Sooy, of Knoxville, Tenn., for reference of war claim to Court of Claims—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: Petition of Young People's Society of Christian Endeavor of Union Park Congregational Church and Woman's Missionary Society of Wyoming Presbyterian Church, all of Chicago, Ill., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of Miss A. M. Gerwig and 31 other citizens of Allegheny, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Petition of voters of the Thirteenth Congressional district of Massachusetts, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. LONG: Petition of Rev. W. A. Bosworth and 31 citizens of Wichita, Kans., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petition of Women's Baptist Foreign Missionary Society of the West, favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Illinois State Teachers' Association, regarding education in Porto Rico—to the Committee on Education.

By Mr. McCLEARY: Petition of Woman's Christian Temperance Union, Winnebago City, Minn., Miss V. O. Wier, president, urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. POLK: Petition of citizens of Shamokin, Pa., against the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union and citizens of Philadelphia, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBINSON of Indiana: Petition of A. R. Otis, of Kendallville, and A. F. Halter, of Garrett, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of Central Labor Union of Hartford, Conn., for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

Also, petition of the Woman's Christian Temperance Union of Willimantic, Conn., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcholic Liquor Traffic.

By Mr. SHATTUC: Petition of Lucien Wulsin and other citizens of the State of Ohio, indorsing Senate bill No. 5518, for a forest reserve—to the Committee on the Public Lands.

By Mr. SIBLEY: Petition of citizens of Kane, Pa., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Petition of citizens of Wallingford, Conn., urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. VREELAND: Petition of the Presbyterian Church, Woman's Christian Temperance Union, Mission Circle of the Baptist Church, all of Cuba, N. Y., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petition of voters of the Fourth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of J. H. Fisher and others of Philadelphia, Pa., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

SENATE.

WEDNESDAY, *February 27, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

Mr. ALLISON. I ask unanimous consent that the resolution may be concurred in by the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and by unanimous consent the concurrent resolution is agreed to.

ARMAMENT OF FORTIFICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting estimates of deficiencies in appropriation under the head of "Armament of fortifications" for the service of the fiscal year ending June 30, 1901, aggregating $723,125; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT MILITIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting an estimate of deficiency in the appropriation for the militia of the District of Columbia for the fiscal year ending June 30, 1901, $400; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MAJ. W. L. FISK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, together with other papers, a letter from the Chief of Engineers, United States

Army, calling attention to certain disallowances by the Auditor for the War Department in the settlement of the account of Maj. W. L. Fisk, Corps of Engineers, aggregating $116.15; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

WAR, STATE, AND NAVY DEPARTMENT BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a preliminary report from Maj. John Tweedale, assistant chief of the Record and Pension Office, upon the present condition of the portion of the State, War, and Navy Department building allotted to the War Department, with respect to its use and occupancy; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON FIREPROOFED WOOD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 25th instant, a copy of the preliminary report of Naval Constructor Baxter on fireproofed wood; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852; and

A bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States.

The message also announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. METCALF, Mr. WATSON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill of the House (H. R. 9903) granting an increase of pension to Henry B. Shell.

The message further returned to the Senate, in compliance with its request, the bill (S. 2471) for the relief of Olivia M. Clifford.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the congregation of the First Congregational Church, of Shelburne, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Total Abstinence Society, praying for the enactment of legislation providing adequate rations to the soldiers of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Presbytery of Brooklyn, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides, and other islands of the Pacific; which was ordered to lie on the table.

Mr. PLATT of New York presented a memorial of sundry publishers of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 74, International Association of Machinists, of Oneonta, N. Y., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented the petition of O. M. Lewis and other citizens of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Pacific islands; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregation of the Methodist Episcopal Church of Avon; of W. C. B. Turner, of Erie; of the Woman's Christian Temperance Union of Waverly, and of the congregations of the Methodist Episcopal Churches of Catharine and Odessa, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium to the inhabitants of the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. KEAN presented a petition of sundry citizens of Plainfield, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented the petition of Ernest E. Lynn and 91 other citizens of Superior, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Wallingford, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Stamford, Conn., praying for the enactment of legislation providing adequate rations to the soldiers of the Army; which was referred to the Committee on Military Affairs.

Mr. WELLINGTON presented a memorial of 37 citizens of Westminster, Md., remonstrating against any appropriation being made for the St. Louis fair unless it be closed on Sunday; which was ordered to lie on the table.

He also presented a petition of 38 citizens of Maryland, praying for the enactment of legislation providing certain reforms in the Indian service; which was referred to the Committee on Indian Affairs.

Mr. FRYE presented the petition of Mrs. Katharine B. Berry and 64 other citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

He also presented the memorial of James Donovan, attorney-general, and other citizens of Montana, remonstrating against the enactment of legislation looking to the cession of the Federal lands to the States; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 6055) authorizing Lieut. William S. Sims, United States Navy, to accept a decoration tendered to him by the President of the French Republic; and

A bill (S. 6056) authorizing Mr. Leo Bergholz, consul of the United States at Erzerum, Turkey, to accept a decoration tendered to him by His Majesty the Shah of Persia.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on Agriculture and Forestry; which was agreed to.

He also, from the Committee on the Library, reported an amendment proposing to appropriate $20,000 for the purchase of a replica of the bronze equestrian statue of Gen. George Washington, erected in the city of Paris, France, by the women of the United States, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6061) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens, reported it with an amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11303) granting a pension to Elizabeth M. Killen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12801) granting a pension to Willis Brady, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7202) granting a pension to Wiley Causey, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, reported an amendment proposing to enable the Secretary of the Treasury to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities enumerated therein, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

INSTRUCTIONS TO PEACE COMMISSIONERS AT PARIS.

Mr. LODGE. Mr. President, I report back the resolution introduced yesterday by the Senator from South Dakota [Mr. PETTIGREW] to print 3,000 additional copies of the papers relating to

the treaty with Spain, with the omitted telegram inserted. I find that the telegram to which the Senator from South Dakota referred was omitted. I sent for the original papers, and I found that telegram among them in its proper place. It had been sent down by the officers of the Senate with all the other papers and it appears to have gone into the hands of the printers, because it has their mark upon the top. Why it was omitted in printing I do not know, but I report back the resolution of the Senator from South Dakota and ask that it may be passed.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 3,000 additional copies of the papers relating to the treaty with Spain, with the omitted telegram inserted.

REFORMATORY SYSTEM.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a resolution, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed, for the use of the Department of State, 1,000 copies of House Document No. 459, Fifty-sixth Congress, first session, entitled "The Reformatory System in the United States," being reports prepared for the International Prison Commission.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. Has that document been printed for the benefit of Congress?

Mr. PLATT of New York. It has not.

Mr. COCKRELL. It seems to me that every Senator and Representative ought to have at least one copy of it.

Mr. PLATT of New York. No one has asked for the printing except the Department of State, and I thought it right to put the resolution in its present shape.

Mr. COCKRELL. Well, let it go.

The resolution was agreed to.

PRISON SYSTEMS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Department of State 1,000 copies of House Document No. 565, Fifty-sixth Congress, first session, entitled "Prison Systems of the United States," being reports prepared for the International Prison Commission.

DIGEST OF ELECTION CASES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution from the House providing for printing a digest of contested-election cases in the House of Representatives, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and substantially bound 2,000 copies of "A digest of all the contested-election cases in the House of Representatives of the United States from the First to the Fifty-sixth Congress, inclusive," compiled by Chester H. Rowell, 1,500 for the use of the House and 500 for the use of the Senate; and that in addition to said number there be printed and substantially bound 500 copies, the same to be deposited in the office of the Clerk of the House and distributed from time to time on his order; and that there be further printed and substantially bound the additional number of 50 copies, 10 each to be deposited in the library of the House of Representatives and in the rooms of the Committee on Elections and 10 to be delivered to the compiler.

Mr. HOAR. I do not want to interfere, at this late day especially, with the discretion of the Committee on Printing, but I should hope there might be rather a larger number printed. These books are in great demand for public libraries, for State libraries, and law libraries, and the resolution provides for a very small number.

Mr. PLATT of New York. The committee has been inclined to be economical; but I will accept any amendment which the Senator may suggest.

Mr. HOAR. Has the resolution to go back to the other House?

Mr. PLATT of New York. It is reported by the committee without amendment.

The PRESIDENT pro tempore. The resolution, if agreed to by the Senate without amendment, does not go back to the House.

Mr. HOAR. Very well, then; I will not interfere with it at this late day; I will let it go. If it had to go back to the House at all I would move to increase the number.

The concurrent resolution was agreed to.

DOCUMENTS FOR LIBRARY OF CONGRESS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange, to report it without amendment, and I ask for its present consideration.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That of the publications described in this section the number of copies which shall be printed and distributed by the Public Printer to the Library of Congress, for its own use and for international exchange, in lieu of the number now provided by law shall be 62, except as such number shall be enlarged to not exceeding 100 copies by request of the Librarian of Congress, to wit: The House documents and reports, bound; the Senate documents and reports, bound; the House Journals, bound; the Senate Journals, bound; all other documents bearing a Congressional number and all documents not bearing a Congressional number printed by order of either House of Congress, or by order of any Department, bureau, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; the Revised Statutes, bound; the Statutes at Large, bound; the CONGRESSIONAL RECORD, bound; the Official Register of the United States, bound.

SEC. 2. That in addition to the foregoing the Public Printer shall supply to the Library of Congress for its own use 2 copies of each of the above-described publications, unbound, as published; 5 copies of all bills and resolutions; 10 copies of the daily CONGRESSIONAL RECORD; and 2 copies of all documents printed for the use of Congressional committees not of a confidential character.

SEC. 3. That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office, there shall be supplied to the Library of Congress, for its own use and for international exchange, 62 copies, except as such number shall be enlarged to not exceeding 100 copies by request of the Joint Committee on the Library.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HALE. In what is known as the Manderson bill, which, after long consideration in the Senate, was passed about six years ago, the number of all documents to be furnished in different directions was fixed, and except as it has been varied by reports from the Committee on Printing that has been the law since then, I should like to ask the Senator from New York reporting the joint resolution how much increase it provides over the provisions of the present law?

Mr. PLATT of New York. I can not answer the Senator from Maine exactly as to that, but it is only a nominal increase. This measure came from the Librarian himself, and I did not investigate as to how much of an increase is proposed, but I do not imagine that it is very much.

Mr. HALE. If it is only a small increase I do not object. I have not the act here. That prescribes what the number shall be. But I think the Senator should look carefully that we do not send over to the Library a mass of matter that will never be used, but will accumulate and pile up there and will needlessly occupy room, because if we shall do it to a great extent we shall soon find that the large space we have given for the books will be taken up by these documents.

I am not prepared, because I do not know how large an increase is proposed, to object to the joint resolution now, but I call the Senator's attention to that point.

Mr. COCKRELL. Let it lie over, then, so that it can be examined.

Mr. HALE. It might go over for a day, if the Senator from New York has no objection, and then we will look at the Manderson law.

Mr. PLATT of New York. Very well.

The PRESIDENT pro tempore. The joint resolution will lie over for one day if there be no objection.

ARMY POST EXCHANGE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 146) for the printing as a Senate document of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen, to report a Senate resolution in lieu of the joint resolution, and I ask for its present consideration.

The PRESIDENT pro tempore. The resolution reported as a substitute will be read.

The Secretary read as follows:

Resolved, That there be printed as a Senate document 10,000 copies of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen, of which 3,500 copies shall be for the use of the Senate and 6,500 copies for the use of the House of Representatives.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PETTIGREW. I should like to know the purpose of printing the testimony at this time.

Mr. HAWLEY. Well, Mr. President, I can explain it. By some disagreeable mistake the Printer—I do not know that he was to blame, either, I do not know how it came around—printed the number we seemed to have wanted at that time before the resolution directing the printing had been passed, and the Printer's accounts are now rather awkward for him. He has in print this number of copies, and the resolution ought to be passed.

Mr. HALE. It has been already printed?

Mr. HAWLEY. They are already printed, and we just want to adopt this resolution in order to enable him to keep his accounts correctly.

Mr. PETTIGREW. I had the impression that it was for the purpose of bolstering up the Administration's case in their defense of the canteen, for they took the evidence practically of only those who were in favor of this institution. But if it is for the purpose of correcting an error and the copies are really printed, then I shall not object.

Mr. HAWLEY. That is all there is to it.

The PRESIDENT pro tempore. This is reported as an original Senate resolution?

Mr. HAWLEY. It does not go over the $500 limit. I do not see how it is myself, but they say it does not go over the allowance.

Mr. SHOUP. If the resolution is to lead to further discussion, I must object.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT pro tempore. The joint resolution (S. R. 146) for the printing as a Senate document of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen will be indefinitely postponed.

ESTATE OF A. N. PERKINS, ETC.

Mr. TELLER, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1185) for the relief of the estate of A. N. Perkins, deceased, late of Tuscaloosa, Ala.;

A bill (S. 1335) for the relief of Thomas E. Streeter;

A bill (S. 3822) for the relief of Jacob Joiner;

A bill (S. 4344) for the relief of Joseph Harvey, administrator of Matilda Harvey, deceased;

A bill (S. 4990) for the relief of James Chieves;

A bill (S. 5117) for the relief of Jesse W. Coleman; and

A bill (S. 5880) for the relief of the estate of Mrs. Charity M. Locke, deceased—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 1185, 1335, 3822, 4344, 4990, 5117, and 5880, for the relief of the estate of A. N. Perkins, deceased; for the relief of Thomas E. Streeter; for the relief of Jacob Joiner; for the relief of Joseph Harvey, administrator of Matilda Harvey, deceased; for the relief of James Chieves; for the relief of Jesse W. Coleman, and for the relief of the estate of Mrs. Charity M. Locke, deceased, now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

POTOMAC RIVER FLATS.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats, to report it with amendments. This is a very important matter for the War Department in connection with the Potomac Flats, and I ask for its immediate consideration. It will take but a moment. The bill came from the House yesterday, and it is very important to have the matter closed.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the District of Columbia were, in line 3, page 1, to strike out "Norris" and insert "Morris;" in line 5, page 2, after the word "improvements," to strike out the words "used in connection therewith" and insert "made by or;" and in lines 11 and 12, on the same page, to strike out the words "used in connection therewith," so as to read:

That in the case of the United States against M. F. Morris and others, instituted under the act of Congress entitled "An act to provide for protecting the interests of the United States in the Potomac River Flats," approved August 5, 1886, 24 Statutes, 335, and recently remanded by the Supreme Court of the United States to the supreme court of the District of Columbia, the latter court, in order to carry out the mandate of the Supreme Court and also to carry into full effect the provisions of an act of Congress approved March 3, 1899, 30 Statutes, 1377, entitled "An act relative to wharf property and certain public spaces in the District of Columbia," is hereby authorized and directed, in ascertaining the values of the wharf structures and other improvements made by or belonging to the defendants in the above cause, or to others, which are in or over the waters of the Potomac River, south of Water street, in the city of Washington, in which the said defendants claim riparian rights, to also, in like manner, ascertain and determine the values of the portions of such wharf structures and other improvements which are upon the adjoining land of the United States, but not in or over the said waters of the Potomac River, and shall also ascertain, declare, adjudge, and award to whom the values so determined are justly payable.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SHOUP. I give notice that I wish to have the Senate proceed with the consideration of the Army appropriation bill, and I shall reserve the right to object to the consideration of bills.

INAUGURAL ARRANGEMENTS.

Mr. GALLINGER. From the Committee on the District of Columbia I report a joint resolution giving the Commissioners of the District of Columbia authority to provide for the public comfort. It is a joint resolution a few lines in length that is important in reference to the inaugural ceremonies, and I ask that it be considered at this time.

The joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to expend a sum not to exceed $500 from the emergency fund of the District of Columbia to provide for the public comfort during the approaching inaugural ceremonies; and the said Commissioners may from time to time issue temporary permits for the aforesaid purpose, subject to such regulations as they may prescribe.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSA M. WYATT AND OTHERS.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 5960) for the relief of Rosa M. Wyatt;

A bill (S. 5992) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash;

A bill (S. 5121) for the relief of Harvey R. McRaven;

A bill (S. 5905) for the relief of the legal representatives of Mary E. Purnell, deceased;

A bill (S. 4346) for the relief of the estate of Turner Merritt;

A bill (S. 5959) for the relief of Clementine Vaughn; and

A bill (S. 5972) for the relief of Attie Lewis—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 5960, S. 5992, S. 5121, S. 5905, S. 4346, S. 5959, and S. 5972, for the relief of Rosa M. Wyatt; for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; for the relief of Harvey R. McRaven; for the relief of the legal representatives of Mary E. Purnell; for the relief of the estate of Turner Merritt; for the relief of Clementine Vaughn; and for the relief of Attie Lewis, now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

LEGAL REPRESENTATIVES OF JOHN M'VEA.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 6011) for the relief of the legal representatives of John McVea, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 6011) entitled "A bill for the relief of the legal representatives of John McVea, deceased," now pending in the Senate, together with all the accompaning papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JOINT RESOLUTION INTRODUCED.

Mr. CAFFERY introduced a joint resolution (S. R. 165) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $250,000 for the construction of a revenue cutter for use in the waters of the Territory of Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate $6,500 for the construction of an elevator in the court-house and post-office building at Pensacola, Fla., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER submitted an amendment proposing to appropriate $610 to pay Francis Bloodgood, of Milwaukee, Wis., being the balance of a judgment rendered in his favor in the district court of the United States for the eastern district of Wisconsin for services rendered as United States commissioner, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $5,565 to refund to Rodocanachi Sons & Co., being the amount levied as additional duties by the United States on 449 bales of wool, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing that of the appropriation of $48,000 for improving the inner harbor at Michigan City, Ind., $20,000 be used in the discretion of the Secretary of War for the construction of a turn basin in that harbor, intended to be proposed by him to the river and harbor appropriation bill; which was ordered to lie on the table, and be printed.

Mr. CAFFERY submitted an amendment authorizing the Secretary of the Treasury to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes numbered 30003 and 149003, from July 1, 1878, to February 21, 1892, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SHOUP submitted an amendment proposing to appropriate $1,000 to pay John W. Langley, appointment clerk of the Census Bureau, for extra services rendered from May 1, 1899, to the present time, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Census, and ordered to be printed.

Mr. McENERY submitted an amendment proposing to refer the petition and account of E. H. McIlhenny for expenses incurred and services rendered by him in rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean in the years 1897 and 1898 to the Secretary of the Treasury for examination, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. JONES of Arkansas submitted an amendment proposing to appropriate $87.50 to pay Joseph W. Parse the amount paid by him for rent of a room for use of the United States district court in Batesville, Ark., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KENNEY submitted an amendment that in the purchase of the entire collection of maps, field notes, records, and other surveying data of the late H. W. Brewer, the name of the late Charles Wilson be added, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GENERAL HAINS'S PAPER ON ISTHMIAN CANAL.

Mr. MORGAN. I ask that a paper which I hold in my hand may be printed as a document for the use of the Senate. It is an address made by Gen. Peter C. Hains on the subject of the isthmian canal from a military point of view, before the American Academy of Political and Social Science in Philadelphia on Tuesday last. It contains very valuable statements upon the subject of the fortification of a canal. This gentleman being a member of the Isthmian Canal Commission, I think it is quite important that the paper should be printed.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Alabama asks unanimous consent that the paper he has indicated may be printed as a document. Without objection, it is so ordered.

COMPILATION OF TREATIES, ETC.

Mr. MONEY. I ask that there be printed as a Senate document 3,000 copies, 2,000 for the use of the House and 1,000 for the use of the Senate, of a compilation of the treaties of all nations, and laws passed, concerning the sale of ardent spirits and firearms to the savage natives in the South Sea Islands, etc.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. HOAR. The Senator was not heard on this side of the Chamber. Will he kindly repeat his request?

Mr. MONEY. The request is for the compilation of the treaties of all nations, and laws passed, concerning the sale of ardent spirits and firearms to the savage tribes of the New Hebrides and other South Sea Islands. It is very desirable that this compilation should be printed as a document, not only for the use of Congress, but for the general public. More telegrams, I suppose, have been received on this subject than on any other before the Senate. Senate bill No. 5696 on this subject was introduced by the Senator from Massachusetts [Mr. LODGE] and reported by myself from the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that an order be made for printing 3,000 copies of the compilation referred to, 2,000 for the use of the House of Representatives, and 1,000 for the use of the Senate.

Mr. LODGE. I suggest that the usual number be printed as a Senate document.

Mr. MONEY. What is the usual number?

The PRESIDENT pro tempore. The Chair understands it is 1,632.

Mr. MONEY. That will be sufficient.

The PRESIDENT pro tempore. Is there objection to the request as modified, that the usual number of copies of the compilation referred to be printed? The Chair hears none; and that order is made.

COST OF PUBLIC ARC LIGHTING.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be, and it is hereby, directed to investigate the cost of public arc lighting and make a report to the Senate on the same.

CHURCH LANDS IN THE PHILIPPINES.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 additional copies of the Report on Church Lands in the Philippine Islands, with the accompanying message of the President, for the use of the Division of Insular Affairs, War Department.

CORRESPONDENCE RELATIVE TO GUNNER CHARLES MORGAN.

Mr. ALLEN. I offer the resolution which I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate copies of the letter of Charles Morgan, gunner in the United States Navy, addressed to Admiral W. T. Sampson in the month of February, 1901, asking for a recommendation to the Secretary of the Navy for promotion to the office of ensign in the Navy, and Admiral Sampson's indorsement thereof, and all other letters and communications on the subject between Admiral Sampson and the Navy Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask that the resolution may go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rules.

SECURITIES OF INTERSTATE RAILROAD COMPANIES.

Mr. PETTIGREW. I offer the resolution which I send to the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish the Senate with a statement showing in detail the character and par value of all common stock, preferred stock, mortgage bonds, income bonds, car trust certificates, and other securities issued or authorized to be issued by each railroad company subject to the provisions of the act to regulate commerce, together with the par value of each class of such securities outstanding on June 30, 1900, the rate of interest or dividends paid thereon during the year ended June 30, 1900, and the market value of such securities on March 31, June 30, September 30, and December 31, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. I wish that the resolution might lie over, for the reason that I am not sure that the Interstate Commerce Commission have any information which would enable them to answer the resolution.

The PRESIDENT pro tempore. Objection being made, the resolution will go over.

RESOLUTIONS PASSED OVER.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate the resolution submitted by the Senator from South Dakota [Mr. PETTIGREW] on yesterday in relation to automatic car couplers.

Mr. SHOUP. I ask the Senator from South Dakota if he will not permit the resolution to go over until to-morrow, so that we may proceed with the consideration of the Army appropriation bill?

Mr. PETTIGREW. I am willing that the resolution shall go over, retaining its place.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

There are two other resolutions coming over from a previous day, one submitted by the Senator from North Dakota [Mr. HANSBROUGH] in relation to letters of Jefferson on Cuban annexation, and another resolution submitted by the Senator from South Dakota [Mr. PETTIGREW] in relation to the hours of labor on Government work. Is there objection to these resolutions going over, retaining their place? The Chair hears none, and that order will be made.

BONDS OF PIMA COUNTY, ARIZ.

Mr. DILLINGHAM. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 8068, which I ask to have read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) "An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

First, the House agrees to the amendment of the Senate on page 3, line 9;

second, the Senate recedes from its amendment on page 3, lines 12 to 14; third, the Senate recedes from its amendment on page 3, lines 15 and 16; fourth, the Senate recedes from its amendment on page 3, line 18; fifth, the Senate recedes from its amendment on page 3, lines 18 to 20, inclusive; sixth, the House agrees to the Senate amendment striking out the preamble, with the following amendment, to which the Senate agrees: Strike out the words "the aforesaid," in line 12, page 3, and in lieu thereof, after the word "of," in said line 12, insert the following: "The 147 negotiable coupon bonds, each in the sum of $1,000 and dated June 30, 1887, issued by the supervisors of Pima County, Ariz., and numbered 104 to 250, both inclusive;" seventh, the House agrees to the Senate amendment of the title of said bill, so that the bill as agreed upon by the conference committee shall read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the board of supervisors of Pima County, Ariz., be, and they are hereby, authorized to prepare, execute, sell, and deliver, from time to time, bonds of the said Pima County, in accordance with the provisions of Title XXXI, chapter 2, county indebtedness, of the Revised Statutes of Arizona, approved March 2, 1887, bearing interest not exceeding 4 per cent per annum, both principal and interest payable only in gold coin of the United States of America of present standard, the proceeds to be used only for the redemption of the 147 negotiable coupon bonds, each in the sum of $1,000 and dated June 30, 1887, issued by the supervisors of Pima County, Ariz., and numbered 104 to 250, both inclusive. The total amount of the bonds hereby authorized to be issued shall not exceed $147,000, and no bonds shall be issued under the provisions of this act except when it is necessary so to do in order to refund the aforesaid indebtedness of Pima County, and then only in amounts sufficient to refund such indebtedness as it falls due, as hereinbefore set out. None of said bonds shall be sold or exchanged for less than their par value and any interest that may be due thereon, and this act shall be printed on the back of all bonds issued under the provisions of this act.

"SEC. 2. That this act take effect and be in force from and after its passage.

"Amend the title so as to read: 'An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.'"

W. J. SEWELL,
W. P. DILLINGHAM,
WM. B. BATE,
Managers on the part of the Senate.

W. S. KNOX,
L. FLETCHER,
D. E. FINLEY,
Managers on the part of the House.

Mr. PETTIGREW. Mr. President, I ask that the conference report may go over and that the bill as agreed to in conference may be printed, so that we can see what has been done there. There seems to have been some revolutionizing about it.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the conference report go over for the present and that the bill be printed as it will stand if the report of the conference committee be adopted. Is there objection?

Mr. KYLE. Mr. President——

The PRESIDENT pro tempore. In the absence of objection, the request of the Senator from South Dakota will be considered as agreed to.

Mr. KYLE. I should like to know whether that was agreed to.

The PRESIDENT pro tempore. It is agreed to.

Mr. KYLE. I rose to interpose an objection to the conference report going over.

Mr. LODGE. If objection is made and this report is going to lead to debate, I shall raise the question of consideration on it. I do not think we ought to go on with the consideration of a question like this when the Army appropriation bill is pending.

Mr. PLATT of Connecticut. I think certainly the conference report ought to be printed, so that we may have an opportunity to see it in printed form.

Mr. KYLE. I withdraw the objection, if it be understood that the conference report be taken up to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER, Mr. HITT, and Mr. JONES of Virginia managers at the conference on the part of the House.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. On behalf of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 13822, being the fortifications appropriation bill, I present the conference report, and ask that the Senate agree to the same.

The PRESIDENT pro tempore. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13822) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 8, 9, and 10; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the board itself, as the Secretary of War may direct, and one additional member shall be added to the said Board of Ordnance and Fortification, who shall be an artillery officer of technical ability and experience, to be selected by the Secretary of War;" and the Senate agree to the same.

GEORGE C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
SAMUEL J. PUGH,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

Mr. BUTLER. I ask the Senator in charge of the bill to be good enough to make a statement of the controverted points. Of course, no Senator has the bill before him, and so is unable to understand from the reading of the conference report what has been done.

Mr. PERKINS. The first amendment from which the Senate conferees recede is amendment numbered 1, which has been read at the desk, for the purchase of land on Cushings Island, Portland Harbor, Maine. In the interest of economy, the Senate finally, after due conference and consideration, receded from that amendment.

Does the Senator desire me to go through all the various amendments which were dealt with by the conference?

Mr. BUTLER. No; that will do.

Mr. PERKINS. There are ten amendments in all which were in disagreement.

The conference report was agreed to.

GOVERNMENT OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist upon its amendment and agree to the request for a conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. GALLINGER, and Mr. MALLORY were appointed.

FRANK B. CASE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TILLMAN. I move that the Senate insist upon its amendment, and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN were appointed.

HENRY B. SHELL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 9903) granting an increase of pension to Henry B. Shell.

ARMY APPROPRIATION BILL.

Mr. SHOUP. I move that the Senate proceed to the consideration of what is known as the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902, the pending question being on the

amendment submitted by Mr. VEST to the amendment reported by the Committee on Military Affairs as amended.

The PRESIDENT pro tempore. The Senator from Washington [Mr. TURNER] is entitled to the floor.

Mr. PRITCHARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. TURNER. Yes, sir.

Mr. PRITCHARD. I ask the Senator from Idaho [Mr. SHOUP] if he will yield to me for a motion to take up what is known as the District code bill?

Mr. SHOUP. I shall have to decline to yield to the Senator for that purpose. I wish the Army bill to have preference. I have yielded a great deal heretofore to Senators in a spirit of accommodation, but I can not possibly yield further.

Mr. TURNER. Mr. President, when the Senate adjourned on yesterday I was endeavoring to show that the temporary scheme adopted for the government of the Territory of Louisiana by Congress could not be considered as a precedent for the extraordinary grant of power which this amendment proposes to vest in the President, because the Territory of Louisiana came to us with a government already in force, having officers and a code of laws, and the act of Congress taking over that Territory and making temporary provision for its government until Congress could act more fully in the premises simply adopted the government and the laws and provided that the power to execute them should be vested in such officers as the President of the United States should appoint.

When you come to analyze that enactment of Congress it will be seen that it amounts to no more than an adoption by Congress, for the time being, of the government and the laws then existing in the Territory of Louisiana, and authorizing the President to fill up the offices provided by such laws with such persons as he might choose to appoint, who should carry on the government in the manner that it had theretofore been carried on, until Congress should act further in the premises.

It will be seen that there was in that instance no delegation of legislative power to the President at all. There was simply a conferring on him of the rightful and proper and constitutional power to fill up those offices as he pleased, and to carry on by the incumbents of those offices the government of Louisiana as it had theretofore been carried on, and not some indefinite government to be established by him. But by this amendment the President is to be given power to vest all military, civil, and judicial power in the Philippine Islands in such officers as he pleases and to be carried on in such manner as he shall direct, which involves not alone the appointment of the officials, but the determination of their powers and duties as well.

There is no perpetuation of the existing government which we received when we received the sovereignty of the Philippine Islands. The effect of this is to destroy all of that, and vest in the President the power to establish and maintain such government as, in his discretion, may seem best and to execute it by such persons as he may choose to appoint for that purpose.

Mr. President, the act of Congress of October 31, 1803, which took over the government of the territory of Louisiana, was construed in a subsequent law passed by Congress at the same session, and the limited character of the power conferred upon the President is very clearly set out in this subsequent enactment of Congress. I refer to the act approved March 19, 1804, providing for the expenses of the civil government of Louisiana; and I call the attention of Senators to this exposition by Congress of the meaning of its former enactment. Section 2 of that act provides:

SEC. 2. *And be it further enacted*, That for the purpose of making a reasonable compensation to the person or persons in whom the powers of civil government, heretofore exercised by the officers of the said territories under the Spanish and French Governments, have been vested by the President of the United States, and also for defraying the other civil expenses of the said territories from the time when possession of the same was obtained by the United States to the time when a form of government shall, under the authority of Congress, be established therein, a sum not exceeding $20,000, to be expended under the direction of the President of the United States and to be accounted for as other public moneys, shall be, and the same hereby is, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

For the purpose of making compensation to the persons in whom the powers of civil government theretofore exercised by the officers of said territory under Spanish and French laws had been vested, is the language of the enactment, showing that Congress never had in mind that it was conferring upon the President the power to establish a scheme of government in the Territory of Louisiana and to carry it on in such manner as he pleased, but that it was simply conferring on him the power to fill up the offices theretofore in existence in the territory of Louisiana with such persons as he pleased, and to carry on that government already in existence by those officers.

Mr. President, we have not been favored with the views of the author of this amendment, or of any of its friends, on this question of power which I have been discussing. They have been silent on the subject, and, so far as anybody knows, they propose to remain silent and to force a vote upon this amendment without any discussion upon their side concerning its merits. But I have heard it suggested by gentlemen who, I suppose, are in favor of the adoption of this amendment, that this was no more a delegation by Congress of legislative power than it was a delegation of legislative power to create Territorial governments in the several Territories in which legislative departments were provided for and vested with the power of legislation.

Mr. PLATT of Connecticut. Will the Senator allow me to ask him a question?

Mr. TURNER. Yes, sir.

Mr. PLATT of Connecticut. Is there not a plain distinction between the delegation of power by Congress and the exercise of power by Congress through persons to be selected in the way provided by Congress?

Mr. TURNER. Mr. President, I can not see, as applied to this proposition, any distinction. If Congress is invested by the Constitution with power to be exercised by it alone, it must exercise that power, and it can not cast the burden upon any other shoulders. Of course, there may be a conferring of power upon any individual or upon any department of Government if it be within the purview of the Constitution, but it is not permissible for Congress to shift from its shoulders to the shoulders of any individual or any department of Government the power conferred on it alone.

I was proceeding to say with reference to the proposition that this proposed amendment was no more a delegation of legislative power than was the conferring upon the legislature of a Territory the right to legislate in the Territory; that when the Constitution of the United States was formed it found in existence a scheme of Territorial government established by the Confederation for the government of the Northwest Territory.

The Government of the United States owned Territories prior to the adoption of the Constitution; it had organized Territorial governments, and had created three departments of government therein—legislative, executive, and judicial—and had conferred upon the legislative department the power of legislation in all local matters, subject to the supervising power of Congress. So when the Constitution was adopted it was adopted in view of the fact that that was the scheme of Territorial government prevailing upon this continent pursuant to our ideas of free representative government, and the Constitution must be considered to have been adopted in view of that fact and in recognition of the fact that that was a proper form of legislation to be pursued in the government of the Territories of the United States.

When the constitutions of the several States were adopted, we had what were called township governments in many of the States. In all New England, I believe, they had township governments, in which there was a large legislative power vested as to all local matters. So, also, we had municipal corporations, and the power to legislate in local matters was confided to those corporations. When the State constitutions were adopted, they were adopted with the knowledge on the part of the framers of the constitutions of this system and with the implied adoption of that system. Consequently while every State in the Union has three departments of government, while the courts of those States have been jealous to keep separate and apart and distinct the powers of those several departments of government, it has never been considered in any of them a trenching upon that principle for the legislature to delegate to municipal corporations or to township governments the right to legislate in local matters.

So when the Constitution of the United States was adopted, with the existence of the government for the Northwest Territories well known to its makers, it was adopted with a knowledge of the fact that that was the American system, and that system would be pursued in the government of other Territories if any such should come to the United States. Such has been the uniform history of legislation for all the Territories of the United States when found to be fitted for government.

It was declared in the Supreme Court of the United States in some case—I can not quote it now—that the articles for the government of the Northwest Territory were adopted anterior to the Constitution and that they stood upon the same footing as the Constitution and had the same degree of dignity and power in the American system. They were considered a solemn and binding compact between the States of the Union and the people of the unorganized Territories which could not be departed from without a violation of the plain faith and the plain duty of the people of the United States to the people of the Territories. That being the fact, manifestly while the creation of these Territories and the vesting in their legislatures of legislative power is in essence a delegation of legislative power, it is a delegation of power which was within the contemplation of the makers of the Constitution, and is not, therefore, in violation of the principle for which I am here contending.

Mr. President, this measure presents a question of policy as well as a question of power, and, in my judgment, the one appeals to Congress against the enactment of this proposed legislation as fully and as strongly as the other. It is a departure from the American system, the first in the history of this Government, and it involves such an extraordinary departure that I do not think Congress at this time, with the meager discussion which it is possible to give to it, ought to consider for a moment the question of its adoption.

As I stated yesterday, it vests in the President of the United States all of the powers which belong to and are exercised by the Czar of Russia in the government of any of his subjects. It gives him and his creatures all legislative, executive, and judicial powers in the government of the people of the Philippine Islands. Ought we to establish any such scheme of government? Ought we to adopt any such principle in dealing with any people who are to be subject to the sovereignty of the United States? Ought we to run counter to the accepted history and the accepted principles of government which have prevailed for one hundred and twenty-five years in dealing with this people who have come under the sovereignty of the United States, who are entitled to the protection of the Constitution of the United States and to the beneficent institutions which we ourselves enjoy?

I remember when the Spanish treaty was adopted the distinguished author of this amendment stated, in one or more speeches delivered in this Chamber, that there was not only no purpose on the part of anybody to deprive the people of the Philippines of the benefits of free government, as understood by the people of the United States, but I believe he went further and stated that there was no purpose on the part of anybody to deprive them ultimately of their independence, for which they were then striving and for which they have ever since been striving.

I remember that every time the Philippine question has been discussed our friends on the other side have risen and rebuked Senators upon this side who have been fearful that these people would not be accorded the same rights that all of the people of this country have, and they have said that in good time, when the insurrection had been suppressed, full and just and adequate legislation would be adopted, extending to the people of the Philippine Islands all the benefits of free government, as that term is understood in this country. And yet here, when it is proposed for the first time to legislate in the direction of giving these people a civil government, the proposition is to vest in one man every power of every character which may be exercised in government, absolute, autocratic, dictatorial, and imperial power. It is an extraordinary proposition; to my mind it is a monstrous proposition; one which no man of any political party in this Chamber or in public life in the United States ought to countenance for a moment.

If the institutions which we shall frame for the government of the Philippine Islands are to react upon the institutions of the United States, as we heard from a distinguished Republican Senator when the matter was first discussed in this Chamber, then indeed we may well tremble for this country if the amendment of the Senator from Wisconsin be adopted, because we will not only have a czar for the government of the people of the Philippine Islands, but we will have a czar for the government of the people of the United States before the Government of the United States shall have passed out of existence.

Moreover, Mr. President, we are striving at this time, if the reports from our officials in the Philippine Islands are to be accredited, to inspire confidence and respect and affection in the breasts of that people toward the Government and the people and the institutions of the United States. Is an autocratic form of government, in which all power is vested in one man, the way to inspire respect and love and affection in the breasts of the people of the Philippine Islands toward the United States of America? Is it the way to carry to them the message of peace and good will and respect for their rights, which it should be the object of every legislator to endeavor to convey to them, to say to them, "We are now dealing with your rights; we are now considering the form of government which we are to give to you; and the best we can do is to vest all power absolutely in the President of the United States, to give you such a government as he pleases, to legislate for you as he pleases, to make such institutions for you as he pleases, and to carry on those institutions for you as he pleases."

Mr. President, if I were a Filipino, I would never cease opposition to the attempt to impose the rule of the Government of the United States upon myself and my people in face of so tyrannical a proposition as that which is involved in this amendment, and I shall lose faith in the justice and mercy and love of the Almighty for mankind, if, this being the best we can do for the people of the Philippine Islands, He permits the struggle of that people to throw off our rule to fail and come to naught. Tyranny is tyranny the world over, whether enacted by the Congress of the United States or the British Parliament, whether enforced by the autocratic power of the Czar of Russia or the arbitrary will of the President of the United States.

Mr. President, is it imagined by anyone that we are going to give to the people of the Philippine Islands fair and decent and honest government as the result of this legislation? Can anybody imagine anything of the kind? Does not everybody know that it can not and will not result in anything of the kind? Does not everybody on the contrary know that it will result in debauchery, in dishonesty, in corruption, and in bringing down upon the Government and the people of the United States the utmost shame and humiliation? The members of the Philippine Commission themselves have drawn for our information a picture of that which is going to happen when we establish this scheme of civil government for the people of the Philippine Islands. I read from the report of that commission, page 20:

> The difficulties in securing a good civil service in the islands are formidable. There are two classes of applicants, one the Americans and the other the Filipinos. The Filipinos have had no training except from being in the Spanish service or observing its workings. That service was notoriously corrupt. The salaries paid were palpably inadequate for the support of life and were a plain intimation to the civil servant, in their inadequacy, that, if he could, he was expected to add to his official income in illegal ways and by peculation. This is not only characteristic of Spanish civil service, but also of that of all Oriental governments, and in the outset it is not too severe to say that the percentage of Filipinos who can be trusted to handle money in public office or to exercise any direct official control over their fellow-residents, without peculation or the imposition of illegal charges is comparatively small.
>
> They must be taught by better salaries and by the example of the Americans a different standard of integrity. On the other hand, the Americans who come to these islands come eight or ten thousand miles, come with a venturesome spirit, come with the idea of amassing a competence by their stay in the islands. They are exposed in any important official position where there is opportunity for defeating the rights of the government to constant temptations offered them by interested persons seeking to escape lawful burdens or to obtain fraudulent advantage, and who have no other conception of a public officer than of one who is to be reached by bribery if the sum offered be large enough.

Macaulay gives us in his essays something of an insight into the corruption and the results of the corruption of arbitrary government such as that which it is proposed by this bill to impose upon the people of the Philippine Islands. We are proceeding now to establish a system there, if system it may be called, in which the rights of the people of those islands are not nearly so well guarded as were the rights of the people of India against the impositions of officers of the East India Company in the early history of English dominion in the East Indies.

Yet it was the recognized thing that the superior officers, and even the inferior officers of that company, who went out to carry on the government of India, were expected, out of the peculations in which they might engage during their service there, to amass a competency upon which they might come back to their native country and live in affluence and plenty ever afterwards. It became so notorious that those officials, when they came back to their native country, became known as nabobs. Are we going to establish a government for the Philippines without any limitations whatever, intended to secure honesty and efficiency? Is it possible we are going to invest a single individual with autocratic power in those islands? Are we going to repeat the history of England, and have a class of nabobs returning to this country from the Philippines, rich on the plunder of that people, to be known here as the nabobs of the Philippine Islands?

Mr. President, the President does not need this power. Everybody knows that insurrection is still rampant in those islands. Everybody knows that we are not anyways near the end of the war in those islands. Everybody knows that the President, as the Commander in Chief of the Army and Navy of the United States, so long as war exists there, can exercise and lawfully exercise as a war power identically the powers which it is proposed to vest in him by this extraordinary legislation.

Why, then, I ask, should we rush in at this hour for the purpose of establishing civil government which can not be put in force there until the military government has been got out of the way, and knowing that the latter can not be gotten out of the way until the war has ceased? Why should we put this extraordinary legislation upon the statute books at this time? There is not any necessity for it. There might be some necessity for it if the Senate could get its consent to the scheme outlined by the Philippine commissioners providing a civil government with power to grant franchises in the islands and with power to dispose of the lands and the mines of the islands. But the Senate has indicated its purpose not to give any temporary government that may be established in the Philippine Islands any such power. If the amendment of the Senator from Wisconsin be adopted it will be limited by other amendments taking away from the government to be established the power to grant such franchises or to dispose of the lands and mines.

Therefore I say it is exceedingly unwise, in virtue of the very doubtful character of the power at least, and in view of the injurious effect which it is certain to have upon the minds and the affections of the people of those islands, for the United States to

think of enacting this legislation at the present time. We will have plenty of time to adopt needed and proper legislation at some later session of Congress. It is not pressing. The insurrection is not going to be put down between now and the assembling of the next Congress. This will remain a dead letter upon the statute books for years and years to come, but it will constitute a precedent so pernicious that even though dead, it will live to curse us throughout our entire history.

Mr. President, I hope our friends on the other side will consider this matter carefully, will look into it, will reason it out for themselves, and that in the end they will see the unwisdom of making such an extraordinary grant of power to any individual, even though he hold the exalted position of President, and all for nothing, all for the accomplishment of no purpose, except that, having sworn the animal was 16 feet high, they now propose to stick to it.

Mr. SHOUP. I will say to the Senator from Washington that if he will examine an amendment found at the bottom of page 3385 of the RECORD, he will see that provision has been made guarding against any such abuse of power.

Mr. TURNER. I understand that to be the case. Therefore, I say, as this amendment has been shorn of everything which could grant to the President any power which he does not already have and exercise as the Commander in Chief of the armies of the United States, it is utterly useless to put it on the statute books. It does not accomplish anything. It runs four or five years ahead of the necessities of the situation. Why put an utterly indefensible provision in the statutes of the United States, or, if not indefensible in the view of our friends on the other side, yet one which is so exceedingly doubtful that it seems to me it ought to make them pause and hesitate?

This is not the way we have treated our other Territories. As the Senator from Alabama [Mr. MORGAN] said, this amendment is drawn in the similitude of the act of Congress taking over the government of the territory of Louisiana, but it is a counterfeit, a barefaced, base, bald, bold counterfeit. It does not accomplish what the act for the government of Louisiana accomplished at all. It is not intended to accomplish for the government of the Philippine Islands what the act of Congress accomplished for the government of the territory of Louisiana. It is intended, on the contrary, in giving a sweeping grant of power to the President for the government of the Philippine Islands, to counterfeit the Louisiana act, in order that the consciences of the people of the United States may not be aroused to protest against such reckless, vicious, and indefensible legislation.

In view of this spurious and deceitful counterfeit I wish to point out again, as it has been pointed out before, that even this act for the government of the Territory of Louisiana, innocent as it was, as I believe it has been shown, of any of the vices of this proposed legislation, was enacted for only a limited period, that it carried within itself, as stated by the Senator from Alabama, the seeds of its own dissolution, because it was to expire by virtue of its own terms at the expiration of the then session of Congress unless superseded by other legislation which Congress might enact during that session; and Congress did, at the same session at which this temporary grant of power was given, provide for and erect in the Territory of Louisiana a Territorial government in the same form, with the same departments of government as theretofore established for the government of the Northwest Territory and the government of the Southwest Territory. A full scheme of government for Louisiana had been put in force by the enactment by Congress of laws to that end before the close of its then session.

More than that, this first scheme of government adopted for the Territory of Louisiana, taking the place of the temporary government established by the act of October 21, 1803, had provided that the legislative power should be vested in a limited number of persons, residents of the Territory, to be appointed by the President of the United States. That led to great dissatisfaction on the part of the people of the Territory of Louisiana, who protested that they were not given the rights and privileges and liberties secured to them by the terms of the treaty of cession. There was turbulence and disorder, and in consequence it was only a few months later that Congress again legislated for the Territory and wiped out all discrimination against its people and gave to them the power to elect for themselves their own legislative assembly, with power to deal with their local interests as it pleased.

The later provisions are found in an act for further providing for the government of the Territory of Orleans, adopted by Congress on the 2d day of March, 1805, within less than a year after the adoption of the first Territorial government of Orleans and under the provision of which amendatory act the people of the Territory of Louisiana were given the right to elect their own legislative assembly, charged with the duty of legislating for them in all local matters.

I want to here call the attention of the Senate to a report made by Mr. Randolph, at the second session of the Eighth Congress, which preceded this amendatory act, under which the people of the Territory of Louisiana were raised to the condition of self-government.

Mr. Randolph says in that report:

But because the memorialists may have appreciated too highly the rights which have been secured to them by the treaty of cession, the claims of the people of Louisiana on the wisdom and justice of Congress ought not (in the opinion of your committee) to be thereby prejudiced. Relying on the good sense of that people to point out to them that the United States can not have incurred a heavy debt in order to obtain the Territory of Louisiana merely with a view to the exclusive or especial benefit of its inhabitants, your committee at the same time earnestly recommend that every indulgence, not incompatible with the interests of the Union, may be extended to them. Only two modes present themselves whereby a dependent province may be held in obedience to its sovereign State—force and affection.

The first of these is not only repugnant to all our principles and institutions of Government, but it could not be more odious to those on whom it might operate than it would be hostile to the best interests, as well as the dearest predilections, of those by whom, in this instance, it would have to be exercised. The United States are not the property of an hereditary despot or the rich prize of a military adventurer whose favorites and followers may batten on the spoil of plundered provinces won by the blood and treasure of their exhausted subjects, but they form the patrimony of a free and enlightened people, who control, while they constitute the only fund from which the men and the money of which military power is composed can be drawn. It can never be the interest, therefore, of the people of the United States to subject themselves to the burdens and their liberties to the dangers of a vast military force for the subjugation of others.

The only alternative, then, which presents itself is believed to be not more congenial to the feelings than to the best interests of the Union. So long as their authority pervades the Territory of Louisiana, so long as their laws are respected and obeyed therein, your committee are at a loss to conceive how the United States are more interested in the internal government of that Territory than of any State in the Confederacy. By permitting her inhabitants to form their own regulations the voice of discontent would be hushed, faction (if it exist) disarmed, and the people bound to us by the strong ties of gratitude and interest. The spirit of disaffection, should it be excited at any future period by ambitious and unprincipled men, would be in direct hostility to the obvious interests of the people of Louisiana, whilst the ability of the Union to repress it would remain unimpaired.

Mr. President, these words of Mr. Randolph are as applicable to the people of the Philippine Islands as they were at the time they were written to the people of the Territory of Louisiana. If we would have peace and order in the Philippines, if we would win the affection and the confidence of that people, if we would win them to a regard for the institutions of our Government, the way is not to press upon them a tyranny by force of the military power of the United States, but as quickly as we can, at the first opportunity when peace shall descend on the islands, to give them a form of government in which they themselves will be the moving factors, in which they themselves will have the principal voice, in which the protection of the life, the liberty, and the property of their own people will be worked out through and by means of their own institutions and their own chosen officials.

Mr. President, I feel deeply on this subject, but this is all I shall say at the present time. I sincerely hope the amendment offered by the Senator from Wisconsin will not be adopted.

Mr. TELLER. Mr. President, I realize how difficult it is in the expiring hours of a Congress to get a fair hearing, a patient hearing, even on subjects of great importance that really require the attention of the members of the Senate. I desire, in addressing myself to the two controverted questions which are presented by this bill, one concerning the Philippine Islands and the other concerning Cuba, to be as brief as I can.

I regard the question presented by the amendment offered by the Committee on the Philippines as very much improved by the amendment of the senior Senator from Massachusetts [Mr. HOAR]. Still, it is an objectionable provision. The amendment proposed by the Committee on Relations with Cuba is a very much better proposition than the public press gave us reason to suppose would be submitted to the Senate as an amendment to this bill. Yet there are some features of it that I have not felt inclined to entirely agree with, and of which I shall speak as briefly as I think the importance of the subject will justify.

Mr. President, I am going to be frank about this matter. I want to say now that if there was a Congress to follow this that was not in full accord with the present Congress, if there was a Democratic Congress to follow this, I should myself insist that these two provisions should not be incorporated in the statute at the present session. But when we come to the practical consideration of the question we know very well that the next Congress will be dominated by the same party that dominate this, with, if anything, a rather stronger force than they have in this. Some concessions have been made to those who do not approve of the principle of the Philippine proposition because of the difficulty the friends of that proposition saw in front of them if they attempted to force it in the way it was introduced into the Senate. I have no hesitation in saying that if it had not been for the fear of a protracted delay and a defeat, the provisions concerning Cuba would be very different from what they are now. In a practical way, looking at what is to be the result, I believe that if this action is not taken at the present session of Congress, and a special session shall be called, there will be more vicious legislation concerning these two questions than is now proposed.

There is another consideration, Mr. President, for me. The party that proposes this legislation now is entering upon another four years of domination, so far as the Executive is concerned. For four years at least the Executive Office will be filled with one who is in accord with these provisions, and I am sorry to say that in

my opinion he is in accord with them in their worst features. So, as a practical question, I believe it is better for us to debate them now, expressing our objections to them in a proper manner, and then allow the dominant party to take the vote and become responsible to the country for this legislation.

Mr. President, the Senator from Alabama [Mr. MORGAN] and the Senator from Washington [Mr. TURNER] have so thoroughly gone over the question of the power to delegate to the President what is proposed in this bill touching the Philippine Islands that I do not intend at this late hour of the session to repeat what they have said. A legal argument is practically the same whenever made by a person who has a full conception of the legal question and its bearing upon the subject before the court or before the Senate, and I can add nothing very much except by way of prelude to say that I thoroughly agree with the Senator from Alabama and the Senator from Washington that the quotation of the action of 1803 with reference to Louisiana is no precedent whatever for this action. As stated by them, the conditions are not alike. The authority then given was an authority to administer the laws that were then in existence, and this is an authority to create laws, and, having created them, to execute them.

Mr. President, as a lawyer I am at a great loss to understand what benefit shall come by this proposed legislation. If there is a condition of war in the Philippine Islands, as is contended and which I do not propose now to challenge, the President of the United States is there then in the exercise of the power given to him as the Commander in Chief of the Army in a state of war. I do not myself know any limitation upon that power. I never have found in my reading or in my researches that there was a point to which he could not go where any absolute king or absolute emperor could go. That is one of the objections to the exercise of this power. But it is a power that is almost necessary to be given to the Commander in Chief in time of war upon the well-known adage or the well-known sentiment that the civil laws are obsolete and disappear in a time of active war.

I do not suppose it will ever be in the power of men to regulate that power so that it will not be an absolute power; but the fathers of the Republic supposed it would be only executed in the hour of flagrant war, when the necessities of the country demanded that there should be no dual administration; when the necessities required that all the authority that was possible to be exerted by the nation should be exerted in the interest of the war.

Whether such a condition exists now is another question; but it is assumed here that it does exist. Therefore, those who claim that it exists have no right to come here now and say there is a lack of power on the part of the President to do what is necessary to maintain peace, to establish a civil government, to secure the rights of person and property in the Philippine Islands.

The Senator from Indiana [Mr. FAIRBANKS] a day or two ago told us that unless this legislation took place there could be no establishment of civil government. Mr. President, that is not the fact. The power of the Commander in Chief goes to the creation of a civil government if he sees fit to create it. It is true it gets its authority from the war power, but to all practical purposes it is a civil government if the government shall be administered, not by the agents of the Army, but shall be administered by those who are not clothed with military authority, except as they are clothed with it for the purpose of exercising not military but civil functions. The Supreme Court of the United States in the case of Cross *vs.* Harrison, found in 16 Howard, decided in 1853, declared in no less than six or seven places that the government in California was a civil government and not a military government, and that it was a civil government established by the President of the United States by virtue of his power as Commander in Chief of the Army.

Now, if you want to establish a civil government in the Philippine Islands, the power exists in the President of the United States to establish a civil government. Every principle of a civil government, every constitutional provision made, every tradition of a free people can be enforced by virtue of the President's power, if he sees fit to do it. If he desires to give to the people of the Philippine Islands the protection of all the provisions of the Constitution, he can do that.

Why is it that in the expiring hours of this Congress this provision, so strange to American law and so strange to American minds, so at variance with our ideas of just government, shall be forced upon us? We understand, Mr. President, that we are impotent to defeat this measure unless we shall debate it to an extent that shall prevent a vote, and, as I have said before, I do not believe we would accomplish anything by that course.

It is an offensive provision. It is, as I said, an unusual provision. It is unknown to us in its character, and I have in vain sought to find from some friend of the Administration what benefit is to be derived from it or what advantage either to the Government or to the people of the Philippine Islands.

Mr. President, before we get through with voting I want to offer an amendment, and I will submit it now for fear that I will forget it. I will send it up to the desk and have it read. I offer it as a separate section.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read the proposed amendment.

The SECRETARY. Insert as a separate section the following:

SEC. —. That the Constitution of the United States is hereby extended over and declared to be in force in the Philippine Islands so far as the same or any provision thereof may be applicable.

Mr. HOAR. Will my honorable friend allow me to make a suggestion to him?

Mr. TELLER. Certainly.

Mr. HOAR. I ask him whether that is not in some way a little ambiguous; that is, does it not affirm over the whole islands our just and rightful and lawful constitutional authority? I do not know what the Senator may think on that point, but I do not think we have any authority there. If the Senator would be willing to modify it so as to say that it is in force in the Philippine Islands so far as to control the action of every American official there, I should be very glad to give it my hearty support.

Mr. TELLER. I am not very particular about how that is done. There is an amendment now pending that will, if adopted, render it quite unnecessary that I should offer this.

Mr. President, I want to be frank about it. I want to find out whether those who say the Constitution does not go there and who say that it is a part of the United States are willing to put the Constitution there or not. Of course I have no idea that it will be adopted, but if it should be adopted I believe it would be the best thing that could be done. The amendment the Senator from Missouri [Mr. VEST] has proposed, that the legislation shall be in accordance with the Constitution and laws of the United States is perhaps in better shape for some minds than the other proposition. I have no idea myself that we are ever to surrender the Philippine Islands. I believe they are to be kept by the Government of the United States—held by it with a sovereignty more or less over them. Whether it is wise or not to do so is not a question I mean to debate. I am looking at the practical condition. I do not believe we shall surrender them to any other nation in the world, and we can only surrender them rightfully and properly to the people of that country. We have no right to surrender them to anybody else.

I know that in the next four years there is no probability that the sovereignty of those islands will be surrendered where it belongs—to the people of the islands; and if we are to be the dominating power there, I want the Constitution of the United States to be there. I want it to throw around every citizen of that country—who are not, in my judgment, citizens of the United States at the present day—all the protection that the Constitution gives to the people within the States. I know, of course, that it is not applicable so far as State governments are concerned. It is not applicable in many ways; and yet we have been in the habit of declaring this for many years. We have been declaring that the Constitution should take effect in the Territories. I will not spend much time on that point except to call it briefly to the attention of the Senator from Massachusetts and others. For instance, when Colorado was admitted into the Union not as a State, but as a Territory, I find this provision:

That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Colorado as elsewhere within the United States.

I have practically copied that in this suggestion. I find when Nevada became a Territory, in 1861, the provision was:

That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nevada as elsewhere within the United States.

Such have been, without stopping to read them, the declarations practically with regard to all the Territories, including Oklahoma, the last one we organized. I do not know, nor does any one else, what the Supreme Court of the United States may say as to the Constitution in the Territories; and I do not now care to go into a debate on that question. Whatever we may think about it, whatever may be our personal views, when the court shall have decided that question, as it is likely to do very soon, we shall have to conform our legislation to that opinion. If they say the Constitution is there by virtue of its own force, then there is no reason why we should attempt any legislation with reference to it. If they say it is not there, then, it seems to me, we ought to put it there. No harm can be done unless it is, as the Senator suggests, a recognition, perhaps, of our supremacy there, which he seems inclined not to be quite willing to concede.

Mr. HOAR. If the Senator will pardon me—I do not like to interrupt him—in my opinion, in the Constitution, in international law, and in justice, we have no more right to govern the people of the Philippines than they have to govern us.

Mr. TELLER. I should like to ask the Senator a question, if he will answer it.

Mr. HOAR. Very well.

Mr. TELLER. What would be the difference if we should declare that the Constitution of the United States was in full force and effect in the Philippine Islands, so far as it was applicable?

Mr. HOAR. That affirms the rightful authority of the United States over that people, which I deny. I deny that we could ever get a title over a people, either by purchase or by conquest.

If the Senator would say in his amendment that so long as the authority of the United States is maintained there, the Constitution is in force over the civil and military officers of the United States, that would have my support; but it struck me in what he said that he had yielded the question of right in the matter. I am not sure that the Senator meant to yield that.

Mr. TELLER. I do not mean to yield that. I merely say that I presented that for the purpose of calling out a vote on that simple proposition.

Mr. SULLIVAN. I should like to inquire whether either the Senator from Colorado or the Senator from Massachusetts maintains that the Government of the United States has not, both by conquest and purchase, the absolute right to control the Philippine Islands?

Mr. TELLER. To do what?

Mr. SULLIVAN. Whether the Government of the United States has not by law and title a right to the ownership of those islands? Do we not own the Philippine Islands?

Mr. TELLER. No.

Mr. SULLIVAN. I would put a further question, then, whether or not, at the time the war with Spain came on, the Filipinos owed allegiance or were subject to any government except that of Spain?

Mr. HOAR. They owed allegiance to their own government.

Mr. SULLIVAN. They were in a condition of rebellion against their rightful government—the Spanish Government.

Mr. TELLER. Mr. President, speaking for myself only, I find no difficulty with the title of the United States to the Philippine Islands as a question of territorial domination. We took them from Spain, but we took them subject to the rights of the people living on the land, and my contention has ever been since we have ratified the treaty, since we paid for the islands, since we conquered them, that under the laws of nations we had a right to them; but I have insisted that the fact that we had national control over them, that all the world recognized that we were entitled to take possession of them and to keep possession of them, did not release us from the obligation we owed to the people of the Philippine Islands.

What I have insisted, as well as I could, on former occasions, I want to insist on now in the fewest words that I can, so as not to prolong debate—that, in my judgment, the people of a country own it, and our title is subject simply to their right.

There is no way to determine this question of our title; there is no forum to which you can go; but the world says we have got title there; we say we have got title there; and that title brings with it obligations on our part. Those obligations are to recognize the great underlying principles of a republic, to recognize that we have not the right to dominate over those people and control them, either because we conquered that country or because we bought it, or both. We have not the right to avoid those obligations because we may set up the false claim that we are setting up here—that these people are incapable of self-government.

The proposition to clothe President with this power and to create a government there consisting of one-man power and one-man power alone is so repugnant to me, and it seems to me must be so repugnant to every man who thinks rightly on this subject, that I am at a loss how to contest it, how to argue it. It does not seem to me that it ought to be necessary in the Senate of the United States to discuss the duty of the Government of the United States in reference to those people. Whether they came under our domination by virtue of a treaty, or by virtue of conquest, or by their own voluntary surrender to us, our obligations are the same.

Mr. President, I am afraid to go beyond that, because, if I did, I should open up a discussion in my own mind which I should not be able to conclude within the period to which I desire to confine my remarks.

I will not read the case of Cross *vs.* Harrison, but I want to call attention to the syllabus of it, and I think I can read all I wish to there as to the proposition that this is not an enlargement of powers. I want to read only a sentence:

> The formation of the civil government in California, when it was done was the lawful exercise of a belligerent right over a conquered territory.

I read that simply to sustain my proposition that, if the President wants to establish a civil government in the Philippines, he has ample authority to establish it. Having ample authority to establish it, it seems to me he should have established it long ago, and it will not do for him to come here now and say, "I can not establish a civil government there, because Congress has not given me the power." The President, in the first place, has not before asked the power, and, in the second place, we will give him no more power than he has.

There are some ideas of government which there is great danger we may forget. There are some ideas which prevailed in the early history of this country, which had a controlling influence in securing the present form of government, which I think occasionally we might return to. I want to read some extracts from an address of the Continental Congress before the separation of the colonies from Great Britain, at a time when the great majority of men connected with public affairs in the colonies hoped and expected that we would maintain our colonial relations with that country. They are epitomized in an address sent to the people of Quebec by that Congress, which will be found in volume 1, page 40, of the Journals of Congress. My attention was called to this by a young man who was temporarily in the city. I want to read just a few extracts from it, as it is too long to be read in full.

This is an address prepared by a committee and signed by "Henry Middleton, president," which was submitted to the Continental Congress and approved. I will not attempt to read the text of it, but it names five rights which are essential to liberty.

First. The right of the people to share in their own government by their representatives chosen by themselves.

Mr. President, have we heard any suggestion anywhere in the legislation now proposed that the people of the Philippine Islands ought to have any share in it? I have an amendment pending that they shall have participation in it, but that amendment will not receive the approval of the majority in this Chamber. There is no pretense that those people are to take any part in this new so-called civil government to be established.

The second essential right named in this address is the right of trial by jury.

The third is the right to the writ of habeas corpus.

Mr. President, I have an idea that the right of habeas corpus exists in the Philippine Islands. I do not suppose it could be invoked or enforced, yet as early as 1350 the right of habeas corpus was a well-recognized principle under Spanish law, and I believe has ever been, nominally at least, a feature of Spanish jurisprudence; but it certainly is not in active existence in the Philippine Islands to-day. If so, I suppose those unfortunate creatures, citizens of the United States, some of them at least, and others under our protection and care, or they ought to be, would have invoked it before they were transported from their homes to a distant land and kept there as exiles.

Fourth. The right of holding land by the tenure of easy rents and not by rigorous or oppressive services.

Fifth. The freedom of the press.

Those are the things which are laid down in this address as essential to liberty.

Let me read what was said about it, and I ask the attention of the Senate to it for a moment. I do not believe anybody here has any business which is more important than occasionally going back and hearing what the fathers said about the fundamental principles of liberty. The English Government had organized in Canada a government that had a governor; they had what they called civil government—just such a civil government, Mr. President, as you are going to have in the Philippine Islands—civil only in name; not a republican government, not a free government, but an absolute government—a government as absolute as any government under the sun. When this amendment shall have been crystallized into law, and the President shall have executed it by appointing his representatives, I say here now that in all the world you will find no more absolute government than that, and you may search every page of history since letters were known to men and you will not be able to find a more absolute government than that will be. An absolute government of that character established in the twentieth century by the professed great free Government of the United States! It is not a free government; it can not be a free government when all the power is resolved into one man, though he may have a hundred agents to execute it.

Let us see what these struggling patriots said about this kind of a government:

> You have a governor, it may be urged, vested with the executive powers or the powers of administration. In him and in your council is lodged the power of making laws. You have judges who are to decide every cause affecting your lives, liberty, or property. Here is, indeed, an appearance of the several powers being separated and distributed into different hands, for checks, one upon another—the only effectual mode ever invented by the wit of men to promote their freedom and prosperity.

That is as true to-day as it was one hundred and twenty-seven years ago—

> But, scorning to be illuded by a tinseled outside and exerting the natural sagacity of Frenchmen, examine the specious device and you will find it, to use an expression of holy writ, "a white sepulcher" for burying your lives, liberty, and property.
>
> Your judges and your legislative council, as it is called, are dependent on your governor, and he is dependent on the servant of the Crown in Great Britain. The legislative, executive, and judging powers are all moved by the nods of a minister.

Could anybody state more clearly and pointedly the condition that will exist under this law when it goes into effect?

> Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve.

Mr. CHILTON. Was that the answer of the Continental Congress?

Mr. TELLER. That was an address sent in 1774 by the Continental Congress, when it was still hoped, and it is so expressed in

this address, that their relations to Great Britain would continue and would be regulated and recognized as the condition of Englishmen. They so stated.

Those men were students of history; they were philosophers in the art of government and greater truths were never uttered. They were not original with them, however, for that great French writer Montesquieu had said the same thing. These great truths that are necessary to be recognized to maintain freedom and liberty are not the creation of men; they have existed always; they are the emanation of the Deity; they are not human, they are divine, and no nation has ever neglected them or repudiated them that could claim to be called a nation of freemen. To-day we are asked here to put our approval upon a bill that would carry the Government of this country back to the dark ages.

Mr. President, I will not give it my approval; but it will get the approval of the great American Senate and the American House of Representatives, and I very much fear that the people of this country have so forgotten these great principles of liberty that it may receive the approval also of the country. But, nevertheless, it is our duty to raise our voices against it and at least give warning to the American people that an outrage of this kind, perpetrated upon 10,000,000 men, who may not be citizens of this country, but who are under its jurisdiction, at least, must in the end reflect upon every one of the 76,000,000 men who dwell under our flag.

Mr. President, I am anxious not to appear to impede the proceedings of the Senate, and I know that if I should take a week my words would fall upon dull and heedless ears. I know that the edict has gone forth that this is to be added to the statutes; and if it is not added to the statutes, the administration of affairs in the Philippine Islands has been upon that principle for two years, and it will go on with the statute or without it. I regret to see the American Congress putting itself back upon what I believe to be a wicked and vicious system of administration, and I will not lend my voice to it.

Now, I want to say a few words about Cuba, and then I propose to leave this matter, not because I have said what I want to say, nct because I have said what I ought to say perhaps, but because it is useless to say more.

The Committee on Relations with Cuba, of which I am a member, have reported an amendment to this bill. It is so much better than what the public press declared was to be demanded of the people of Cuba that I experienced a feeling of relief, at least, when I found that it was not to be so drastic and so savage as I had supposed. I do not believe that it is what we ought to demand of Cuba. I do not believe that it minimizes or destroys her independence. I believe she will be an independent power even with this amendment, but I greatly fear that it will wound the sensibilities of those people down there and that it may get us into trouble. I wish they would accept it, for it would be infinitely better for them to accept it than it would to have other terms, infinitely harder and more drastic, applied to them, as I am sure they will be applied if this bill fails.

Cuba is a foreign country. It has been so said by the Supreme Court of the United States, and it was so declared by us here when we, by a vote of 64 to 6, declared in this body that it was a republic when we declared the people of Cuba were free and of right ought to be free. I have no fears myself about the condition in Cuba. I believe to-day, if their government were put in operation, if we withdrew our troops and recognized it, and should refrain from any attempt to control or influence it, peace and order would there prevail. Possibly now and then there might be an exception, but no greater than has been found in this country year after year in different States, no greater than was found in our earliest history, when there was a whisky rebellion in Pennsylvania, and Dorr's rebellion in Rhode Island, and serious troubles in different States from time to time, even down to modern days, within the last two, three, or five years.

Such émeutes and such troubles will occur; but the Cuban people will in time work out their salvation, and they will have a government there that, in my opinion, will take care of property interests and private rights, and will recognize the right of the people there to a due participation in the affairs of their government.

Mr. President, I have spoken longer than I pledged myself to the Senate that I would speak; but I am not satisfied with what I have said, for the reason that I have said it in such haste. I will take a moment longer to say that when we submit these propositions to Cuba I hope they will be accepted by the people of Cuba; but if not, I want to say that, in my judgment, there should be no drastic measures nor any friction engendered because they may not be willing to accede to our demands, but that further consideration should be had in regard to these matters.

Mr. President, with these brief remarks, I now leave the question.

Mr. PETTIGREW. Mr. President, before I begin my remarks upon the general question, I wish to call the attention of the Senate to some questions of franchises in connection with the Philippine Islands.

Last year a company was organized for the purpose of exploiting the Philippine Islands. It was called the Philippines Lumber and Development Company. It issued an elaborate prospectus, and opened an office in Chicago. I would not allude to the matter if it were not for the fact that prominent officers of the Government were connected with its organization and were members of its board of directors. According to the prospectus, this company had a capital of $5,000,000, and was to engage in the purchase and sale of lumber in the Philippine Islands, and assist in the general development of that country. Their prospectus says:

> Negotiations are pending for timber rights, and some valuable timber rights have already been secured, and negotiations for others are rapidly approaching completion. No other company can compete with this one in getting a first foothold in the islands, and for several years at least this company will be ahead of all competitors.
>
> Unlike most tropical countries the labor problem is easily solved by the Chinese labor, which is plentiful and fairly good.

The office of the company is in the Merchants' Loan and Trust Company building, corner of Adams and Clark streets, Chicago, and upon the glass door of the office is printed the following:

> Philippines Lumber and Development Company, J. A. T. HULL, president.

Mr. HULL, the president of this Philippine company, is chairman of the Committee on Military Affairs of the present House of Representatives. The attorney of this company is Hon. B. B. DOVENER, a member of Congress from West Virginia. The company is organized in West Virginia. Its treasurer is John Gibson, a banker at Creston, Iowa. Its secretary is Stewart Spalding, of Chicago. Mr. Spalding is also secretary of the Calumet and Chicago Canal and Dock Com any and is financially interested in other concerns. The officers of the company said last fall, when interviewed by a reporter, that the son of Congressman HULL and a former major of volunteers was at that time in the islands in the interest of the company. I do not care to comment upon this. It is not strange that these things occur and that members of Congress and prominent officers of the Government undertake such enterprises and engage in them—enterprises which for their success are based upon the influence of those who have to say what policy, military and otherwise, shall be pursued in regard to those people. I say it is not surprising that members of Congress engage in these transactions when the Administration is appointing the sons and relatives of Senators, Members, and judges to official positions when legislation is pending which the Administration is exceedingly anxious shall come to a successful conclusion.

This simply illustrates what may be accomplished in the Philippines if the policy now being pursued is to be continued. Sixty-eight million acres of the land in that country are still owned by the Government. But a few million acres have gone into private ownership. The purpose of the company was—and it was one of the arguments which they used with people in order to induce them to invest in their stock—that they had concessions from private parties of land in that country, but they could, no doubt, also secure large concessions from the Government itself. Here, then, is the chairman of the Committee on Military Affairs of the House of Representatives, a man who, above all others, had charge of the bill to enlarge the Army for the purpose of continuing our operations in that country, exploiting the Philippines. It is not the only enterprise engaged in by the officers of the Government.

I have in my hand papers in relation to the organization of a company for the purpose of controlling the production of hemp in the Philippine Islands. The scheme of the company was to build at Manila a mill to manufacture manila hemp and also to control the output of the islands. A meeting was held in this city which was attended by H. O. S. Heistand, Assistant Adjutant-General of the Army of the United States, and he, with Major Hawks, proceeded to the organization of a company under the laws of West Virginia for the purpose of building a factory to manufacture manila hemp and to control the output of manila hemp in the island. Major Hawks testified that the Assistant Adjutant-General informed him that several officers of the Army had been seen by him and would engage in the enterprise. One thing is certain, the Assistant Adjutant-General did engage in the enterprise, as will be shown by his letters and telegrams attached to these papers.

It was arranged that Major Hawks should go to New York and raise the capital necessary to carry on this enterprise, and the Assistant Adjutant-General agreed to secure for him the indorsements of the officers of the Army for this purpose. So on July 13, 1899, Major Hawks received the following:

WASHINGTON, D. C., *July 13, 1899.*

To whom it may concern:

Erastus L. Hawks, late major, Tenth United States Volunteer Infantry, and now organizing a company for the purpose of manufacturing rope and cordage from manila hemp at Manila, P. I., has our full confidence and earnest good wishes, believing his representations and business methods will be correct.

The enterprise, we believe, affords a good opportunity for the safe investment of capital, and the Government will look with favor on same.

H. O. S. HEISTAND,
Assistant Adjutant-General.
JAMES A. BOYD,
Assistant Attorney-General.

GEO. D. MEIKLEJOHN,
Assistant Secretary of War.

Then follows a letter:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 27, 1899.

MY DEAR MAJOR HAWKS: I did not get to see General Corbin before you left the other day. I was kept busy at the White House all afternoon, and only chanced to meet Meiklejohn as he was leaving the office. He is much pleased with the work done. We are expecting a cable now any time in re the site.

You are assured of assistance in making your project a success, and, indeed, it looks as if you could even in spite of us if we were not your friends.

Yours, sincerely,

H. O. S. HEISTAND.

He was still occupying the position of Assistant Adjutant-General. Here is another:

WASHINGTON, D. C., *July 31, 1899.*

MY DEAR MAJOR HAWKS: Your note of the 26th to hand, and I note with gratification what you say of our prospects and progress.

I have sent you a pamphlet showing export duties, etc., as at present arranged. Of course the needs of the future will be met as developments require.

Yours, truly,

H. O. S. HEISTAND.

Here is a scheme originating in the War Department. Heistand says that the Adjutant-General, his immediate chief, and the Assistant Secretary of War were parties with him in the transaction. Hawks goes to New York, receives the indorsement of the Assistant Secretary of War, the Assistant Adjutant-General, and James E. Boyd, Assistant Attorney-General, and promotes his enterprise. He receives from Heistand the assurance that the duties will be arranged—

Of course the needs of the future will be met as developments require—

Referring to the duties to be levied upon their products.

Mr. TELLER. I ask the Senator what is the name of Mr. Boyd. Is he the gentleman whom we confirmed as United States judge in North Carolina?

Mr. PETTIGREW. I do not know.

Mr. GALLINGER. He is the same man.

Mr. TELLER. The same man?

Mr. GALLINGER. Yes; the same man; confirmed as United States judge.

Mr. TILLMAN. What papers are those from which the Senator from South Dakota is reading?

Mr. PETTIGREW. I am reading sworn copies of letters and correspondence between Heistand, Assistant Adjutant-General, and Major Hawks. These are verified by affidavit as being correct copies.

Mr. TELLER. Is the Major also in the service?

Mr. PETTIGREW. The Major is not in the service. But I will reach that further on.

Mr. TILLMAN. Those are the two who had some trouble, and one was discharged and the other retained?

Mr. PETTIGREW. Promoted.

Mr. TILLMAN. And promoted.

Mr. PETTIGREW. Yes; Heistand was promoted. Then follows this:

WASHINGTON, D. C., *August 1, 1899.*

MY DEAR MAJOR HAWKS: The following telegram received from General Otis this morning:

"Number available sites between Bacoor and Cavite well protected, permitting building of wharves to deep water, about 24 feet. Price depends upon vicinity to villages, and now fluctuating."

Very sincerely,

H. O. S. HEISTAND.

Maj. E. L. HAWKS, *New York City.*

He is still Assistant Adjutant-General. He telegraphed to Otis to select a site, which gives additional assurance to New York investors that the Army was behind the enterprise.

Again:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 9, 1899.

MY DEAR MAJOR HAWKS: I have your several recent favors and am sorry you were ill, but am pleased that you are entirely recovered again.

I return herewith Mr. Jackson's letter, and have mailed you to-day map showing you the district about Manila.

I don't think there will be any more troops raised, and I base this opinion on present indications. However, if they are, I will let you know as soon as my advice warrants.

Sincerely, yours,

H. O. S. HEISTAND.

Maj. E. L. HAWKS, *New York City.*

Finally it appears that Meiklejohn and Corbin refused to go on with the enterprise. They dropped out. Then difficulty arose. Heistand was sent to Paris. Hawks was left, with what expenses he had incurred, in trouble and difficulty. He thereupon put the matter in the hands of an attorney, who saw Meiklejohn and saw Corbin. He finally agreed to take a sum of money for his expenses and an appointment in the War Department, if he would keep quiet in the future and drop the enterprise, so far as his relations with it were concerned. Here is a copy of an affidavit by Hawks, reciting the settlement, which I will ask to have printed in the RECORD without being read.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). If there be no objection, it will be so ordered.

The affidavit is as follows:

DISTRICT OF COLUMBIA, *ss:*

Before me, the undersigned, a notary public in and for the District of Columbia, on this —— day of January, A. D. 1900, personally came Erastus L. Hawks, of lawful age, who, being duly sworn according to law, deposes and says that he is a resident of the District of Columbia; that he is personally acquainted with H. O. S. Heistand; that he is the same Erastus L. Hawks who has this day executed an indenture of release and satisfaction to the said H. O. S. Heistand; that, as a part consideration for the execution of such release, he has received from the said Heistand the sum of —— dollars in money to him in hand paid, and that, in further consideration of the adjustment of the disputes and differences between him and the said Heistand, spoken of in such indenture of release, he has delivered to the representatives of the said Heistand letters, telegrams, papers, documents, contracts, articles, minutes, and memoranda, by whomsoever made, written, signed, or executed, in any way connected with the business spoken of in said indenture, that have come into his possession or under his control, as well as all copies thereof, whether written, printed, carbon, or letter-press, and all pictures, photographs, lithographs, duplicates, engravings, negatives, films, or reproductions thereof, or any part or portion thereof, no matter how made, which have been in any way within his possession or control or knowledge, and that neither originals or copies or duplicates or reproductions of any kind or character whatsoever now remain in his possession or under his control, or in the possession or control of anyone else, by or through the affiant, except alone the representatives of the said Heistand, and further affiant saith not.

Mr. PETTIGREW. Then follows this remarkable situation:

APPOINTMENT DIVISION, WAR DEPARTMENT,
Washington, March 1, 1900.

Erastus L. Hawks is hereby employed as inspector under the War Department for duty in connection with the customs service in the Philippine Islands, at a compensation at the rate of $1,800 per annum, to be paid from the fund accruing from the collection of revenues in the Philippine Islands.

This employee is entitled to transportation and actual and necessary expense of subsistence while traveling from Washington, D. C., to Manila, P. I., at a rate not exceeding $3 per diem, to be paid from the said fund as above.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

The next paper is:

UNITED STATES CUSTOM-HOUSE,
Manila, P. I., April 18, 1900.

SIR: I have the honor to inform you that you are hereby detailed for duty at the custom-house at Iloilo, P. I.

You will proceed by the earliest Government transportation to Iloilo and report to the collector of customs of that port.

Please exhibit this communication to the depot quartermaster and secure your transportation to Iloilo.

Very respectfully,

WM. SPURGIN,
Lieutenant-Colonel Sixteenth U. S. Infantry,
Collector of Customs of the Islands and of the Chief Port.

Mr. E. L. HAWKS,
Inspector, Customs Service, Manila, P. I.

Thereupon Mr. Hawks proceeded to Iloilo, and upon arrival there was dismissed from the service without transportation home and without money. He had been in the service two days, and I will ask to have inserted the papers that corroborate my statement in regard to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The papers referred to are as follows:

UNITED STATES CUSTOM-HOUSE,
Manila, P. I., June 11, 1900.

To the Secretary to the United States
Military Governor in the Philippine Islands.

(Through the collector of customs.)

SIR: I have the honor to transmit herewith a copy of a letter of appointment to the position of inspector under the War Department, for duty in connection with the customs service in the Philippine Islands.

Under this order and the assignment of the collector of customs of the islands, I proceeded from Washington, D. C., to Manila, P. I., thence to Iloilo.

I have the honor to also inclose a copy of a cablegram from the War Department which reached me May 12. I left Iloilo for Manila by the first available transport.

I have been paid the salary stated in my letter of appointment to include April 30 last.

I have the honor to request that I may receive pay from May 1 to July 20, which will be the earliest date at which I will be able to reach Washington, at the rates established in my letter of appointment, and that I may receive transportation from Manila to San Francisco per transport, and from San Francisco to Washington, my home and the place at which I received my appointment.

Being desirous of leaving on the transport *Hancock*, I respectfully request an early and favorable consideration of this application.

Very respectfully, your obedient servant,

E. L. HAWKS, *Inspector.*

UNITED STATES CUSTOM-HOUSE,
Manila, P. I., June 11, 1900.

Hawks, E. L., late inspector, Philippines customs service, requests that he be paid salary under terms of his appointment from May 1 to July 20, 1900, and that he be furnished transportation from Manila, P. I., to San Francisco, and from San Francisco to Washington, D. C.

[First indorsement.]

UNITED STATES CUSTOM-HOUSE,
Manila, P. I., June 11, 1900.

Respectfully forwarded to the secretary to the United States military governor in the Philippine Islands, recommending approval.

WM. F. SPURGIN,
Lieutenant-Colonel Sixteenth United States Infantry,
Collector of Customs of the Islands and of the Chief Port.

[Second indorsement.]

OFFICE OF THE UNITED STATES
MILITARY GOVERNOR IN THE PHILIPPINES,
Manila, P. I., June 12, 1900.

Respectfully returned to the collector of customs of the islands and the chief port, Manila, P. I.

The military governor authorizes the payment of salary to the writer of the within communication up to and including July 13, which will be the date of his discharge from the service, and may be paid by you, inclusive, to that date.

Orders have been issued to the chief quartermaster to provide him with transportation from this port to San Francisco on next transport leaving Manila. Mr. Hawks may likewise be paid his traveling expenses from Iloilo to this point in the amount stated by you on the communication inclosed herewith.

No per diem allowance during the return travel from Manila to the United States will be allowed. No transportation beyond San Francisco will be granted, and Mr. Hawks will be expected to pay the expense of his own subsistence on board the transport en route to San Francisco.

Any claim which he may have for per diem and traveling expenses en route from Manila to the place of his appointment will be preferred by him upon his arrival at the latter point.

By command of Major-General MacArthur:

E. H. CROWDER,
Lieutenant-Colonel Thirty-ninth Infantry, U. S. V.,
Secretary.

A true copy.

VANDEVOORT,
First Lieutenant, Thirty-fifth Infantry, U. S. V.

OFFICE OF THE UNITED STATES MILITARY GOVERNOR
IN THE PHILIPPINE ISLANDS,
Manila, P. I., May 7, 1900.

The COLLECTOR OF CUSTOMS OF THE ISLANDS
AND OF THE CHIEF PORT,
Manila, P. I.

SIR: The following is a copy of a cablegram received this day and furnished for your information:

WASHINGTON, D. C., *May 5, 1900.*

OTIS, *Manila:*

Appointment E. L. Hawks inspector in customs service is revoked.

ROOT, *Secretary of War.*

Very respectfully,

R. A. BROWN,
Major and Inspector-General, U. S. V.

Official copy, respectfully furnished the collector of customs, Iloilo, P. I., for his information and guidance.

United States Custom-House, Manila, P. I., May 9, 1900.

W. F. SPURGIN,
Lieutenant-Colonel Sixteenth U. S. Infantry,
Collector of Customs of the Islands and of the Chief Port.

A true copy.

WOTHERSPOON,
Captain, Twelfth Infantry, Collector of Customs.

No. 518 TENTH STREET NW.,
Washington, D. C., August 1, 1900.

SIR: On March 1 I was appointed inspector of customs in the Philippine Islands. Left Washington on the 8th following, arriving at Manila, P. I., April 16, and reported for duty. Was assigned to the port of Iloilo, P. I., as chief inspector, and ordered to take the first available transport for that point. April 23 I sailed on the U. S. transport *Indiana*, arriving at Iloilo on May 7, and immediately reported for duty. On May 12 a copy of your order revoking my appointment was received, dated War Department, Washington, D. C., May 5, or two days before reaching my destination.

Your order simply revoked my appointment, without reference to pay or transportation. After much delay I succeeded in getting transportation to Manila, P. I., and there the commanding general passed on my case, allowing me pay to and including July 13 and transportation from Manila to San Francisco, Cal. After arriving there on July 14, I telegraphed the Assistant Secretary of War, asking that transportation be furnished to Washington, which was granted.

Up to the time of my arrival here I had no idea of the cause of my dismissal. On reporting to you, and asking to be informed as to the reasons for my removal, I gathered from your response that it was because of my former connection with a movement to organize a hemp company, which was abandoned.

I have suffered, as a consequence of the Department's action, financial loss and mortification, and I can not but feel that your sense of justice will prompt you to afford me an opportunity to present such facts for your consideration as will show that there exists no grounds for such complaints as may have been made against me, if any.

Very respectfully,

ERASTUS L. HAWKS.

Hon. ELIHU ROOT,
Secretary of War, War Department, Washington, D. C.

(Not answered August 13, 1900.)

WASHINGTON, D. C., *August 13, 1900.*

SIR: Not having heard from you in response to mine of August 1, 1900, asking for a statement of the cause of my removal as inspector in the customs service in the Philippine Islands, and no hearing, as requested, having been granted me, I beg to say that I now consider myself at liberty to take such steps in my own defense as may seem to me advisable.

Respectfully, yours,

ERASTUS L. HAWKS.

Hon. ELIHU ROOT, *Washington, D. C.*

WASHINGTON, D. C., *August 27, 1900.*

Hon. WILLIAM MCKINLEY,
President of the United States, Washington, D. C.

SIR: On March 1 last I was appointed to the customs service in the Philippine Islands, and on April 18 assigned to duty at the port of Iloilo, and on May 5 summarily removed, receiving notice of such removal on May 12. These and other pertinent facts will more fully appear by reference to letters to the Hon. Elihu Root, Secretary of War, copies of which are sent herewith, and a perusal of such letters will show that I have repeatedly sought an explanation of the causes of my removal, and my applications in this respect, both verbally and written, have been silently ignored.

I feel it my duty, therefore, to submit these letters for your consideration to the end that I may obtain such information as to the causes of removal or charges against me as even the worst offender would be entitled to obtain.

I also send herewith copy of my order of appointment and of removal, as well as a letter from W. W. Wotherspoon, captain, Twelfth Infantry, collector of customs at Iloilo, showing that all duties assigned to me were performed promptly and to his entire satisfaction.

Believing that this application will appeal to your high sense of justice, and thanking you for the favor of an early response,

I have the honor to be, very respectfully, your obedient servant,

ERASTUS L. HAWKS.

DUDLEY & MICHENER,
ATTORNEYS AND COUNSELORS AT LAW, PACIFIC BUILDING,
Washington, D. C., January 25, 1900.

DEAR SIR: Pursuant to our conversation this afternoon we wired Major Heistand, advising that he pay $650 in full satisfaction of all demands, and asking that he have that amount put to our credit in bank here immediately. We also requested an immediate response.

We will give you notice as soon as we hear from him.

Very truly, yours,

DUDLEY & MICHENER.

Mr. WILLIAM C. MCINTIRE,
614 F Street NW., City.

DUDLEY & MICHENER,
ATTORNEYS AND COUNSELORS AT LAW, PACIFIC BUILDING,
Washington, D. C., January 25, 1900.

DEAR SIR: Major Heistand is away from Paris on leave, which accounts for his failure to answer our cablegram sooner.

We have received a cablegram from him this morning, saying that he will pay $500. Evidently he understands, as we have all understood from conversations with your client, that this will cover his actual outlay.

Very truly, yours,

DUDLEY & MICHENER.

Mr. WILLIAM C. MCINTIRE,
614 F street NW., Washington, D. C.

UNITED STATES CUSTOM-HOUSE,
Manila, P. I., June 12, 1900.

MY DEAR MAJOR: In the settlement made last winter my expense account was $885, and four months' service in organizing the Cordage Company, for which my charge was $250 per month, or $1,000, making in all $1,885. I was paid $650 and promised an appointment. After waiting one month, during which time the honorable Assistant Secretary of War was reminded of his promise several times, the appointment was made. (See copy of appointment.)

I left Washington for San Francisco March 8; sailed from San Francisco on the United States Army transport *Meade* March 17, and arrived in the harbor of Manila April 16, 1900, and on the 17th reported to the commanding general for duty; was ordered to report to the collector of customs for the Philippines, which I immediately did, and was assigned to duty at Iloilo, P. I., and given transportation on the United States transport *Indiana*, which sailed on the 21st instant, arriving at Iloilo on May 7; reported for duty the same day, and was placed in charge of the harbor. On May 12 received copy by mail of order from the Secretary of War revoking my appointment, dated Washington, D. C., May 5, two days before arriving at my destination. I had drawn my pay up to May 1, and sent all home except $50, all of which it took to pay my expenses at Iloilo. The collector of customs at Iloilo succeeded in getting me transportation to Manila, and on the 23d sailed from that port, arriving here June 5, since which time I have been trying to get my pay up to the time of my arrival here, and transportation home.

You will see by the copy of revocation of appointment inclosed herewith that it simply left me to do as I pleased, get back if I could, or stay in the Philippine Islands. Had I been ordered to report to Washington, it would have been plain sailing. I expect to sail on the 15th for San Francisco, and will probably get home about July 20, when I shall take the entire matter up and fight it to a finish. I have been badly treated, and nothing will satisfy me except a full settlement. Just what interest you have in the matter, having been informed, I suppose, through your great attorneys that the matter was settled, and that the original papers had all been turned in, you may feel comparatively safe, but for your edification I beg to inform you that certified copies of all correspondence and photographs of the most important letters were retained by me and are now in my possession. I did not think the settlement would be carried out in good faith, and my judgment has been confirmed.

Yours, very truly,

E. L. HAWKS.

Maj. H. O. S. HEISTAND,
Military Commissioner, United States Army,
Paris Exposition, Paris, France.

WASHINGTON, D. C., *January 15, 1901.*

J. H. RALSTON, Esq.,
Counselor at Law, Washington, D. C.:

During the winter of 1899 and 1900 I was under employment by Maj. E. L. Hawks to secure a settlement between himself and several gentlemen connected with the War, Navy, and Department of Justice.

As a result of my labors a settlement was made in which a certain sum of money was paid to me as the representative of Major Hawks. This payment was made on January 31, 1900, and I was induced to recommend the acceptance of the sum offered by the circumstances that Major Hawks was promised an appointment in the civil department of the Government. In consequence of the understanding recited, I assisted and aided Major Hawks in securing the appointment, which was made on the 1st day of March, 1900, in the customs service in the Philippine Islands, and it was my understanding that said appointment was not to be revoked during the remainder of the then existing administration.

WM. C. MCINTIRE.

UNITED STATES CUSTOM-HOUSE,
Iloilo, P. I., May 26, 1900.

Mr. E. L. HAWKS,
Late Inspector of Customs, Iloilo, P. I.

SIR: In compliance with your request I have the honor to inform you that the records of this office show that in accordance with your orders you arrived at this port on the U. S. S. transport *Indiana* May 7, 1900, and reported for duty the same day; that you were on duty from that date until notice of revoking of your appointment was received, May 12, 1900. During this short

period of service you were engaged in studying the duties of your position, and all duties assigned you were performed promptly and to my entire satisfaction.

Very respectfully,
(Signed) W. W. WOTHERSPOON,
Captain, Twelfth Infantry, Collector of Customs.

Order revoking my appointment was dated War Department, Washington, D. C., May 5, 1900, or two days before reaching my assignment.

E. L. HAWKS.

Mr. PETTIGREW. Then follows this:

OFFICE OF THE UNITED STATES MILITARY GOVERNOR IN THE PHILIPPINE ISLANDS,
Manila, P. I., May 7, 1900.

To the Collector of Customs of the Islands and of the Chief Port, Manila, P. I.

SIR: The following is a copy of a cablegram received this day and furnished for your information:

"WASHINGTON, D. C., *May 5, 1900.*

"OTIS, *Manila:*

"Appointment E. L. Hawks inspector in customs service is revoked.

"ROOT, *Secretary of War.*"

Very respectfully,
R. A. BROWN,
Major and Inspector-General, United States Volunteers.

In the meantime, Heistand had been promoted and sent over to the Orient. The last I heard of him he was in China. Since that I think he has returned to the Philippines.

Now, Hawks was appointed on March 1, 1900, and dismissed from the service May 2. He just had time to get there, and they had him so far out of the way, without money, that the natural supposition was that it would be a good while before he could come back to annoy them. In the meantime, Heistand had been well taken care of.

After these transactions comes Mr. Hawks's protest against being so shamefully treated and then discharged. He addressed a letter to the Secretary of War, dated August 1, 1900, which is as follows:

No. 518 TENTH STREET NW., WASHINGTON, D. C., *August 1, 1900.*

SIR: On March 1 I was appointed inspector of customs in the Philippine Islands. Left Washington on the 8th following, arriving at Manila, P. I., April 16, and reported for duty. Was assigned to the port of Iloilo, P. I., as chief inspector, and ordered to take the first available transport for that point. April 23 I sailed on the United States transport *Indiana*, arriving at Iloilo on May 7, and immediately reported for duty. On May 12 a copy of your order revoking my appointment was received, dated War Department, Washington, D. C., May 5, or two days before reaching my destination.

Your order simply revoked my appointment without reference to pay or transportation. After much delay I succeeded in getting transportation to Manila, P. I., and there the commanding general passed on my case, allowing me pay to and including July 13 and transportation from Manila to San Francisco, Cal. After arriving there on July 14, I telegraphed the Assistant Secretary of War asking that transportation be furnished to Washington, which was granted.

Up to the time of my arrival here I had no idea of the cause of my dismissal. On reporting to you and asking to be informed as to the reasons for my removal, I gathered from your response that it was because of my former connection with a movement to organize a hemp company, which was abandoned.

I have suffered, as a consequence of the Department's action, financial loss and mortification, and I can not but feel that your sense of justice will prompt you to afford me an opportunity to present such facts for your consideration as will show that there exists no grounds for such complaints as may have been made against me, if any.

Very respectfully,
ERASTUS L. HAWKS.

Hon. ELIHU ROOT,
Secretary of War, War Department, Washington, D. C.

Now, in the face of this, the Assistant Adjutant-General was sent out of the country also, but with a commission, and I understand that since the Senate convened we have confirmed him to a higher office than he held before. This man then is told he is discharged for helping to organize a hemp company in connection with other officers of the War Department. The pets of the War Department are promoted, while he is thrown out.

Then follows another letter to Mr. Root, insisting upon an answer, after which Mr. Hawks wrote a letter to the President. He then filed the following:

Charges and specifications preferred against H. O. S. Heistand, lieutenant-colonel and Assistant Adjutant-General, U. S. A., by Erastus L. Hawks.

Charge: Conduct unbecoming an officer and a gentleman.

Specifications: In this, that the said H. O. S. Heistand, on or about the 1st of May, 1900, did represent to me and to others that his superior officer, Adjutant-General H. C. Corbin, and also Assistant Secretary of War George D. Meiklejohn, former Assistant Secretary of the Navy Allen (now governor of Porto Rico), and former Assistant Attorney-General James E. Boyd (now United States district judge for North Carolina) were ready and willing and had agreed to enter a combination for the purpose of organizing a company to manufacture cordage at Manila, P. I., and to control the output of hemp from the Philippine Islands, stating that the said islands would be under military rule for at least ten years, and that by reason of their high official positions those named could procure for the company certain business advantages, including, among others, an arrangement of the tariff to meet its necessities, and further, after much money and several months of time had been spent on my part, Lieut. Col. H. O. S. Heistand represented that Assistant Secretary of the Navy Allen and Adjutant-General Corbin had withdrawn all connection with the proposed company, all of which associates and purposes have been denied by each and every one of the above-named parties.

ERASTUS L. HAWKS.

(Delivered at the War Department December 26, 1900, by E. L. H.)

I understand that nothing whatever has been done about it. Hawks has been refused a hearing. Heistand still continues to bask in the smiles of the Administration. Was it these two franchises that were going to be protected by this amendment on the Army appropriation bill? Was it because of this that there was such anxiety expressed on the part of the Taft commission that they should be authorized to issue franchises? Is it because of this that such haste is made at the end of a session to furnish a form of civil government for that country so that these franchises can be granted? If these things occur among the immediate officers of the Government and nothing is done about it, what can the people of the Philippines expect from the people of the United States?

I am very glad, of course, that the amendment has been amended; but it still provides for the issue of franchises which are to be approved by the President. What does this provision mean? It means that the civil governor of the Philippines will issue and approve such franchises as he chooses, and the President will take his word for it that they are necessary and will give his indorsement. Government on the other side of the earth, and irresponsible government, is what we propose to give to these people under this amendment. We propose to allow our officers to exploit them with franchises and prey upon helpless millions subjected to their will. Everyone knows that this is to be. It is the history of all carpetbag government that the approval of the head of authority within the home government amounts to nothing, and that the protest of the governed people is never accepted if it comes in the form of charges against those who immediately rule over them. This was true in the Territories of the United States along our own border, inhabited by our own people, and it will be a thousand times more so in the distant Philippines, inhabited by a race of aliens.

Mr. President, what are we doing in the Philippines? The Government of the United States is engaged in destroying by its armed forces a government which protects the lives and property of the people of that country. The Government of the United States, by its military power, is crushing out, as far as it is able to do, a better government for those people than we ever can institute in its place. We have created the blackest page ever written in the history of the world in permitting it to become a matter of record that this great Republic is turning upon its allies and friends and is undertaking to rob them of their liberty.

What argument is made in favor of this proceeding? The Senator from Massachusetts [Mr. LODGE], when the Army bill was under consideration, said that no nation could long survive that did not protect its trade. Commerce, he said, was the chief purpose of a nation, and that unless it protected and advanced its commerce it must disappear. He cited the League of Cambray, and said that that league was formed by the monarchs of Europe because of jealousy of Venice's growing commercial power. The seeds of Venice's destruction were sown when she abandoned commerce for empire. Venice's greatness as a commercial nation had reached its zenith long before the League of Cambray. Her wealth, won by commerce, had made her feared by the nations of the East, and she had begun the conquest of the islands that belonged to Turkey in the Grecian Sea.

At the battle of Sapienza, in 1499, the Turks destroyed the fleet of Venice, so that 1508, nine years thereafter, when the League of Cambray was formed, it was the design of the league to take from Venice her continental empire. Empire had sown the seeds of destruction for Venice. She had encroached upon the shore of Europe. She had taken state after state from the Pope of Rome. She had marched to the walls of Milan. She had conquered the territory of the Emperor of Austria. When her fleet was destroyed by the all-conquering Turk, Austria and France and the Pope of Rome formed the League of Cambray to strip Venice of her continental territory and take her empire and divide it among themselves; in other words, to reclaim that which they had previously possessed.

The Senator also called attention to the fact that it was the growing commercial importance of Holland that caused Louis XIV to march the armies of France into that country and undertake its subjection, and then he says Louis failed, the commercial importance of Holland continued, and the French Revolution followed.

Mr. President, the seeds of the French Revolution were sown in that unequal distribution of the wealth of France which gave to a few of her people a title to all the property and made slaves of the balance. They were the harvest of unequal opportunities afforded her people and the unequal distribution of wealth. It was not the growing jealousy of Holland or Holland's commercial success that gave the germs of revolution to France.

The causes which brought about the destruction of Venice and precipitated the French Revolution were those tendencies toward empire and plutocracy which have overthrown every free government that has heretofore had a place in the history of the world. The simple question with us is whether we shall follow the course of empire and see this Republic go down in shame and

disgrace upon the ruins of free institutions, or whether we shall maintain the political, financial, and social equality without which free government can not long exist.

Mr. President, we claim that we have possessed ourselves of the Philippines that we may do its people good, but it is a matter of history that where the Anglo-Saxon has dominated other races it has been only to plunder them and do them harm. The Anglo-Saxon, when engaged in conquest, is still a savage. His brutal treatment of what he calls the inferior races is marked on every page of the history of our race where he has dealt with the Oriental. We are doing nothing new, I admit, in history. Back as far as history has been written the same pretense has invariably been put forth. Every conqueror declares it to be his purpose to benefit the conquered.

Eight hundred years before Christ Asshurbanipal, King of Assyria, marched into the country of the Elamites, and having conquered that people and killed their king, having burned their homes, filled up their wells, chopped down their trees, and destroyed their gardens, he issued the following proclamation. It has been translated in the last few years from a cylinder found in one of the excavated cities of that country.

The will of the King to the men of the coast, the sea, the sons of my servants. My peace to your hearts. May you be well. I am watching over you, and from the sin of your King, Nabubelzikri, I have separated you. Now I send you my servant, Belibni, to be my deputy over you. I have joined with you, keeping your good and your benefit in my sight.

One would almost think that when the President issued his proclamation to the Filipinos he had plagiarized the proclamation of the Assyrian king of eight centuries ago. Although Asshurbanipal extended the boundaries of Assyria and embraced Chaldea and almost all Asia, he, too, sowed the seeds of destruction as he expanded an empire, and a few years after this we find the Persians, under the lead of the great Cyrus, not only conquering Elam without resistance, but receiving the surrender of the city of Babylon and the lower Euphrates, glad to escape from the dominion of a monarchy which was destroying property and taking people into slavery and had sent a ruler over them under the pretense that he had only their good in his sight.

Mr. President, I do not care to go at length into this subject. Most of this question has been thoroughly discussed and, I think, is pretty generally known to the American people. Although a year ago it was almost impossible to secure information with regard to what we were doing in the Philippines, yet to-day the information has accumulated, coming to us in spite of a censored cable and of every effort to prevent it, until I think we have a fair idea of what is going on in that country.

This legislation is unnecessary, and unnecessary because a state of war exists over the islands to which we have laid claim. There is no peace except where our Army is not. General MacArthur, on the 25th of December, says: "Progress is so slow that it is almost undiscernible."

Mr. President, the war power alone enables us to remain in the domain of the Filipino. You can not set up a civil government in any portion of the Philippine Islands and maintain it for a day without the Army of the United States, and that Army is composed of American soldiers. Military power alone can exist, and that military power, if this legislation passes, will find itself in conflict with every effort at civil authority, which will produce greater disorder than already exists in that country.

Who are the people we are fighting? In December General MacArthur issued his proclamation insisting that the insurgents were not fighting as he wished they would, charging them with breaking the rules of modern war. He declared in that proclamation that he would treat as bandits all those Filipinos who were resisting our authority and did not belong to a regular organization. In other words, he insisted that they should fight us marching in bodies, acting in columns, we with machine guns and they with rifles, and if they did not do it he would treat them as bandits and as brigands. He invoked the laws of modern war. I am going to read the method by which he proceeded to enforce his civilized campaign against the people of that country.

I have here four copies of a paper published in Manila, not one single portion of which, so far as it relates to American occupation, escaped the censor. This paper is called The Progress, and is printed in Spanish, and I have had these dispatches translated. The Progress, on the 8th of December, contained what I shall read. The proclamation invoking the conduct of the war along the line of the rules of modern warfare had been issued previous to this date.

Major Galick four days ago defeated a guerrilla band of 300 revolutionists, causing them heavy losses. This captain, in his way, burned the suburb of Gato, where the Filipinos had their quarters.

They are burning villages and laying waste that country, destroying the homes of women and children. The Progress of the 11th of December says:

Gen. Bohol in the Visceyan Islands was burnt the suburb of Bugrok, in the town of Sierra Bullones, in order to prevent the revolutionists from concealing themselves, which they used to do in the said suburb according denounces. Also was burnt the village of Navas, in the Visceyan Islands, because they found in some houses uniforms of the Filipino army and they were suspicious that in the said village some revolutiony people had their homes.

The Progress of the 12th of December says:

Captain Wilhellin, commanding a force of the First Cavalry and the Eighth Infantry, belongs to the Lipa, Sto. Tomas, and Fananan detachments, attacked 200 revolutionists under Col. Nicolas Gouzales. In this engagement the Filipinos had 4 killed and 5 prisoners, and the Americans 1 killed and 2 wounded. Fifteen houses were burnt, with 10,200 pounds of rice.

The Progress on the 13th of December contains the following:

Lieut. William Blaney, of the Forty-ninth Infantry, commanding a force of 73 soldiers, burnt all the houses of the town of Dolores (in Fayallas province, about 40 miles from Manila). The lieutenant found shells, bombs, and a bayonet there. About 50 riflemen attacked him from some hills across the road, but were defeated without losses. The town of Dolores was a refuge of suspected people.

We have here, then, in four days, from the 8th to the 13th of last December, a sample of our method of waging warfare in that country. In those four days, published in a censored press at Manila, we find that our forces burned 1 whole town, 2 suburbs, a village, and 15 rice houses.

Mr. President, I doubt if Weyler in Cuba or Kitchener in South Africa could furnish humanity with a worse record. I doubt if in four days the operations of these butchers, Kitchener in South Africa and Weyler in Cuba, would make a more infamous record than our Army has made in the Philippines. Can there be any doubt of the truth of this statement? That I think is impossible, for the reason that every paper published in Manila is under strict supervision and are not allowed to publish anything which they think would be in any way detrimental to the interests of our commanding officer. General MacArthur says in this proclamation:

The newspapers and other periodicals of Manila are especially admonished that any article published in the midst of such martial environment which by any construction can be classed as seditious must be regarded as intended to injure the army of occupation, and as subjecting all connected with the publication to such punitive action as may be determined by the undersigned.

4. Men who participate in hostilities without being part of a regularly organized force, and without sharing continuously in its operations, but who do so with intermittent returns to their homes and avocations, divest themselves of the character of soldiers, and, if captured, are not entitled to the privileges of prisoners of war.

In other words, Mr. President, because these people will not stand up in rank and fight us with rifles while we play machine guns upon them, they are to be regarded as bandits. I have related how for four successive days immediately after the issuing of this proclamation we carried on our operations in the Philippine Islands.

Now, Mr. President, these people are not savages, and I read again from the Manila Times. The Times of last December says:

After the engagement it was noticed that there were missing Lieut. G. A. Cooper, Sergeants Fitzgerald and Howe, and six privates—whose bodies could not be found. But on Tuesday at 3 p. m. a body of Filipinos arrived in Siniloan carrying the bodies of the officer, sergeants, and men—an act worthy of the most sincere praise, for in addition thereto we have to chronicle the fact that all had with them the money, jewelry, and other properties belonging to them which they had on their persons in the engagement. Sergeant Howe had with him forty gold dollars, of which not one cent was taken.

In this statement of facts I, a foreigner, and therefore perfectly impartial on the Philippine question, recognize a vein of humanity and other traits of character which is indeed noteworthy. The turning over of the dead to their compatriots is in Europe and all civilized States regarded as an act of humanity calling for commendation, and the additional fact that neither the bearers nor anyone else took their properties—although they could easily have done so—proves conclusively a refined humanity and whole heartedness which is indeed rarely to be met in time of war in any State or under any circumstances.

Then the paper goes on to say:

Since we have briefly mentioned this important point of civic virtue, let us also ponder for a moment over other facts which prove in irrefutable manner the high degree of civilization of this country, which accounts for the generous and noble spirit evinced by the people from time to time. Firstly, then, let us cite certain occurrences in Lipa, Batangas Province, which were recorded at the time by all the papers of Manila. It demonstrates an act of justice worthy the highest praise, and gives evidence of fine culture and rectitude on the part of those who figured prominently in it. We refer to the incident of the seizure and liberation of an American merchant. Undoubtedly, when the Filipino soldiers came upon the American merchant, they took him for a soldier off duty, and therefore detained him. But once the Filipino commander, before whom he was brought, was satisfied that he was a noncombatant he caused him to be handed over to the commander of the nearest American post, with a guard bearing a letter—the contents of which are well known, reminding the United States officer of his duty as a military commander to offer protection for the lives and properties of every subject of his nation, stating in the letter that in future he should not allow any noncombatant to go out the American lines unless accompanied by an armed force for their protection, in order that a recurrence of this incident might be avoided.

Secondly, there should be noted the conduct of the Filipino force which threw a rope to two American soldiers who were drowning in the Pasig River and thereby helped them to save their lives, for they were in imminent danger of drowning when help was thus given them by Filipinos. This shows that in this country there is a code of honor—unwritten, but none the less strictly observed—providing that one's enemies are to be killed only in what is generally regarded as a strictly legal manner, at a moment of deadly combat, which even the women thoroughly understand. Thirdly, let us not forget the beneficent treatment of American prisoners of war held by the Filipinos, treatment which the prisoners themselves have time and again referred to in terms of glowing praise. Lastly, mention may be made of the

decrees of Aguinaldo and Lukban, all inspired by motives of the highest order, breathing forth noble sentiments and giving proof of the good will of these great leaders toward all nations, documents, in fact, which have created a very favorable impression on the minds of foreigners resident in this fair Eastern land.

LOUIS CHEVALIEN.

MANILA, *September 25, 1900.*

Now, Mr. President, in this connection I am going to read about another incident which has occurred in the Philippines.

The following letter was written by Claude Harden:

MANILA, P. I., *December 31, 1899.*

DEAR GRACE: I received your last letter a few days ago; also the letters of recommendation, which were fine, and ought to be an incentive to greater efforts. It is now nearly 11 o'clock p. m., and I will see the old year out and the new year in while writing to you. It is hard to get much of any facts about the condition of affairs on the firing line and the actual progress of the war. Otis does not allow facts to be published, but we hear a great deal of the truth from discharged soldiers from the lines, who reenlist in our companies for the sake of the $500 bounty.

The real truth seems to be that the rebels are making things disagreeable by carrying on a guerrilla warfare. Occasionally they put up a pretty hot skirmish. Many more are killed and wounded on our side than you ever hear of at home. Six hundred dead were sent home to-day on one boat and nearly every boat takes home some dead and many sick, wounded, and discharged. I haven't a doubt but that we are able to cope with the insurgents, but we will at least have a good deal of respect for their abilities. The fear of an outbreak here in town is quite prevalent. The friars are in sympathy with the insurgents, as has been proven time and again by finding of military stores in their churches. The church across the road from the treasury, where I am on guard to-night, was searched one day and was found to contain a quantity of rifles, ammunition, and a hundred thousand dollars in Spanish gold, which last General Otis is said to have refunded.

On one night there was an outbreak of the niggers and signal lights were flashed in all directions. Our boys turned a Gatling gun on them and put a damper on it. On that night in particular the priests were known to have a hand in the signaling. There is a very strong provost guard in the city now, but it seems to me that the treasury here is a weak spot. I am sitting here now before the door of the treasury storeroom, and can look in and see millions in doby dollars and Spanish gold, all in wooden boxes stacked up as high as the ceiling, and only a couple of little old padlocks between it and the broad highway. It is funny that no man has nerve to come and take away a fortune, with only eight guards and myself to hinder, and most of them asleep. I make a tour of inspection of the locks every half hour, and Captain Wood comes round twice a day to see that things are all O. K.

Sometimes he adds ten or fifteen thousand, at another time he takes out three or four bags or boxes to pay off the workmen. He is the only man allowed inside the vaults. A few days ago three bull-cart loads of doby—pisos dollars—were brought in from the lines, captured from the insurgents. Poor fellows, they are losing all their money, rice, and tobacco, and Uncle Sam is getting it all.

Some of our boys brought in twenty prisoners to-day. They were a sorry-looking lot. Some of them didn't have clothes enough to flag a handcar. Our boys don't generally take any prisoners now if they can help it. What they get they take out in the woods and give them a shovel and let them dig their own graves. It seems terrible, but it is the truth, and in fact, I think, and so do all people here, that is the only way to put down the war. Otis has been bringing all prisoners here for a few days, feeding them up and turning them all loose again only to return to the lines. I think Lawton was killed by some of those very freed prisoners, for the work was done at the waterworks and eight of the boys went with him. Eighteen were killed in a skirmish a few days ago and thirty wounded.

I attended the funeral, which was quite grand.

Wheeler is disgusted with the way things are going and is going home on the *Thomas*. I suppose soldiers are inclined to be too ready to pass judgment on their superiors and to get impatient, but where there is so much smoke there must be some fire. It is all very strange to me, why things move so slowly.

January 1.—Had a fine New Year's dinner to-day. I am going out on the scene of the first battle of Manila at Malate some day soon. There was firing in that direction last night at midnight, but it did not last long. What the insurgents need most is a good thrashing like Anthony Wayne gave the Indians in the time of the colonies, and there are soldiers enough here to do it. I saw Otis pass the treasury this morning at 7 o'clock, saluting all the niggers that would recognize him. He is getting gray, and seems to put in long hours at the office. I think he works very hard himself, and does not let his generals to do much in the field.

Well, Grace, I guess I have written a lot of stuff that will not interest you much. Yes, I said I would not come home soon, but that was only a bluff to get you to coax me a little. Of course I am coming home as soon as I can. No one, I believe, ever left home with the intention of staying away. No, I am like the cat that came back, for he could not stay away. Well, a happy New Year to you all. Expect you are nearly covered up with snow now, while I can not get a single flake for love nor money, nor a piece of ice hardly, though Uncle Sam is building the largest ice factory in the world here. It is awful hot daytime, but we do not have much drill and get plenty to eat, so I guess we ought to be contented. We are all in good health.

Write soon.

CLAUDE HARDEN.

This is not the letter I desired to read, although it is exceedingly important and interesting. What I more especially want to read is from the Scripps-McRae correspondence, and is as follows:

MANILA, *January 1.*

The last body we encountered on the trail after we had taken Tilad Pass was that of Gen. Gregoria del Pilar. No one will ever know who killed him. There were two bullet holes, one through the head, the other through the back. He was among the last to leave the trenches, and was probably the last man killed that day.

Pilar was a type of the better class of insurgents, men of heart and education, a true, patriotic, and worthy disciple of the martyred Rizal.

Not satisfied with removing his insignia, silver spurs, and buttons, the ghoulish souvenir seekers rifled his pockets, took the scapula from his neck, then stole his clothing. When the last American passed the body he found it completely stripped. Verily, "they parted his garments among them; and upon his vesture did they cast lots."

When General Concepcion came in from Cayan to Cervantes afterwards, one of the lieutenants of the regiment who relieved him was at that very time wearing the trousers of the dead general. One got his watch, another his pocketbook, another his locket, another a dainty handkerchief bearing the name of his sweetheart, "Dolores Jose." In a diary, which was also found on his person, was a last entry made in pencil, evidently while he was in the trenches:

"I am holding this position against great odds, and fear the consequences. Still I glory in the danger, because I am enduring it for the sake of my beloved country."

He was next to the youngest general in the Filipino army, being but 23 years of age. Tino is the youngest, 21 years of age.

Pilar's body, rifled and dishonored, was buried by Igorrotes, sent back for that purpose. When we recrossed the trail returning to the coast, we found the spot indicated only by an upright sprig of bamboo stuck in the loose earth. No name, much less an epitaph. And the natives told us that when, five days after the fight, a detachment of our Macabebe soldiers passed that way, they jammed their bayonets into the grave with the imprecation, "Insurrecto, mucho Malo." Such was the ignominious end of the only Filipino general ever killed by our troops—and he a hero.

ED L. KEEN.

We propose, Mr. President, to enlist 12,000 of these Macabebes to fight the armed Filipinos. A comparison of those two methods ought to be a sufficient warning to the American people that they want no more of this effort at benevolent assimilation in the Philippines.

I shall ask leave to print without reading notes pertaining to the operations of an American gunboat in the provinces of Samar and Leyte, Visayan Islands. It is another chapter of brutality and barbarity almost unparalleled in the history of the world, only equaled by the operation of the Christian armies at Pekin, in China. I ask permission to print this without reading.

The PRESIDING OFFICER (Mr. BURROWS in the chair). If there be no objection, it is so ordered.

The matter referred to is as follows:

[Translation.]

NOTES PERTAINING TO THE OPERATIONS OF AMERICAN GUNBOATS IN THE PROVINCES OF SAMAR AND LEYTE, VISAYAN ISLANDS.

About the middle of last June a small boat came from the town of Caybiran on her way to Carigara, where the owner of the boat had a son to whose wedding he was journeying. His boat was surprised by the American gunboat *Samar*. When the owner of the small boat, whose name is Bibiano Maderazo, saw the American gunboat, he landed his boat with all its passengers, except a Chinaman, who remained in the boat in order to watch the money and jewels that were in the boat. The American gunboat then came ashore; took the money and jewels from Maderazo's boat. The value of the confiscated articles was $2,500. The Chinaman was thrown into the sea by the American sailors, and Maderazo's boat was burned. The Chinaman was not drowned, being rescued by natives in a canoe.

In the early part of last August the same gunboat, *Samar*, anchored in Matago Harbor, on the coast of Leyte, where the sailors took a bath within an inclosure of fishing nets owned by a Chinaman, whose residence is in Villa Hermosa. While the sailors were bathing three girls passed along the shore. The sailors took a canoe and went ashore in pursuit of the girls. They ran and escaped from their pursuers. The sailors became angry and went into the house of a Filipino workingman and threatened him, and finally took his only pig and carried it to the gunboat. The workingman then went to the gunboat to complain to the commanding officer. The officer gave him a bag of rice in payment for the pig. The Filipino found that the gunboat was the same boat that had, some days before, attacked a small boat at sea and robbed it of 30 bags of rice and $250 in money and then burned the boat. This was proven by the mark on the bag containing the rice given the Filipino for his pig. We had not previously known who had committed the outrage, as our boat was taken by surprise.

The *Samar*, a few days before the stealing of the pig, bombarded and burned in the sea a large sailing boat, whose owner was Senor Ciriaco de Lara. The sailboat came from Cebu, and its owner had taken his clearance papers from the American authorities. This gunboat committed many such violations of the rules of civilized nations, characteristic of the African savage.

Some women were imprisoned by some American sailors, and were afterwards assaulted and then abandoned on a small barren island named Kalumpijan, between the islands of Leyte Biliran. Two of the women died on the island and were buried there by some fishermen who accidentally passed that way. A month before, it is said, the sailors of the gunboat committed another offense of the same kind.

In the beginning of this month an American gunboat—it might have been the *Samar*—or some other gunboat passed through the anchoring grounds of Onakon, near the town of Villareal, and fired on a small ship and captured it. In the ship were five sailors and two women. The former were thrown in the water. The women were assaulted so cruelly that one of them died.

About the same date a sailboat, owned by Primitivo Oliva, was burned by this gunboat, with all her cargo.

On the 23d of last July an American vessel captured another boat near Sumarraga, owned by a Chinaman named Juancho. The boat and cargo of hemp were burned. In the boat was a safe, which was taken by the American vessel. The same thing happened to another boat, the *Contento*, owned by Mr. Hilario Villafior, which was burned, with her cargo.

This is the system adopted by those who feel themselves obliged to bring freedom and civilization to the Filipino nation.

[SEAL.] LUBAN,

Governor, Civil and Military, Samar.

Full name and title of the governor: "General Viscente Lukban, brigadier-general and governor of Samar and Leyte provinces."

Mr. PETTIGREW. Now, Mr. President, how about a civil government in that country? Let us see what steps were taken to produce it. I hold in my hand the original document in Spanish, signed by the barbarians whom we are fighting. They do not make their marks; they sign their names. These people are residents of the island of Cebu, about 500 miles from Manila, an island which we say we have completely pacified and given a civil government. I will read the translation from the original Spanish of the following document:

PROTEST.

The undersigned, members of the popular junta (municipal council) of Danao, of this province, declare that they objected to taking the required oath of allegiance to America. They state that for objecting to this they were thrown into prison and were obliged to work in an objectionable and

mortifying way from the 9th day of August to the 25th of September. That they refused to take the oath at first because it was contrary to their inner belief, and thus perjury. But after great suffering and illtreatment they were obliged to take the oath under duress. They do not desire to take the oath, because they do not desire to undergo the same treatment as their mayor, Senor Victorino Buot, and the delegate of justice, Felix Batucan, who, having refused to sign, were taken from prison and sent to the capital of this island as prisoners.

Therefore, since the undersigned were forced to take the oath, they protest against the forces employed to compel them to do so and declare that they forswear that oath, which was against their will and honest convictions.

They protest against these acts of violence, which they declare is contrary to all honor and right. They also affirm that they were compelled to leave their town to avoid the acts of violence committed by the soldiers under a despotic American captain stationed in that town.

They sign this document of protest in order to make the facts known.

Done in the town of Danao, September 25, 1900.

VICTORINO TOLEDO,
GREGORIO RAMON,
PASCUAL FIANGCO,
DEMETRIO DURANDO,
TUAN ALMENDRAS,
CATALINO BUOT,
AUGUSTIN FITO,
JOSE LANDO.

Here is the original document, Mr. President, signed by these people, saying that they were arrested and thrown into prison because they refused to swear allegiance to the United States. I want to call your attention to the fact that they composed the municipal council, this town having a government, administering that government, and protecting the lives and the property of the people. Our Army is sent against them under the contemptible plea of benevolent assimilation. It arrests their officers and throws them into prison and puts them at hard labor until they consent to take the oath of allegiance; and then the Taft Commission sends back word that the Filipinos are coming in and taking the oath of allegiance and that the Federal party is growing.

Mr. President, there is no Federal party in the Philippines. A petition signed by 2,000 of the prominent people of Manila has been read in this body protesting against our occupation of that country. In response to that, a telegram was sent and read before us signed by 7 renegades. When our Revolution was at its height there were British sympathizers among our numbers. We had our Benedict Arnolds, and those people have theirs; but they are not so numerous, Mr. President, in the Philippines to-day in proportion to the population as they were in America in 1776.

Here is another protest signed by 32 of our barbarians, containing their original signatures—the original paper. These are the people we are trying to rob of their liberties.

Translation from Spanish of the following document:

The undersigned councilmen and citizens of the town of Danao, in the province of Cebu, assembled in extra session in the town hall—

They have a town hall—

on July 29, 1900. The meeting was called to order by Senor Victorino Buot, who took the floor and spoke in substance as follows:

That we have reliable information that the American authorities intend to establish a new municipal régime in all the towns in the province of Cebu until the United States Congress decides upon a definite Philippine policy. In the organization of this new régime the townspeople would be compelled to take an oath of allegiance to America, thus forswearing their previous oath of allegiance made to preserve, protect, and defend the Filipino republican constitution. This last oath, that to the Filipino constitution, was a solemn act, in which God was invoked as a witness; it became thus sacred. To break it would be criminal, especially since the oath expressed their real sentiments. Anyone could not conscientiously forswear it to take a new and directly opposite oath, as if it was an article of merchandise easy to exchange.

The mayor brought these facts before the assembled body in order that they might resolve upon a course that would be to the best interests of the Filipino people. The concurrents, after deliberation, in order to be united in their stand, reached an agreement, as follows:

(1) That we agree entirely with the mayor's aforestated talk, and state that if we appear to be in agreement with the American authorities it is because we are doing so under duress.

(2) That our oath of allegiance to the Filipino constitution was spontaneous and reflected our real sentiments; so, therefore, we can not take any other oath as against our previous one.

(3) That as peaceful citizens we oppose all violence and bloodshed; we submit, but protesting with all the strength of our souls against the enforced oath, and state that it is against our will and honest convictions, and one which our conscience repels. An oath taken under duress is valueless.

(4) That since we, as peaceful people, are opposed to all bloodshed, we obeyed the orders of the American authorities; but it is against our will. The council is in session, but only in appearance, as it is contrary to the wishes of our constituents.

(5) That in our hearts we recognize only the Filipino constitution and the Filipino authorities elected by the people. We declare that we are opposed to all other leaders save the Filipinos, who are striving for the best interests of their people. These authorities are Gen. Arcadio Maxilon, commander in chief of the Cebuan forces, and Gen. Juan Olimaco, second in command and chief of staff. Up to this time we have recognized them. Now we make this recognition in express terms according to the dictates of our consciences and the observance of our oath.

(6) That under the duress of the Americans we will maintain the best order under the present circumstances, that of passive resistance; we will continue to recognize that national Filipino government at heart.

After debate and the ratification of these resolutions the session adjourned, and the councilmen and citizens signed them in the name of their constituents, and the delegate of justice, acting as secretary pro tempore, certified them.

This was signed with 35 signatures; no marks, but the actual signatures of these people, showing that they possess education even in the distant island of Cebu.

Here is a protest from the town of Danao, dated July 20, 1900:

[Translation from the Spanish of the following documents, describing practically identical procedure in three towns of the island of Cebu.]

PROTEST.

In the town of Pilar, dated July 20, 1900:

The undersigned citizens and councilmen of this town assembled in the city hall, called there by the mayor, Señor —— ——. The meeting having been called to order, he submitted the following resolution:

(1) We desire the blessings of happiness and prosperity obtained in liberty, and therefore desire the political and territorial independence of their country.

(2) We desire peace, order, and tranquillity, which are the fundamental principles of prosperity, and for this reason do not accept the implantation of the new municipal régime, which would not be in accord with our wishes. We are forced to take the oath of allegiance, which is most repulsive, not knowing the form of government to be granted them by Congress. Such an oath might be to give allegiance to a most unstable government, one that would cause much discord, one in which peace, order, and tranquillity would be a failure.

(3) We are desirous of a suspension of hostilities and of a reestablishment of peace, order, and tranquillity, but by honorable means. We want a civil government exclusively managed by Filipinos, in order that they could discuss governmental questions and exercise individual rights.

After discussion and ratification the councilmen and citizens signed a paper stating their views, which the delegate of justice, the secretary pro tempore, certified.

This paper contains 13 actual signatures.

A paper almost similar, which I have not had translated, was also adopted at a meeting of the people in the town of Quedela, on July 30, with 17 signatures. Another paper of the same import was adopted at a meeting on July 19, and signed by 14 people of the town of San Francisco.

These are the original documents. I ask unanimous consent to have them printed as a document with the signatures in fac simile.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the printing of certain papers as documents. Is there objection?

Mr. LODGE. What are they?

Mr. PETTIGREW. The papers I have just read, protests from several towns in the Philippine Islands, signed by the authorities of the town governments, against our effort at civil government.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. HOAR. Mr. President, I have the originals here of the proceedings of public meetings, signed by the citizens assembled and certified by the secretary and the mayor of the town of 23 towns in the same island of Cebu, which I propose to call the attention of the Senate to hereafter when I may say something on this matter. Perhaps the Senator will have those also included in the same document?

Mr. PETTIGREW. I should like very much to have them included in the same document with the fac similes of the signatures.

Mr. HOAR. I ask that that may be done.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

Mr. PETTIGREW. I have at home in South Dakota a marriage certificate from the Philippine Islands, which contains the signatures of over a thousand people, and only two of them make their marks. Those are the people we are trying to conquer and deprive of their liberty in spite of the fact that they were our allies and helped us fight Spain.

I can not comprehend how any American Senator can look upon this act of ours as an act of right. I can not understand how, when the facts are known, any Senator of this great Republic can for one day justify the course we are pursuing in those islands.

It seems to me our duty is plain. We ought to say to the Filipinos: "Establish your government. That country belongs to you. Govern it as you have a right to do. Go on with your constitution, which you have already framed, modeled after ours, and we will be your defender; we will say to all the world, 'No one can conquer your country or deprive you of your liberty.'" [Manifestations of applause in the galleries.]

It seems to me that this Government can build no grander monument to the men who fell in the Spanish war than to grant liberty to the people whom we freed from Spanish dominion. How can we look with love and affection upon our flag returning home stained by the crimes we are committing in the Philippines? What man can gain glory by fighting in those distant islands to rob people who worship the same God we worship of their love of liberty and their desire to govern themselves? [Manifestations of applause in the galleries.]

I hope, Mr. President, that this Administration may see the infamy of its course and turn back upon a policy which has already covered our flag and our nation with shame and with disgrace and must end in covering us with an infamy never before acquired since history commenced by any despot, much less by any people who pretend to love liberty.

Mr. BACON obtained the floor.

Mr. MALLORY. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Deboe,	Kenney,	Proctor,
Allison,	Depew,	Kyle,	Quarles,
Bacon,	Dillingham,	Lodge,	Rawlins,
Bard,	Dolliver,	McCumber,	Scott,
Bate,	Elkins,	McEnery,	Sewell,
Berry,	Fairbanks,	McLaurin,	Shoup,
Beveridge,	Foraker,	McMillan,	Simon,
Burrows,	Foster,	Mallory,	Spooner,
Caffery,	Frye,	Martin,	Stewart,
Carter,	Hale,	Mason,	Taliaferro,
Chandler,	Hansbrough,	Money,	Teller,
Chilton,	Harris,	Nelson,	Thurston,
Clark,	Hawley,	Penrose,	Tillman,
Clay,	Heitfeld,	Perkins,	Turley,
Cockrell,	Hoar,	Pettigrew,	Warren,
Culberson,	Jones, Ark.	Platt, Conn.	Wellington,
Cullom,	Kean,	Pritchard,	Wetmore.

The PRESIDENT pro tempore. Sixty-eight Senators have responded to their names on the call of the roll. There is a quorum present. The Senator from Georgia [Mr. BACON] is entitled to the floor.

Mr. BACON. Mr. President, on account of the impatience of the Senate that there should be a vote upon the pending amendment, of course there is naturally some reluctance on my part to occupy the attention of the Senate at this time; but appreciating as I do the gravity of the question upon which we are to pass, I shall not regret the fact that I have the opportunity at this time to raise my voice, however feeble it may be, in opposition to the proposed measure.

Mr. President, I regard the amendment which has been proposed with reference to the Philippine Islands as the most pernicious and objectionable piece of legislation which has been proposed since I have had any connection with the American Congress. I do not think I am extravagant when I say that, so far as I have any familiarity with measures prior to that time, this is the most prenicious, the most vicious, and in its baleful influence the most far-reaching measure which has ever been proposed in the American Congress, certainly within the past thirty years. I say that because, in my estimate upon its influence upon the free institutions of this country, it is utterly revolutionary in its character.

I desire to say for myself—and I am satisfied that I reflect the sentiments of others—that there are no possible circumstances under which I would vote for the proposed measure. I want to say further that there is no bill to which this measure could be attached the enactment of which I would deem of sufficient importance to secure my vote for its passage. I will say further, Mr. President, that there is no measure in this Congress, and no measure of which I could conceive, which I would save from loss by voting for this amendment as the price of it. There is no pending measure so bad that I would secure its defeat by voting for this amendment; there is no pending measure so good that I would secure its passage by voting for this amendment.

Mr. President, the free institutions of this country and the constitutional principles upon which those institutions are based are not to be weighed in the balance against dollars. I am known to be opposed most earnestly to the ship-subsidy bill. I believe it to be wrong in principle; I believe the details of the bill, outside of the question of principle, are indefensible; but I would infinitely prefer to see the ship-subsidy bill pass rather than to see this amendment adopted. I would rather see ten ship-subsidy bills pass than this bill with this Philippine amendment ingrafted upon it; and I do not know of a measure that is pending in Congress to-day or that has ever been before Congress within the last thirty years that I would not rather see become the law than this amendment.

I know from the utterances of the public press that the idea has been given out that Senators on this side of the Chamber have been reconciled in a measure to the passage of this amendment; that their eyes have been dazzled with the benefits to come to them if they will lie down, and that the idea is given out that while they would vote against the bill, they are in fact no longer opposed to it. There never was a greater injustice done, and if there is any way that any Senator can suggest by which we can permanently defeat this measure, we are ready to pursue that way.

It is a mistake to suppose that the fear of an extra session can deter us in this matter. If an extra session could be had without the fear or the probability of the passage of the bill, that, so far from being a deterrent, would be an invitation to us. An extra session has no terrors for me. I want my convenience and my comfort, I presume, as other Senators do; but I would be willing to stay here, not simply in the short term of an extra session, but during the entire vacation until December next, if by so doing it were possible that the permanent defeat of this measure could be accomplished.

I desire to say for myself right here, although it is a little out of the particular matter in hand, that I think there ought to be an extra session. I think there ought to be an extra session, if for nothing else that we might consider the Chinese matter. I do not think it is any credit to the Congress of the United States that in the grave situation by which we are confronted there has been no word from Congress about the Chinese situation. I think it no credit to the majority in this House and in the other House, which has the power of legislation, which has the power to give official utterance, that in a condition so startling and so abnormal, and, I think, so illegal, as that which now exists in China, so far as the American Government is concerned, there has been no utterance.

Can there be any question about the fact that the American Government has been at war with China? Can there be any question about the fact that there is a condition of war there to-day? And is the American Congress to adjourn, is the Congress to expire, in the face of the fact that, with the power given to it, and exclusively to it, to declare war, war has existed in China, and not a word said by the American Congress relative to what has occurred, relative to the present conditions, and relative to what is to occur in the next nine months?

Mr. PLATT of Connecticut. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. With great pleasure.

Mr. PLATT of Connecticut. Does the Senator think that any war exists to-day between the United States and China?

Mr. BACON. I do, most undoubtedly; and I will proceed to give the Senator my reasons why I so think.

What constitutes war, Mr. President? Is it war to invade a foreign country with several thousand men under the command of a major-general and to remain with that invading army in hostile occupation of that country for nearly a year, after having fought battles and subjugated the armed forces of the country? Is it in the prosecution of war to issue to the Quartermaster's and Commissary's and Ordnance Departments orders for a year's supplies for the support and maintenance and the arming and equipping of that army in a foreign country, with special reference to the needs of the army in that foreign country and with the expressed design that they are to be used by that army in that foreign country? Is not this the recognition of the beginning of a regular war expected to extend through a protracted campaign? Is it war to maintain that army there for six or eight months in the attitude of a hostile invading army, and for it still to be there in that attitude with no present prospect for its withdrawal? While the armies of European governments are there in the undisguised prosecution of war in that country, is it war on the part of the United States when its army is there in practical cooperation with those armies in enforcing by violence compliance with punitive demands?

Is it war for the accredited representative of the United States, supported by the presence of the army of the United States, to sit in concert with the representatives of the European powers, to pronounce judgment, and to utter and announce an ultimatum to the Chinese Government, and say to it, "You must do so and so?" Is it war to have that tribunal surrounded by armed forces, and, among others, by the forces of the American Government, and to say to the Chinese Government, "You must comply with what we pronounce to be the judgment against you, or here stands an army ready to slay your people and ravage and desolate your country?" Is that war? If not, what is war?

Mr. President, I had occasion to allude to this point a few days ago, and I do not want to be misunderstood as to my position in reference to this matter. I had no intention to go into it now; but I will do so, as Senators invite it.

Mr. HOAR. May I ask the honorable Senator if he thinks this country made war upon the Barbary States when Decatur rescued our sailors and prisoners?

Mr. BACON. If the Senator had postponed his question for a few moments I was coming to that direct point. I was saying, when interrupted, that a few days ago I had occasion to allude to this very question, and that I said then that I thought the President did right to rescue our minister and those who were associated with him; that, in other words, even if that involved the invasion of the country, there was an emergency upon him which did not permit him to wait to call Congress together, and that, therefore, he did right to proceed actively and promptly to effect that rescue.

I went further and said that if he had failed to do it he would have failed in his duty. But I said that when in the performance of that duty a condition was developed which was really war, while it was his duty to act in the emergency, it was, in my judgment, equally his duty to summon Congress immediately together to lay before them the facts in connection with the emergency that had led him to take action which really involved the country in war.

Mr. HOAR. That does not answer my question.

Mr. BACON. Very well, I am going on to answer it. When the action was taken to which the Senator alludes, it was accomplished

just as the rescue of our minister in China was accomplished, but there was not a continuing condition which constituted in fact a continuing condition of war. In this instance there is a continuing condition of war in China.

I am not speaking of the original act necessary to effect the rescue. I am speaking of that condition of war which has resulted since. I am speaking of the condition of war which has continued since the rescue. I am discussing this simply in connection with the statement I make that so far from being alarmed by any prospect of an extra session it is proper that we should have an extra session of Congress in order that Congress, in the exercise of its constitutional functions, may give attention to our affairs in China.

Mr. HOAR. Will the Senator from Georgia allow me?

Mr. BACON. With great pleasure.

Mr. HOAR. I wish to call his attention to my precise question. I am very glad to hear what the Senator has said, but my question was not whether the President did right in rescuing the Barbary prisoners and putting an end to the Barbary piracies, or whether lately the President did right in rescuing Mr. Conger. My question was whether, in the judgment of the Senator, what he did was war.

Mr. BACON. Undoubtedly, technically considered——

Mr. HOAR. Very well.

Mr. BACON. The Senator will pardon me until I answer his question.

Mr. HOAR. Certainly. I beg the Senator's pardon.

Mr. BACON. I was proceeding to say that undoubtedly, technically considered, the invasion of a country, the firing upon any fort, or upon any city, or upon any part of the territory of a foreign nation, is an act of war; but it frequently occurs that the Executive, in an emergency, is compelled to do that.

Mr. HOAR. Very well. Then it is the opinion of the Senator, which is what I wanted to get at, that the President of the United States under some circumstances has done right in making what is technical war.

Mr. BACON. I thought the President did right in this particular instance.

Mr. HOAR. That was war.

Mr. BACON. I say he did right in this particular instance because it grows out of the necessities of the case. With our minister beleaguered in Pekin and with the lives of all those who were there associated with him in imminent jeopardy, certainly the President did not have time to assemble Congress before acting. But whenever it became necessary under the emergency to do a certain thing which involved a condition of war, then it was the proper time to see that Congress was assembled for the purpose of dealing with the question.

So far from that being the case, the time was permitted to lapse until the regular session of Congress. Congress has been in session for nearly three months and Congress itself has done nothing on the subject, has made no utterance on the subject, and we are about to adjourn upon the expiration of the Congress with a condition of war in China, with the actual fact, as stated by the papers this morning, that yesterday, as a result of that war, there has absolutely been, under a judgment pronounced by a board of ministers of which our minister was one, the execution of subjects of China under the demand of those foreign powers—an execution attended and guarded by troops of which American troops formed a part. It is no answer to say it was a just judgment. It may have been a just judgment. I am not prepared to say but that it was a just judgment if they were the guilty parties. I know nothing about the facts. But that is not the question.

A murderer may be shot by some one, and he may be a red-handed murderer deserving of death, and yet the law does not give the other man the power to execute the sentence. Neither does the law give to the Executive the power to adjudge or to execute the sentence in this case. If it was an incident of war Congress alone can declare war. If it was the result of a treaty, no treaty can be concluded and carried into execution without the concurrence of the Senate. For this war to be thus conducted without the participation of Congress, and for it to be continued without a word from Congress and with the practical acquiescence of Congress is another advance in the policy of imperialism which is surely revolutionizing the institutions of this country.

But I have been led off. I was discussing the question as to the attitude which we bore to this proposed amendment with reference to the Philippine Islands. I was presenting the fact that there is no possible consideration, either as to the defeat of any bill or as to the salvation of any bill, which could secure from this side of the Chamber a support of the Philippine amendment. I went further, and said that the threat of an extra session was not sufficient for that purpose, and then, speaking for myself, I went on to say that, so far from it having any terrors for me, I thought there ought to be an extra session.

There must be something very extraordinary in this bill—I speak of it as a bill because it was originally a bill, and when I speak of the bill of course everybody will understand I mean the original Spooner bill, which has now been put as an amendment on the appropriation bill—there must be something very extraordinary about this bill and about the influences which are behind it to press it to a passage, to present the most extraordinary condition with which we are confronted. There seems to have been some sudden influence developed. This bill was originally introduced on the 11th day of January, 1900. I regret very much that the distinguished author of the bill [Mr. SPOONER] is not present in the Chamber. I regret also that the chairman of the Committee on the Philippines [Mr. LODGE] is not present. This bill, as I say, was introduced on the 11th day of January, 1900; referred to the Committee on the Philippines, and in March reported back without amendment, with a recommendation that it should pass. I have here a copy of the bill. Without reading the title, I will read the bill:

Be it enacted, etc., That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

The amendment which it is proposed to put upon the Army appropriation bill is the same as that bill, with two variations. One is that it makes the law immediately applicable rather than postponing it until the end of the hostilities in those islands. The other is a provision in reference to the time when franchises shall continue to exist which may be granted under the government to be organized under that bill. So that so far as the substantial features of the bill and the amendment are concerned they are practically the same.

Mr. President, that bill, introduced in January, 1900, was made, when it was reported or soon after it was reported by the Philippines Committee, the regular order of business in the Senate, and from day to day it was laid aside at the instance of its friends and advocates. In June, when it was still the regular order, the Republicans, not only in this body but in the House, decided upon an adjournment of the session when it was entirely within their power to pass the bill. When we assembled in December the bill was still the regular order in the Senate. It was then laid aside without ceremony, and so far as could be judged by the actions of its friends it was intended to be put to final sleep.

I again express the regret that Senators who are responsible for the authorship of this bill and for its having been urged upon the Senate are not present, because I desire to say something in which they may be interested. This is the most far-reaching bill, I repeat, that has ever been proposed in the American Congress. It is a proposition that the government of ten or twelve million people shall be turned over to the unlimited, unbridled, uncontrolled, ultimate power of one man, and that in this Government professing republican institutions and acknowledging allegiance to constitutional restrictions and limitations.

Mr. President, I am coming to the important statement which I wish the Senator from Wisconsin [Mr. SPOONER] and the junior Senator from Massachusetts [Mr. LODGE] were present to hear, and that statement is this: With this far-reaching bill, this revolutionary bill, this bill absolutely destructive of every principle upon which our Government rests, with this bill without a precedent, this bill without a line in our laws or in our history which would justify it—with such a bill there has never been in the Senate one line or one sentence uttered in its advocacy or in its defense. I appeal to the RECORD—for every word uttered here is taken down—when I say there has never been in the Senate, from the 11th day of January, 1900, to the present day, a single sentence uttered in advocacy or in justification or in defense of the bill.

Mr. President, when the bill was reported from the Committee on the Philippines the junior Senator from Massachusetts [Mr. LODGE] made an elaborate speech in professed advocacy of it. It was a finished essay. It was faultless in its rhetoric. It was by his own request, then made in the Senate, carefully guarded from interruption during its delivery, in order that its symmetry might not be marred. But whatever other argument there might have been in that speech, the argument in advocacy and in defense of the particular measure was conspicuous by its utter absence.

I do not mean to say that the Senator failed to make a good argument in its defense. I mean to say that he attempted none in its defense. Here was a great proposition to set up civil government over ten or twelve million people, and not only to confide that government, but the question of what that government should be, to one man—certainly the gravest proposition which can ever be announced in a free government—and yet in a long speech, a most carefully prepared speech, a written speech, I repeat, the Senator from Massachusetts made no effort to defend the monstrosity of that proposition.

If I were speaking of the speech of the junior Senator from Massachusetts under circumstances where it was difficult to ascertain

whether or not I represented him correctly, the direct and positive character of my assertions might be open to legitimate criticism; but there it is in the RECORD, to be read by anyone. Let anyone read that speech and say whether or not there is in it any discussion of the propriety of this proposed legislation or the propriety of the passage of the bill which had been reported by the Committee on the Philippines, of which the junior Senator from Massachusetts is chairman.

But, Mr. President, there is in the history of this proposed legislation a more remarkable thing than that. It is a much more remarkable thing that the learned Senator from Wisconsin [Mr. SPOONER], the author of the bill, a distinguished lawyer, a seasoned debater, than whom there is no superior in this Chamber, and few, if any, elsewhere, should have made a speech of three days in the Senate, nominally upon the bill—a most carefully prepared speech, an able speech, a most interesting speech, an earnest speech—and that he should not have uttered a single line in that speech in justification or advocacy of that bill. He discussed the Philippine question. He discussed the question of our relations with the Filipino people. He discussed at some length our obligations or want of obligations to Aguinaldo. But on the question whether or not it was proper that the United States Government should pass a bill conferring upon the President of the United States absolute, unlimited, unrestrained power not only to make but to administer a government for 12,000,000 people, not a line is be found in his speech.

Mr. President, that is not all. We have been here for several days discussing this question. We have endeavored to show that this is not a proper bill to be passed, and not a word has been said on the other side of the Chamber in justification or in advocacy of it. This proposition of this enormity, this proposition so utterly revolutionary in its character, this proposition in its destructive influence so far-reaching in its character, has had on the other side of the Chamber no advocate, no defender, no justifier. We have endeavored to show to the Republican who proposed this measure that it is unconstitutional. We have submitted arguments here which are worthy of consideration. There has been no reply.

Mr. TILLMAN. Because there can be none.

Mr. BACON. The Senators on the other side have practically admitted that it is unconstitutional. As suggested by the Senator from South Carolina, they can not make any reply. The Senators on the other side of the Chamber say by their attitudes, "We admit it is unconstitutional, but what care we? What care we that it is unconstitutional? We have the votes to pass it. We are ready to pass it, if it is unconstitutional." Is that the attitude of Senators?

Not only have arguments been made here, but those arguments have been based upon and buttressed by the decisions of the Supreme Court of the United States, and still no word of reply from the Republican party, still nothing but a smile. "We care nothing for the Constitution of the United States. We admit that this measure is unconstitutional, but we have the votes and we intend to pass it, regardless of the fact that we can not deny that it is unconstitutional."

Now, Mr. President, we not only say to the Republicans in this Chamber that it is an unconstitutional bill, we not only prove it, they not only admit it, they not only say "We care nothing whether it is unconstitutional or not, so we have the votes to pass it," but we go further in the effort to evoke a reply, while that of itself ought to be sufficient to bring to their feet in this Chamber those who have sworn to support the Constitution of the United States and who could not take their seats in this body unless they had sworn to support it. We say to them that this imposition of this absolute government upon this helpless people is a great wrong. They reply not, and by their silence admit it and say they care not.

We say to them, as I say to them now, that to establish by act of Congress an absolute government within the jurisdiction of the United States in which every principle of free government is trampled under foot, is dangerous in its influence at home to the fundamental principles of free institutions and of personal liberty upon which our Government is based; that in its influence it is destructive of these free institutions; and the Republicans in this Chamber still are dumb. They admit it all and say, "It matters not; we care not for such things; we have the votes and we will establish this absolute, this imperial government regardless of all this."

Mr. President, is it not the most startling statement that ever was made in a deliberative body, especially in such a body as the United States Senate, that with a measure pending for over twelve months of so radical and so far-reaching a character there never has been found one man to stand in the Senate of the United States and to advocate it or to justify it? There has not been one.

Mr. President, in this great body, this high arena, devoted heretofore to high debate, where it has been understood that Senators were controlled by principle, where every man was ready to give a reason for the faith that was in him, where no man was ready to admit that he dared not advocate and defend in debate any measure to which he gave his support, has it come to this that at this time, in the presence of the greatest question, in its influence and in the power which it challenges the most far-reaching question, the one which is most liable to affect most radically the future of this country, Senators who favor the proposition here sit silent and absolutely dumb?

The Senators who are chiefly responsible for it absent themselves from the Chamber and say, "It matters not what may be right or what may be wrong, we have determined upon our course, and without attempting to justify it, without attempting to defend it, we refuse to discuss it; we plant ourselves upon the fact that we have the votes and care not whether it be right or wrong, whether it be constitutional or unconstitutional, we will ruthlessly put it through to the end that we desire."

Mr. President, if the Senators on the other side wish, let this debate close without any answer from them. We denounce this bill as unconstitutional. We say it absolutely violates every fundamental principle of this Government. We denounce it as at war with all the free institutions of this country. We denounce it as utterly subversive of the principles upon which this Government is based.

Sit silent if you will, utter no word of defense, and go before the American people with the statement that you care not whether it be right or wrong; that you have the votes and that you do not feel bound by a constitutional obligation; that you do not feel bound by any loyalty to the free institutions in this country; you owe no debt of loyalty to the fundamental principles of this Government; you will do what you think your party interest requires, regardless of constitutional obligation or of any obligation for the preservation of the great principles and the free institutions to which we have all acknowledged loyalty for more than a hundred years.

Now, Mr. President, I put it whether or not this is a remarkable position in which the advocates of this measure have placed themselves. I repeat it, and I challenge the contradiction, that since the 11th day of January, 1900, when this measure was first proposed to the American Senate, there has been no word uttered in defense of it, and we stand here and challenge them; we dare them to its defense.

Mr. President, it has come to be a sad day in the institutions of this country that in this high arena a proposition in its influence so far-reaching in its character can be challenged on the ground that it is unconstitutional and that those who should be the defenders of it, those who should be the advocates of it, the promoters of it, dare not answer the challenge, and that they proceed in the brute force of numerical majority to enact that which they can not defend in debate.

When we take into consideration the character of this proposition, the radical and ultra features of the proposition, when we take into consideration the further fact that in fourteen months there is no advocate of it who has ever had the face to stand up in the American Senate or advocate it or utter a single word in its defense, there is in this connection a most remarkable exhibition of the very radical and drastic methods which are adopted for the purpose of coercing its passage through the American Senate.

Am I using too strong a word when I say coercion? For what purpose was it put upon an appropriation bill in the closing days of the Congress, not simply of the session but of the Congress; for what purpose was it put upon the great Army appropriation bill known to be necessary for the support of our troops in the field, but for the purpose of coercing its passage?

They not only put it upon the appropriation bill in order that that which was admitted by them to be an unconstitutional measure, one they dared not attempt to defend, might be forced through the Senate, but they put it upon the bill in utter violation of the rules of the Senate. There is not a single Senator on the Republican side of the Chamber but what knows and will say, if he makes a candid answer, that it was in violation of the rule.

Mr. President, there are some things in the rules which may have some latitude of doubt. A question of relevancy, for instance, may be a question somewhat in doubt, and men might honestly differ as to whether the matter was relevant or not. It is for that reason that this part of the rule provides that upon the question of the relevancy of an amendment the Chair shall not undertake to decide it, but he shall submit it to the Senate. But, Mr. President, it was not on a question of relevancy. It was on a question that the rule imposes the duty upon the Chair to decide.

> No amendment which proposes general legislation shall be received to any general appropriation bill.

That is the rule, and that is all of it, which related to this matter. It was not a question of relevancy, I repeat, and I challenge reply when I say there was not a single Senator who voted to put that upon the appropriation bill but who knew when he voted for it that it was in violation of the rule.

The present distinguished occupant of the chair [Mr. FRYE], realizing the fact that, occupying the chair, he should not violate a rule, although it is his custom to vote upon all questions, declined to vote on that, because the occupant of the chair, clothed, as he is, with the obligation and duty to correctly administer the laws and rules in this high office, was unwilling to put himself in the position of saying that this was in accordance with the rule. He knew it

was not in accordance with the rule. Every Senator who voted to put this amendment upon the bill knew at the time that it was in violation of the rule. If I am incorrect, I challenge any Senator to stand up on the other side and say that when he voted to put it upon the bill he believed it was in order under the rule.

Mr. President, none of them is going to say it—not one of them. There is no Senator on the other side who would stultify himself by saying it. There is no Senator on the other side who would write himself down an ignoramus by saying he believed it to be in order. It was a plain, direct, distinct, undeniable violation of the rule.

I say, Mr. President, with this far-reaching proposition, charged to be unconstitutional and nobody to deny it, charged to be subversive of the free institutions of this country and nobody to deny it, charged to be a violation of the fundamental principles upon which this Government is based and nobody to deny it, with no Senator daring to defend it in debate on these or any other grounds, it is a most remarkable thing that such a proposition should not only be presented and urged in the American Senate, but that it should be done so in utter violation of the rules of this body, and in the confessed violation of them.

Mr. President, there must be some tremendous influence behind a proposition which can command the support of Senators under such circumstances. It is not only a tremendous influence, but it is an influence of very sudden development. It is another illustration of the fact that, so far as concers the Republican party in general, there are influences outside of the Senate that are more potent than the influences inside of the Senate, and that Senators, speaking generally, are ready to abandon their own views and forsake their own policies to obey the command of others outside of the Senate.

Now, why do I say that? I might allude to other measures, because there are other measures which illustrate this proposition very strongly, but I will confine myself to this particular measure. Mr. President, when this measure was lying for twelve months, from the 11th day of January, 1900, until after the 11th day of January, 1901, and there was no sudden active influence to urge it upon this body and to endeavor to secure its passage in this body, why was it that after so long a lapse of time there should suddenly arise this prompt and eager and peremptory demand for its passage?

For whose benefit is it, I would ask the Republican Senators who do me the honor to be present? For whose benefit is it? Is it for the benefit of the Filipino people? Why, Mr. President, we had in this very year from the distinguished author of this amendment a statement of the method which he thought ought to be adopted in case we were endeavoring to legislate for the benefit of the Filipino people, and what he then said was a sufficient explanation of the fact that he had not advocated his own measure, a sufficient explanation of the fact that he has made no speech in justification of it, a sufficient explanation of the fact that he had not endeavored to present or to press it to a passage—a sufficient indication that in its introduction he had some other motive than its passage.

What he said upon that occasion, which I am going to read, is a sufficient explanation of the fact that when we met in December he permitted that bill to be displaced and another to take its place, because the words uttered by him on the 18th day of January in this year indicated that he thought that that bill would be utterly ineffective to accomplish anything for the good of the Filipino people.

This amendment, Mr. President, does not propose to accomplish anything for the benefit of the Filipino people, and the words of the distinguished and honorable Senator from Wisconsin, which I am going to read, show that he did not understand that we were in a condition to legislate for the benefit of the Filipino people. He thought it was necessary for us to do something else before we would be in a position to legislate for the benefit of the Filipinos. Now, what were those words? I read from the third volume of the Congressional Record of this session, on page 1291, from a colloquy between the Senator from Wisconsin [Mr. SPOONER] and the senior Senator from Colorado [Mr. TELLER]. Without going back in the colloquy, I will begin at the remark of the Senator from Wisconsin replying to a remark of the Senator from Colorado.

Mr. SPOONER. Not at all. We have, no doubt, the power to pass the amendments. I think we have the power to pass any law that does not violate the social compact in relation to the Philippines. I stated directly to the contrary of what the Senator from Colorado supposed. But up to this time the responsibility of government there is left to the President. The source of that power need not be discussed. When Congress begins to legislate for the Philippines, to occupy that field which it may at any moment under the Constitution absorb, as I stated before, I think we ought to be prepared to legislate to a greater extent than is proposed by these amendments.

I will remark here that this colloquy grew out of the debate upon the proposition to regulate the liquor traffic in those islands.

We ought to be prepared to provide some sort of a government for the Philippine Archipelago. We are not prepared to do that now. I hope we will be some time.

Mr. TELLER. When?

Mr. SPOONER. The Senator can answer that question as easily as he can ask it, perhaps. I can not. I can not undertake to say when we will be ready to legislate for the Philippines. I should say that we will not be ready to legislate for the Philippines until we shall have sent a joint committee from both Houses over there to investigate thoroughly the situation there, the people, the form of government which would be adapted to them. That we have not done.

And we have not done it yet, and yet we are proposing to legislate.

Mr. TELLER. Are we likely to do it?

Mr. SPOONER. I hope we will do it.

Mr. TELLER. When?

Mr. SPOONER. I hope we will provide for it before this session comes to an end.

Mr. TELLER. I see no signs of it.

Mr. SPOONER. I have intended to propose a resolution of that kind, and I shall endeavor to do so.

Mr. HALE. It ought to be done.

Mr. SPOONER. Of course it ought to be done. Congress ought to know the exact situation in the Philippines in every aspect, and it seems to me to be one of the first duties of Congress to provide itself with information upon which can be adopted a reasonable and sensible legislative policy of some kind as to government in the Philippines.

Mr. President——

This is the Senator from Wisconsin [Mr. SPOONER], continuing:

Mr. President, above all other things we want to win the confidence and friendship of the Filipinos. We want to show to them that our purpose is in their interest; that it is a kindly purpose; that we propose to treat them certainly as we treat other portions of the territory under the sovereignty of the United States. I do not think the first legislation by Congress ought to be discriminatory legislation or legislation which deals simply with the habits of the 10,000,000 people in the archipelago.

Mr. President, a change has come over the views of the Senator from Wisconsin. That was less than two months ago when he said we ought not to legislate for the Filipinos until we had investigated as to the character and habits and needs and requirements of the Filipinos; it was less than two months ago when he said there ought to be no discriminatory legislation, but that we ought to legislate for them as we did as to all other people subject to the jurisdiction of the United States Government.

Mr. President, we know the honorable Senator from Wisconsin. He is not a fickle man; he is not a man who comes to hasty conclusions, but yet he has utterly changed in his view of the bill which he had allowed to slumber, and in support and advocacy of which to this day he has never uttered a word. He has heard it attacked; he has heard it denounced, and there has been not a word either in its advocacy or its defense from him. And yet the distinguished Senator thus expressing his views as to our duty has all of a sudden awaked to the fact that it is not true that we ought to know about the Filipinos before we legislate for them; that it is not true that there ought to be no discriminatory legislation; that it is not true that we ought to legislate for them as we did for Alaska or for Porto Rico or for Hawaii, but that we should discriminate against them; that we should pass a law for the government of those islands which not only has no precedent under our free government, but a parallel to which can not be found on the statute book of a civilized nation in the world.

Now, Mr. President, in all sincerity, I am a great friend and admirer of the Senator from Wisconsin, and what I say as to this change which has overtaken him is not for the purpose of disparaging him. There is no man in this Chamber for whom I have a higher personal regard; there is no man in this Chamber for whose intellectual power I have a greater admiration; there is no man in this Chamber whom I consider his superior, if his equal, as a lawyer and as a debater, and there is no man in this Chamber or out of it whom I would be less apt to voluntarily disparage or offend in any manner whatsoever.

But, Mr. President, I want to present to the Senate and to the American people the remarkable fact that there has been some overpowering influence to control the Senator from Wisconsin in an utter reversal of his attitude and to control the Republicans in the Senate to make them, with scarcely an exception, follow him without a word, and that in the absence of any defense by him of his proposition and with none of them to volunteer to do that which he omits to do. I say, Mr. President, it must be a most remarkable influence which can bring about a result so remarkable.

Mr. President, do we not need information about the Filipinos before we proceed to legislate about them? Does anybody believe that we know the conditions there? Does anybody believe that the censored reports which come from there tell us the truth? Does anybody fail to know that only those things which are favorable are allowed to come through? If anybody doubts it, I see in that press gallery now men who have been on duty in the Philippines as representatives of the press, men who are prepared to tell you, if you want to learn, as to what kind of reports are allowed to come from those islands. Do you want to know the truth? Form your committee, and you shall know the names of the men. They will tell you, Mr. President, not only that the truth has been suppressed and that they were not permitted to tell the truth, but that they were required to give partial and rose-colored accounts of occurrences there which would be pleasing to the American people.

Does anybody think for a minute that the American Congress is in possession of the facts which would enable them to correctly legislate as to the Philippine Islands? The Senator from Wisconsin said that it would be grossly improper for us to attempt to legislate, and he gave as a reason why he opposed any attempt at legislation, even of a partial character, that it was improper to attempt to legislate until we acquired the information through a regularly constituted committee of this body and of the other House.

Now, under whip and spur, and with the added speed of wings, lest some should pursue your lingering, you are rushing through this measure, and coercing the American Senate to pass it in an unusual way—a measure which its friends are afraid to discuss, and which they have never dared to attempt to defend or to justify.

Mr. President, what is that influence? It has come very suddenly. It is potent. There is no doubt about that. It is powerful; it is peremptory; it admits of no denial. What is it? I am not going to suggest; I am not going to guess at what it is; but I am going to see if I can not find it in the records which have been sent to us from the executive department.

As I have endeavored to show, it certainly is not in the interest of the Filipino people. It is not to their interest, because, confessedly on that side of the Chamber, we are not in a position to legislate properly for their benefit. But there has been a new light; there has been a new demand.

Mr. President, I want to say, before proceeding further, that this is not only a most pernicious piece of legislation proposed, a most vicious one, a piece of legislation utterly revolutionary, a piece of legislation in its influence and in its necessary tendency utterly destructive of our free institutions, but as it is at present constituted, a very unnecessary piece of legislation, so far as relates to the necessities of government in the Philippines, because the President under the war power now has the power to establish the civil government there that may be necessary for the temporary civil control required there. But to have Congress establish an absolute civil government there in the person of the President, while not necessary for the control of the Philippines, is necessary for the private interests of the exploiters.

The demand for the establishment of this absolute civil government is not to be judged by the present status of the measure as it has been amended, but by the original amendment as it came here and by the influences which brought it here. What was it? Up to the 18th of January, as I say—perhaps later, but there is the official RECORD of that date—there was the pronounced judgment of the author of this bill (now converted into this amendment) that this bill ought not to be pressed at that time. There was the statement made that we were not prepared to legislate for the Philippine Islands, and now here is an active, ardent demand that there shall be legislation.

What produced it? It had its origin in the Taft communication to the Secretary of War, in which the Secretary of War quotes that communication, stating that the necessity for the passage of the Spooner bill, which had slumbered for more than a year, grew out of the fact that there was a very large amount of public land there which could not be sold, that there were mines upon which claims could not be established, and franchises which could not be granted unless the Spooner bill was passed. That, Mr. President, no man can deny is at the bottom of this whole thing. Other considerations have doubtless been presented to Senators to induce them to move in this matter; but the influence which has originated this movement, and which has commanded the almost unanimous support of the Republican side of this Chamber, is the influence which was inspired by the interests and demands of the exploiters.

We admire the discipline of the Republican party in this Chamber, a discipline which brings them into serried ranks—unbroken ranks—whenever the outside influence demands as a party measure that they shall put through any piece of legislation. Can it be possible that all the Senators on the other side of the Chamber should all at once suddenly have melted into a homogeneous consensus of opinion as to this legislation, or is it the fact that, in response to party behests, they are ready to surrender individual judgment, to conform to the judgment of certain outside influences, and to comply with party behests, never mind how grave may be the proposition, regardless of the fact whether it meets with their individual indorsement and approval or not?

In this communication of Judge Taft to the Secretary of War he discloses the purpose. He says:

> Sale of public lands and allowance of mining claims impossible until Spooner bill. Hundreds of American miners on ground awaiting law to perfect claims. More coming.

There is the influence. It is that in those islands, with those natives unable to protect themselves, there are rich spoils, and that there are persons, not content that the American people as a nation shall be enriched by the conquest, but who propose to gorge themselves individually with the spoils. The Taft commission, sent over there as the representatives of the President with the idea that they would endeavor to conserve the interests of all the American people, allow themselves, inadvertently doubtless, to become the tools and instruments of speculators and plunderers who seek, like ravenous vultures, to prey upon a prostrate land.

That is what these exploiters propose; that is what they desire; and that has been the source from which has come this demand to which the Republicans in the Senate have so speedily responded. Oh! it is a rich prey, according to Taft—a rich prey. Let me show you what the Secretary of War says that Mr. Taft has reported:

> The report shows that the islands are estimated to contain about 73,000,000 acres of land, of which less than 5,000,000 are held in private ownership, leaving in public lands over 68,000,000 acres.

That is an extract from Taft's report, and then, continuing to state the substance of the report, the Secretary of War says:

> This land is for the most part exceedingly fertile, well watered, adapted to the raising of a great variety of useful crops, much of it covered by the most valuable timber, with extensive deposits of gold, of copper, of high-grade iron, and of excellent coal.

Ah! Mr. President, there is a rich quarry. I am not speaking of the present status of this bill, because it has been amended in a way which, if it passes here, will deprive these vultures of much of the prey; but I am speaking of the purpose which was had by those outsiders who inaugurated this legislation and who have commanded, I repeat, its support by the Republican party in this Chamber.

What did the Taft commission mean when they reported that to the Secretary of War? What did they mean, except that these vultures, these exploiters, these plunderers, should get this 68,000,000 acres of land; these rich gold fields, these rich deposits of coal, and copper, and iron, these fertile lands?

That is what it meant, Mr. President, and that it is which through its indirect influence has produced this sudden change which has resurrected the Spooner bill from the tomb where it has lain sleeping the sleep of death for a year, and now puts it to the forefront to such an extent, as I have said, that in violation of the rules of the Senate—in confessed violation of the rules of the Senate—it has been put upon the Army appropriation bill, and its passage thus coerced and assured.

Who can deny that that is the influence which has produced this sudden change? If there is anyone on the other side of the Chamber who can deny it, I hope he will do so for the credit of the American Senate. If there is a single Senator on the Republican side of this Chamber who can stand in his place and show that the influence which has suddenly resurrected the Spooner bill and put it to the forefront under these circumstances is not the influence which sought to plunder and to exploit the people of the Philippine Islands and their property, I say I hope for the credit of the American Senate that that Senator will rise in his place and show it.

Mr. President, I say here that it is no credit to the American Senate if, under such circumstances, the influences which press this remarkable bill, this far-reaching bill, this revolutionary bill to the forefront—under these circumstances it is no credit to the American Senate if these influences which accomplish this are the influences of those who seek to plunder and despoil that land. If there is a man to defend it, I hope he will not allow party behests to keep him silent. If there is a Senator on the other side who knows an argument that will free the American Senate from this scandal, he owes it to the Senate and to the American people to pronounce that argument, and not keep it hidden in his bosom.

I recognize the fact that the enormity of this proposition was one which caused the Republicans to revolt. I recognize the fact that they would not let it go through in the way those people intended it should. I recognize the fact that they put a most important amendment on it, which will deprive those plunderers and those vultures of much of the prey; but that does not change the fact that those were the influences which instigated it. Those were the influences coming from outsiders which, although not avowed to Senators who now favor it, resurrected this bill from what was practically the sleep of death, and put it forward as the most exacting and most absolute and peremptory of all measures now before the Senate.

Mr. KYLE. The Senator does not mean to say——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. BACON. With very great pleasure.

Mr. KYLE. The Senator does not mean to say that the Senator from Wisconsin [Mr. SPOONER] was moved by such a motive, does he?

Mr. BACON. I certainly do not. I have given my estimate of the Senator from Wisconsin, and it is not necessary for me to repeat it; but I do say the Senator from Wisconsin is but one of fifty-five Republicans in the Senate, counting the Senator from South Dakota [Mr. KYLE] as one of them—the Senator from Wisconsin is but one of fifty-five, and he and some fifty odd of them—I think there are a few very honorable and conspicuous exceptions, not but what all of those Senators are honorable and conspicuous; all those Senators are obeying the party programme; I am speaking generally of the party and not of individuals, and I say that the party, of which the Senator from South Dakota is now a conspicuous member, must necessarily plead guilty of having been moved by these influences whether the individual Senators approved them or not unless they can show to the contrary, and I appeal to them in the name of the American Senate to show to the contrary. Nobody will be more delighted

than I will be if they can show that what I say is not so, and that the conclusion I draw is not justifiable. I am speaking of the outside influences in this case being urged upon Senators, in the same way that in the case of the ship subsidy bill those outside influences were spoken of in debate here. I am charging no unworthy motive on any Senator.

Mr. KYLE. I think the Senator misunderstands me. I merely wanted to know whether he included the Senator from Wisconsin as being among those influenced by such motives as those the Senator from Georgia was referring to.

Mr. BACON. I understood perfectly. I am very glad of the Senator's interruption, because it enables me to repeat and to emphasize all that I said about the Senator from Wisconsin. No one can possibly understand me as impugning in the slightest degree the personal motives of the Senator from Wisconsin, or of any other Senator. I utterly disavow any such purpose.

How is there any answer to this? The Secretary of War communicating to the President the statement of the Taft commission that there were these 68,000,000 acres of public land; that there is this fertile soil, this great timber, these gold mines, these copper mines, and minerals of all kinds, echoes and repeats and approves the request of the Taft commission that there shall be legislation which will enable them to sell this property, these mines, and the franchises of that land, and the President of the United States of whom I will say no word of disrespect either here or elsewhere, because, aside from the fact of the personal respect which I have for him, I have made it a rule never to speak disrespectfully of the President of the United States, because of his high office—the President of the United States transmitted to Congress the report of the Secretary of War, including, as he does, the telegram of the Taft commission.

Mr. President, we not only have these official documents, but we have others. I have a clipping from a paper, which shows how widespread this thing is. The vultures are not all American vultures. In this Philippine trouble we have undertaken this great task, and we have made this great sacrifice of treasure and blood; we have endangered our political institutions; we have put a burden of taxation, the end of which no man can see, upon the American people, not simply for the exploiters of this land, but for the exploiters of all lands.

The Spooner bill is not only known in America and the Philippines, but it is known in Europe, and not only the exploiters from this country, but the exploiters from Europe are anxious that the Spooner bill shall be passed, in order that they may flock with the other vultures and share a part of this rich prey.

I clipped the following press dispatch from Manila, dated January 29, which is certainly very interesting reading. It is at the end of the dispatch. It says this:

> Dr. Kruger, the German consul-general here, has cabled to the Berlin Government asking that the German ambassador at Washington be instructed to diplomatically urge the passage of the Spooner bill.
>
> Two mining corporations organized in Germany are anxious to begin operations in the Philippines, but can not do so until the status of mining claims is established by a permanent government. Similar action will probably be taken by the British consul.

Some more influences, Mr. President. Of course, I have not the slightest idea that either the German ambassador here or the British ambassador has had any part in this. I am confident they have had no communications from their Governments on the subject. It is impossible that they should have done so. I only read this because it shows the influences that are at work. Here is a rich prey, a rich quarry, and the vultures not only from America, but from Europe, are hovering over it that they may get their claws and beaks into it.

The Senator from South Carolina [Mr. TILLMAN] calls my attention to some other matters which are included in that very interesting report sent by the Secretary of War, with the details of which I am not sufficiently familiar, without further examination, to properly present to the Senate. I hope, however, the Senator from South Carolina will take an opportunity to do so.

This brings me to the question of the character of this bill that I think Senators here ought to consider seriously.

Mr. President, there are some questions higher than party questions; there is some allegiance loftier in its demands than allegiance to party, and how any man who is familiar with our institutions, any man who has in his veins the blood of Revolutionary sires, can give his support to this Philippine amendment I can not see, whether he be Republican or Democrat.

I see sitting before me a distinguished son of New England. There are more than one of them. There is behind him the Senator from Massachusetts [Mr. HOAR], but he needs no adjuration on this subject. I am talking now about the Senator from Connecticut [Mr. PLATT]. Some people do not altogether admire some New England traits, but there is no question that New England was the cradle of American liberty—the birthplace of the freest of the free institutions of America. Although the other colonies were equally devoted to liberty, circumstances gave to New England the honor of the first patriot blood shed in the struggle. As one who is in part of New England ancestry, I do not see how any man who has New England blood in his veins can be indifferent to the question of human liberty and free institutions.

It does seem to me that not only New Englanders, but all people in America, ought to prize institutions which give liberty to any people. I am not talking now about the question of the independence of the people. I am talking about the government of a people by free institutions. I do not see how it is possible for any man who prizes free institutions to give his assent to this bill; for what is the bill? It is a bill which puts absolutely under the control and domination of one man ten or twelve million people, and gives to that one man the absolute, unrestrained power not only to administer their government, but to prescribe their government and every feature and every detail of it.

This bill does not make this government the creature of Congress. It makes it the creature of the President of the United States. It gives to the President of the United States the unrestrained discretion, unlimited discretion, as to what shall be the form of that government. There is an amendment pending saying that he shall observe the restrictions of the Constitution in the formation of that government. That amendment is not going to be adopted. It is going to be voted down. The Senator from Connecticut [Mr. PLATT] smiles and shakes his head. I knew it before he said it.

So it is a fact that one man is empowered to conduct and to administer a government without any restraints whatever and without any responsibility to anybody whatsoever; and not only without restraints, but the express declaration on the part of those who seek to clothe him with this power is that there is no constitutional restraint there. It is not only the power to appoint officers, but it is the power to decide what officers there shall be; the power to decide what the form of the government shall be. There is no form of government he could devise which we could say was an abuse of the power. There is no form of government which the wit of man can devise that he is not authorized to set up in those islands if he sees fit.

Not only does he devise the form of government, but it is in his power to change that government at any time he sees proper. It is within his power to abolish any part of it and create a new part. It is within his power to designate offices of a character that nobody can question. It is a power to set up the officers in the offices which he shall thus create; a power to prescribe their duties; a power to remove them whenever he wishes; a power to abolish their offices whenever he wishes; a power to create new government and new offices whenever he wishes; a power to require, which he doubtless will require, every officer of that government, legislative, executive, and judicial, to perform the duties of his office subject to his approval.

Mr. President, when an office is performed subject to the approval of the other man, and that man has the power to abolish the office and to abolish the officer, he is but a pawn on the chessboard, and the President of the United States is at last the officer. He appoints, or provides the manner in which they shall be appointed, every legislative officer. He has the power to change the method by which any legislative officer is appointed. He has the power, after any legislative officer is appointed, to abolish his office and remove the officer. If so, he is in fact the legislator. He has the power, whenever a law is passed that he does not approve, either to say it shall not be law or to abolish the legislature and put in another which will pass a law as he may dictate.

The same thing is true of the judicial department of the government. Every judge is appointed by him. Every judge is subject to his removal. The office of every judge is subject to be abolished by him. The judgment of every judge is subject to his own judgment. So it is with the executive officers who shall be there. He designates each one of them; he creates their offices; he appoints the officers; he has the power to abolish the offices and remove the officers; and there is no act of the officer but that he himself can control.

So it is, Mr. President, that this monstrous law, which no man on the other side in more than thirteen months has dared to get up and defend and say he approved it, in this day, emanating from this Government of free institutions, this monstrous law makes the President of the United States the absolute ruler, the uncontrolled ruler, the irresponsible ruler, the imperial ruler, of ten or twelve million people.

According to the Constitution of the United States the President of the United States can not appoint even a second lieutenant in the Army without the consent of this body. He can not appoint a marshal or a postmaster without the consent of the Senate. Yet here is a proposition that there shall be a government where, over this vast territory of a hundred and fifty thousand square miles, with ten or twelve million people, one man shall be utterly, absolutely supreme and irresponsible over the lives, the liberty, and the property, the business and the prosperity of that vast population. Mr. President, the man never lived who was good enough and wise

enough to exercise such imperial power, and the man never will live who ought to be intrusted with it.

Is it any answer to say that the President of the United States is a wise man and a just man? If that were the case, if that were a sufficient guarantee, the framers of our Constitution need not have gone to the extent which they did to hedge about and guard the people against the improper conduct of officials. But suppose that to be conceded; and I have no doubt he will do his best; I have no doubt he will act according to what he thinks is best. But it is not according to the genius of our institutions that any man shall be intrusted with such power. Again, we are not dealing simply with the present President of the United States.

Who is to be the next President of the United States? Does anybody know? What manner of man will he be? Shall he inherit this gigantic, this absolute, this imperial power? Shall we put upon the statute books this act without limitation of time, except to say that it shall continue until Congress shall adjudge otherwise? With such enormous power vested in the President of the United States, with the immense patronage—probably ten thousand different officers to be appointed, with this vast control, with this tremendous acquisition to his present great power, where will the time be found when Congress will be strong enough in opposition to his will to lay its hand upon this law and say it shall cease in its operation?

It is my opinion that when once we have conferred this power, so long as there shall not be a complete revolution, not only in the Presidential office but in each branch of Congress, that power will remain in the hands of the Executive of the Government.

Mr. President, we have heard a great deal about imperialism, and I shall not discuss that, but I want to ask Senators to answer for themselves one question. They say there is no such thing as imperialism in our relations with the Philippines, and there can not be such a thing as imperialism under the American Government.

There are two kinds of imperialism. One is the imperialism of Russia, which deals with its own citizens. That is not the kind of imperialism we are now talking about, although that will in the end surely come if we are faithless to our free institutions in denying their enjoyment to others. We are talking now, however, about the imperialism which holds subject colonies without their participation in the Government and without their consent. Does any man dispute that that is imperialism? If so, what is imperialism? Is not this the perfect fruit of imperialism? We had the first fruit of imperialism when we established the Porto Rican government, denying as we did that Porto Rico was a part of the United States, and denying that the Porto Ricans were citizens of the United States, and asserting that Congress had the power to legislate for them without constitutional restraint. That made Porto Rico an outside colony. They were, however, allowed some of the features of a free government. But this Philippine legislation establishes an absolute unlimited government of one man; and thus step by step we advance on the march to a fateful imperialism.

The question with the American people is a most grave and serious one. I am fond of quoting my friend, the Senator from Wisconsin [Mr. SPOONER], because he expresses himself so strongly and so clearly. Does anybody doubt that this is one of the gravest questions ever presented to the American people? Does anybody question the fact that this question, which is sought to be railroaded in the last hours of Congress, is the most serious question which has been presented to the American people possibly since the foundation of the Government? If there is such doubt, let me read what the Senator from Wisconsin [Mr. SPOONER] said about it.

In a speech delivered by him on the 2d of April, 1900, when the Porto Rican question was before the Senate, the Senator from Wisconsin used this language:

> I feel, for one, that never since the close of the war for the preservation of the Union, when there confronted our people and the Congress questions of the gravest complication and novelty, has either the President or the Congress been called upon to solve problems equal in difficulty to those which confront us.

Mr. President, if that is true ought those problems, ought perhaps the most serious problem of them all, to be passed upon in this way? Ought it be passed upon under this coercion? Ought it be passed upon with no word from the Republican side of the Chamber to help us in its solution, or in justification, or in defense of the measure which they propose? Again continuing, the Senator from Wisconsin said:

> It has been hitherto for a great many years a matter of comparatively trifling importance what constitutional relation the Territories sustain to the United States, because our Territories have been peopled by those of our own blood and kindred. Their habits and aspirations have been the same as ours, and it is true, as has been stated by the Supreme Court of the United States more than once, that all the Territories between the oceans have been regarded as in a state of pupilage or probation, looking ultimately to admission into the Union.
>
> But the result of the Spanish war, Mr. President, has placed under our control—I use the phrase advisedly—territory containing eleven or more millions of people, a sixth of the population of this country, strangers to us, strangers to our language, strangers to our institutions, strangers to our aspirations and to our race.

Yet, Mr. President, the Senator from Wisconsin who uttered those solemn words now advocates the passage of a bill without a single word from himself or his colleagues in support or in defense of the measure which he proposes for the solution of this great and tremendous question.

Nor will I stop there in quoting the distinguished Senator from Wisconsin, because in a speech made by him on May 22 and 24, to which I have already alluded, the speech which he made upon the subject of the Spooner bill, but the speech in which he had nothing to say about the Spooner bill, but in which he discussed generally the Philippine question, he used the language I will read. I ask the Senators who do me the honor to be present to listen to this language because it has never before been more forcibly stated by anyone than it is here stated by the learned Senator from Wisconsin. It was on Tuesday, May 22, 1900, that he made the speech in this Chamber from which I quote:

> I suppose, Mr. President, it will be admitted that had there been no war with Spain and she had tendered to us "without money and without price" a cession of the Philippine Archipelago and a treaty accepting that cession had been transmitted to the Senate for its action it would have received hardly a vote in this body and would have proved entirely unattractive to the great body of our people. The suggestion in advocacy of it that we are "trustee" to lead the nations of the earth in the work of civilization would not have been at all persuasive.
>
> The quick and sufficient answer to that would have been that, while this is a missionary people, this is not and can not become a missionary Government, and that it is not our function, philanthropic as we may be and as this people is, that their Government shall police the world, seeking for people oppressed, living in the darkness of ignorance and half civilization, in order to uplift them.
>
> It would have been said that we have problems of our own to solve, some of them complicated, all of them important, and that the first duty of this Government, trustee of our people, is to subserve the interests of our people, to develop the illimitable resources of this continent, to spread the blessings of education among the people, to give to the country equal laws, and to lift up as far as may be all here who are oppressed. If it had been said that the islands are full of mineral wealth, of untold richness in soil, and of unspeakable beauty, that would have produced no effect in this Chamber.
>
> Our people would not have harbored the thought of going into distant seas and taking archipelagoes of alien people because of the richness of the islands. I can conceive of no argument in favor of the acceptance of such a proposition, which would have found much, if any, favor here or in the country.
>
> There would have been found no lust of empire among us; nor is there now, in my opinion, in the sense in which that term is now used in this body and in the country by certain distinguished gentlemen.

I could not state that more strongly, nor could I state it as strongly.

Is it not the fact that we have the same motives now to constrain us in some way that is just to that people, in some way that is just to ourselves to rid ourselves of this body of death?

Do not let me be misunderstood. I am not one of those who think that the United States Government under the present circumstances can summarily withdraw its Army and leave those people to themselves.

As I have had occasion to say before in this Chamber, we have overturned and destroyed whatever there was of government in those islands. Consequently the same duty and the same obligation now rest upon us to pacify the islands, and to see that a proper government is set up, which can assume its proper relations to other governments and which can maintain peace among its people, as rest upon us in the case of the people of Cuba, although that is a duty arising out of different circumstances.

But if we are able, as the Committee on Relations with Cuba seems to think we are able, to prescribe a method through which we can retire honorably from Cuba, is it not equally possible for us by a similar method to prescribe a way by which we can retire safely and honorably from the Philippine Islands, having due regard to every obligation, having due regard to the necessity that there shall be governmental control there before we do so, having due regard to all obligations to other people and to the people of the islands themselves?

Mr. President, we have entered upon a dark and devious road. We have entered upon one involving sacrifice beyond measure, and it is one which has been at last recognized by some of those who have favored this policy. There are Senators on the other side of the Chamber who say to me they are sick of this Philippine business and they wish we had never gotten into it. If so, the part of wisdom now is not to inaugurate legislation in order that the vultures and the harpies of the land may prey upon that country, but that we shall inaugurate legislation which shall lead to a termination, relieving us of this great burden and setting us right in our own estimation as regards our duties to others.

I hold in my hand—I hardly would undertake to say this myself—a clipping from the Washington Post, which is not a paper advocating the abandonment of the Philippine Islands, but the contrary. Here is what the Washington Post, last year, December 19, 1900, said. I will read it. It is discussing the situation in the Philippines, and the Washington Post editorially says:

> But, looking backward under the illumination of experience, is the New York Press, is any American newspaper, is the Administration, the Congress, or the country satisfied that the course pursued was best? Had the destructive war with the Filipinos been foreseen; had the long, sad lists of killed and wounded and victims of disease been anticipated; had it been believed that, in the last month of 1900, ship loads of corpses would have been coming home from the Philippines; had the present prospects of continued conflict, with its growing aggregate of loss of life, health, and cash loomed up before this nation in February, 1899; had all or even a tithe of that partial bill of particulars been discernible then, who imagines that we should have taken the sovereignty of the Philippines?

If we made a mistake—and I think we did make a most grievous mistake—if we have tied to us a very body of death, is it the part of wisdom to say that we shall always remain so, or is it the part of wisdom, is it our duty to our people, that we shall seek some way out which, I repeat, shall be honorable to ourselves, just to our interests, and at the same time fair and just to that people?

Mr. President, I can not elaborate the subject. I should like to talk, if I felt I could do so without unduly trespassing upon the Senate, about the question whether there is any material interest to us in this matter; whether there is any possibility that the much more than a hundred million dollars a year that the Philippine Islands are costing us can ever be restored to us.

I should like to discuss the question whether all the gold, and coal, and iron, and copper which are found in the Philippine Islands, if they are developed, are going to be to the interest of this country; whether they can be of any advantage to any of our people, except those who exploit them, reaping their rich harvests of wealth in the use of the cheap labor in those islands; whether it is to the interest of this people that China, which is looked forward to as the great market, shall be supplied from the Philippine Islands by the development which is to come from American capital with cheap Asiatic labor, or whether it is to the interest of ourselves that that market shall be supplied from our own mines and our own people, our own fields and factories, through the labor and industry of our own people.

What folly will it be, looking, as we now do, to the Chinese market to take from us our own products, to build up instead competition in every industry in the Philippines worked by American capital using the cheap Asiatic labor at 12 or 15 cents a day. But time will not permit. If we were to put this question upon the purest commercial basis, I do not believe it would be possible for anybody to say that it is to the interest of the American people to continue this condition of affairs.

The prospect in the future is not one of amelioration of conditions. I hold in my hand an Associated Press dispatch of December 30, 1900, less than two months ago, as to the condition of affairs in the Philippine Islands. Everybody knows that the Associated Press is an institution the correctness of whose reports is its capital. It can not afford to be otherwise than correct. This is headed:

[Correspondence of the Associated Press.]

MANILA, *December 30.*

The general situation in reference to efforts toward the pacification of the Philippines may be summed up in two words, namely, "slow progress." The fact that progress is being made is fully apparent, but that it is slow is equally undeniable. In taking stock on the threshold of the new century the conquest of the Philippines is found to be still very far from actual accomplishment, with no eyewitnesses of the conflict willing to hazard opinion as to a time when even an approximate general peace is to be established. Such is the consensus of the views gathered by the Associated Press from military and civil officials of high and lesser rank and from soldiers, sailors, and citizens.

Mr. GALLINGER. I desire to ask the Senator if he has noticed in the Evening Star an interview with the late consul, Mr. Wildman, with whose tragic death we are all familiar, given in Honolulu, in which he presents an entirely opposite view of the conditions in the Philippines. I wish the Senator would look at it.

Mr. BACON. I have no doubt that is true as the Senator states it. I have not seen it. I will say, however, that I think the dispatch of the Associated Press from its man on the ground is very much more entitled to credence and to belief in its accuracy than the opinion of Mr. Wildman.

I am glad the Senator spoke about that. It reminds me of something I was about to forget that I want to read to the Senate. The Senator from Mississippi [Mr. MONEY] suggests to me a fact which I suppose was recognized, that Mr. Wildman's estimate was taken from views expressed to him at Hongkong and not at Manila, whereas this Associated Press dispatch is from Manila.

Mr. GALLINGER. Of course we all know, if the Senator will permit me, that Consul Wildman kept in very close touch with affairs in the Philippine Islands. It is true that he was consul at Hongkong.

Mr. BACON. The Senator did not recognize that fact when he voted for an army of 100,000 men under the statement of the Senator from New Jersey [Mr. SEWELL] that seventy-odd thousand are still needed in the Philippine Islands and would be needed there for some time. That did not look as if the Senator from New Hampshire at that time thought that the contrary and opposite of this was correct.

Mr. GALLINGER. Well, Mr. President, if the Senator will allow me a moment further.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Certainly.

Mr. GALLINGER. I have no disposition to get into a controversy as to that matter at all. I simply desired to call the Senator's attention to this matter, knowing him to be a very fair man always, and to express the hope, that was all, that matters were better than the Senator feared they were; that was all.

Mr. BACON. And I will reciprocate the hope, Mr. President, that as the Senator from New Hampshire now is prepared to give credence to what Mr. Wildman says, he will give full credit to the statements of Mr. Wildman to be found in Senate Document No. 62.

Mr. GALLINGER. I am familiar with them.

Mr. BACON. Now, I am going to refer to a matter that I passed over. I was speaking of the arbitrary character of the Government which is sought to be set up by this measure and which will be set up by this measure, and I have an illustration of it here in my hand. The Senator's reading a piece from the Star reminded me of it. I had forgotten it entirely.

Just to show how utterly arbitrary such a government is, to show how absolutely every interest of a people is under the control of an arbitrary ruler, I read an extract which I took from the Evening Star of April 21, 1900, from an interview with General Otis by Frank G. Carpenter, never denied, and I presume it is undoubtedly correct, in which General Otis was speaking of his powers there and how absolute he was; how he could do anything he wanted to do, and he gave this as an illustration. It is put in his language, not giving the substance, but professing to give his exact language:

We have, you know, the right to fix prices.

This is what General Otis says—

I can make meat cost $1 or 40 cents a pound with a scratch of my pen.

That is what General Otis said in an interview published in the Evening Star on the 21st of April, 1900, as to his power in this arbitrary government 7,000 miles away, where we can not reach it; and as an illustration of the power, he said: "I can with a scratch of my pen make meat worth a dollar a pound or forty cents a pound, as I may choose."

Mr. President, what is the government thus to be set up by this bill—for I presume, of course, that Senators who do not dare to defend it intend to vote it through? It will have control of every interest of that people. It will have the control, not only of the organization of the government and the appointment of all officers, the dictation of every law, the dictation of the judgment of every court, the dictation of the execution of every judgment, but it will have the power to regulate prices, to make a man rich or poor; and, Mr. President, how many of them will get rich?

Does any man doubt here that with that government set up there, with the revenues of that government subject to the absolute control of those who shall be in power; with the power to assess, levy, and collect taxes; the power to appropriate money; the power to disburse money; the power to assess revenue, to collect it, and disburse it; the power to give contracts; the power to inaugurate great enterprises; the power to give franchises; the power to start great public improvements; the power in a hundred ways to raise or depress values at will—does anybody doubt the cloud of harpies which will hover around and settle upon those islands and gorge themselves with plunder? We have had an illustration down here in Cuba of what irresponsible officers will do when they have the unrestrained control of the revenues of a people whom they dominate and to whom they are not responsible.

There was a resolution introduced in the Senate and adopted by the Senate instructing the Committee on Relations with Cuba to perform a certain duty—not only to find out what had been expended, but why it had been expended; by what authority it had been expended; what necessity there was for its expenditure—and the only reason I can surmise why the Committee on Relations with Cuba did not obey the order of the Senate was that the disclosure which would have resulted from that investigation would have been the deepest disgrace that has ever stained American honor.

Mr. President, who is going to investigate expenditures in the Philippine Islands? Who is going to have the opportunity to supervise and say how much of plunder there has been, how much of spoliation? Mr. President, those two great big books [exhibiting] are simply books of figures and nothing else to speak of, books of figures of money spent in Cuba in a little over a year.

Who has looked through them? Who is going to examine them? That is a people of about fifteen hundred thousand, and here is a people numbering 12,000,000. The Cuban people are 70 miles from our shores. The Filipinos are 7,000 miles away, where no eye can reach them, and the opportunity for plunder and spoliation is unlimited and the power for detection is almost nothing.

I have here a Manila newspaper. I have two of them, in fact, and I just want to show what a chance there is out there, even at present, under a government very similar to that which is to be set up but subordinated to the military control. I have here two newspapers, one is called the American and the other the Manila Times. They were sent from there to me by some one, among a number of other papers.

It gives an account of this wonderful legislative body we have over there now, in the shape of a commission—five men setting up to be the legislature of the Philippine Islands, and setting up to

be not only the legislature, but, except so far as the military governor may have control—having themselves control of every part of the government—legislative, judicial, and executive; in one minute passing laws which assess duties, in the next minute appropriating the money, in the next minute letting the contracts, and then supervising the contracts, and then controlling the judge who is to pass upon them, and controlling the judgment which is to be pronounced concerning them.

I will give an illustration of the wholesale scale upon which they are proceeding there with this temporary government, and I commend to my honored friend from Massachusetts the danger in temporary government as well as permanent, because I think the amendment offered by him, while excellent so far as it goes, will not close the door to the plundering which will be had under a temporary government.

Mr. HOAR. I hope the Senator does not for a moment suppose that I approve the amendment, even with the amendment.

Mr. BACON. No; I fully understand the Senator. I am only sorry that with the weight of his name and influence his amendment had not gone further. I fully understand the Senator's position and am very glad to do so.

I hold here a paper published in Manila containing a pretended legislative bill. These five men set themselves up as a legislature and they go through all the forms of legislatures. They introduce bills and they read them the first, second, and third time and pronounce them passed, just as if they were a legislative body, the only difference being that instead of being in the name of the Government of the United States, as is set out in the Taft report, they are all of them by authority of the President of the United States.

Here is a harbor bill which appropriates a million dollars in gold out of the revenues of the people of the Philippine Islands to improve the harbor of Manila—$1,000,000 at one time; and they set up and go through the form of legislating with a presiding officer and a man getting up and making a speech as if he were in a legislative body.

Now, Mr. President, I care not how honest the Taft Commission is, that million dollars is a part of the prey that these harpies will succeed in taking to themselves. I am told—I do not know whether it is a myth or not—that one of the old gray-back sharks will sight an Atlantic liner at Sandy Hook and follow it to Queenstown to take the plunder that may fall overboard. I have no doubt that when the Taft Commission sailed for Manila there were other sharks who sighted the prey and followed them there.

Mr. President, if the Philippine amendment to this bill had passed as it was introduced—as it was reported by the committee and before the amendment offered by the Senator from Massachusetts had been attached to it—there would have been in the Philippine Islands the greatest orgie of plunder, of jobbery, and of spoliation that the world ever saw. With 68,000,000 acres of land, with rich mines, with fertile lands, with gold and copper and iron and coal, there would have been an inconceivable amount of plunder. Oh, Mr. President, plunder is not the word. It is loot. They would have looted the island, and they would have come away from there so heavily laden with prey that they could scarcely have borne the burden of their spoil.

Now, Mr. President, the Philippine amendment has been very much improved by the amendment of the Senator from Massachusetts, but I do not think it goes far enough. I do not suggest it because it was offered by myself, but I think the amendment offered by myself goes further and is better adapted to the situation. It did not originate with me. I copied it from the Porto Rican law that this Congress passed in reference to franchises in Porto Rico. I quoted it literally, only changing it so as to make it adapted to the situation there instead of Porto Rico. I will read first the provision in the Porto Rican law:

Provided, however, That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable to annul the same.

To that extent the amendment offered by me is a literal verbatim copy of the Porto Rican law. Then the other part of it in the Porto Rican law is as follows:

Provided, however, That all grants of franchises, rights, privileges, or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

As they have no executive council there I changed the additional proviso in my amendment so as to read as follows:

And provided further, That all laws enacted by any governmental authority created under the powers conferred by this act shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

I desire simply to call attention to this. Of course, if the Senate thinks the amendment of the Senator from Massachusetts goes far enough, I have nothing more to say about it. I would be glad, however, to have him personally examine it.

Now, Mr. President, the point to which I want to call the attention of the Senate in this connection is this: When the original Porto Rican bill was presented to the Senate, it contained a provision in it exactly like that the Senator from Massachusetts has put in his amendment, to wit, that the franchises should be approved by the President, and after full examination and discussion the Senate struck out those words and put it, as the Senator will find it in the Porto Rican law, that they should be reported to Congress, which reserved the power to annul the same if they deemed it advisable.

It is true, as I say, the amendment of the Senator from Massachusetts is a vast improvement to the bill, and I anticipate that these harpies, these plunderers, these exploiters, who have already in imagination grown fat on 68,000,000 acres of public land and on all the mines and fertile lands, will lose much of their interest in this act when they find that to that extent they have been robbed of their prey.

Mr. President, I have but a few more words to say, and as there will not be time for me to speak separately as to the Cuban matter, I desire to say a word in reference to that without its discussion.

I can not vote for the Cuban amendment, and I will state my reason for it. I believe that the future of Cuba is necessarily identified with the future of the United States, and it is not in antagonism to that view that I decline to vote for this Cuban amendment. I do so on two grounds.

In the first place, I do not think that the amendment is in harmony with the pledge which we made when we went to war with Spain. I think that we are bound by that pledge, Mr. President. That pledge is not consistent with the pronunciation by us of an ultimatum to the people of Cuba, saying that we will not release them from military control until they comply with that ultimatum.

I know that it is common for people to disparage the action of the Senate in the adoption of the clause recognizing the independence of the people of Cuba in the resolution declaring war against Spain, which says:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

I know that some who were not then members of this body are disposed to ridicule that resolution as a piece of silly sentiment. But, Mr. President, it was not a sentiment. That declaration was made under very solemn circumstances, at a time when we thought it was prudent and good policy to make the declaration. At the time we went to war with Spain we did not know but that we had entered upon a world's war. At the time when we stripped ourselves for the conflict, when we flung down the gage of battle, we did not know but that the whole of Europe would be at the back of Spain. That was then a serious apprehension.

Mr. President, I recollect very well the language to me of the President of the United States at the time when there was great travail, great doubt, great labor and trouble in the effort to determine upon what was a wise course then to be pursued. The President of the United States invited expressions of opinion not only from Republicans, but from Democrats; and I remember distinctly that on a day I received an invitation with another Democratic Senator to go to the White House and confer with the President about the then serious and difficult situation.

I am happy to do here what I have done, I think, heretofore in this presence; if not here, certainly elsewhere, on every occasion, to do the justice to say of the President that he was most earnestly opposed to war; that he most earnestly desired the preservation of peace; and I remember, distinctly as we parted in the Cabinet room, the last words he said to us were, "Senators, remember if we have war it may be a world's war."

Now, Mr. President, in the presence of such an emergency as that, in the presence of so great a danger as that, we deemed it proper to stand before the whole world, when we did not know but that we had challenged their hostility, and say to them, "We desire no aggrandizement by this war; we do not go to war for the purpose of acquiring Cuba; we want you to understand it is our desire that you shall hold your hands off, that our only desire is to do justice to these people and produce a peaceful situation in that country."

Therefore, under that solemn, under that serious condition of affairs, with the utmost good faith and for the purpose, not of high-flown sentiment, but for the purpose of our personal protection against a threatened danger which we apprehended, we said to all the world, "Our purpose is simply to produce a condition that is tolerable there, to stop this inhumanity, and to bring about peace in our own home sphere; and when we shall have done that, we pledge ourselves we will make no attempt to take this island; when we have pacified those people we will withdraw and leave their affairs to them alone. We declare solemnly before the world that they are, and of a right ought to be, free and independent, and we will be true to that declaration."

Now, I say that was not a matter of sentiment. It was a great and a solemn asseveration made for a high purpose, deemed essential to our own safety.

Mr. President, if I desired above all things the acquisition of Cuba I would do nothing which would be in conflict either with the letter or with the spirit of that asseveration which we then made under those trying circumstances. Therefore, Mr. President, while I have the utmost deference and respect for the committee which have brought in this amendment, according to my view the amendment is not consistent with the obligation which we then solemnly took in the presence of the world. Cuba can not be free and independent if we can enforce these restraints upon her. If we are determined to violate our pledge, why stop half way? In that case we should go the whole way and take the island without reservation.

Mr. President, I will state another reason why, with the utmost respect for the committee, I must decline to vote for the amendment. I believe, as I have already said, that the future of Cuba will certainly be identified with that of the United States. It may take a little longer time to bring about a proper understanding, but I think the future relations of the Cuban people with ours should be so carefully guarded that they will not be affected by any irritation which might result from an ultimatum presented by us to them at this time.

I am in favor of assisting them in the effort to bring about a condition of good government in their island. I am in favor of assisting them in all proper ways; but Mr. President, I am not in favor of irritating their spirit of love for independence by now flaunting in their faces the demand that they shall agree to that in the very inception which is the acknowledgment that they are not an independent people, but that they are a subject people, who must do whatever we demand of them.

There is one provision in the Cuban amendment in which my section is deeply interested. That is the provision to insure the sanitation of the island. That is of extreme importance, and I have no doubt that will be carefully guarded, whatever plan of settlement is adopted. I am confident that more can be accomplished through a plan which does not irritate the Cubans, for at last we must largely depend upon their willingness to make this sanitation effective.

Mr. President, this much I thought proper that I should say concerning Cuba.

To return to the question of the Philippine Islands, I want to repeat that I regard this as the most vicious and pernicious legislation which the country has ever known to be proposed in these legislative halls, for while, as suggested by the Senator from Wisconsin, the question of union or disunion was a more serious one, it was not a legislative question. I want to repeat that there is no bill in this Senate, or which can come to the Senate, the passage of which I would be willing to secure by in any manner or in any degree withdrawing the slightest of all the opposition which I have to this bill.

I want to say further, Mr. President, that while there is no bill which I would secure the passage of by withdrawing my opposition to this bill, there is no bill to which I am so opposed that I would secure its defeat by withdrawing opposition to this bill. I repeat what I said before—that while I am utterly opposed to the subsidy bill, I would rather see ten subsidy bills passed than this bill. If Senators on the other side think that Senators on this side are relaxed in their opposition to it or in their desire to see its defeat, let me say to them that they will see in this vote a more unanimous Democratic party than has ever showed itself in any vote that has been cast in this Chamber in the present Congress.

Mr. President, I again repeat, an extra session has no terrors for me. I would be willing to resort to any of these devices if anybody could show me they would result in a permanent defeat of this amendment. I am ready to follow anybody or anything that will show that permanently we can defeat this measure, which, I think, in all respects is a most iniquitous measure.

I was speaking just now of the commercial question. I was trying to express the idea that there was something higher than commercial considerations in this great question; and in discussing that idea I want to read something from a man who, while he belongs to a different political party from myself, has my unbounded admiration as a man of ability, a man of integrity, a man of great learning, a man of unsurpassed patriotism, one who was once an honored member of this body, and who now, in dignified retirement, has the honor to be an ex-President of the United States.

Indiana not only should be proud of him, but the whole country; Republicans not only should be proud of him, but every true American citizen. In an article published in the North American Review of January of this year—a most instructive article, one of great logic and power—this great and good man concluded with these words:

> One who has retired from the service, but not from the love of his country, must be pardoned if he finds himself unable to rejoice in the acquisition of lands and forests and mines and commerce at the cost of the abandonment of the old American idea that a government of absolute powers is an intolerable thing, and under the Constitution of the United States an impossible thing. The view of the Constitution I have suggested will not limit the power of territorial expansion, but it will lead us to limit the use of that power to regions that may safely become a part of the United States and to peoples whose American citizenship may be allowed.
>
> It has been said that the flash of Dewey's guns in Manila Bay revealed to the American people a new mission. I like rather to think of them as revealing the same old mission that we read in the flash of Washington's guns at Yorktown.
>
> God forbid that the day should ever come when, in the American mind, the thought of a man as a "consumer" shall submerge the old American thought of man as a creature of God, endowed with "unalienable rights."
>
> BENJAMIN HARRISON.

Mr. President, I wish that those words and that sentiment might reach the ear and sink into the heart of every man in our land who loves liberty and who prizes the free institutions of our country.

APPENDIX.

Mr. TILLMAN submitted the following extract from the Reports of the Taft Philippine Commission, to be appended to Mr. BACON's speech:

NECESSITY FOR MINING LAWS AND FOR SETTLEMENT OF EXISTING CLAIMS.

There can be no question that it is to the interest of the inhabitants of this archipelago to have its mineral resources developed. It is equally certain that the men who have faced manifold dangers in locating valuable mineral properties, and who are ready and anxious to develop them, should be given an opportunity to do so at the earliest practicable time.

Although, as has been stated, the character of the prospectors and miners in the archipelago is above the average, the presence of a considerable body of such men who have found mineral deposits, but are forced to endure a long period of inactivity, pending the time when they can establish their claims and begin active operations, is not a desirable factor in the present situation. The reports which are being sent out are of such a character as to make it highly probable that the number of prospectors and miners will be greatly augmented in the near future. It seems, therefore, most important that immediate steps should be taken to make it possible for the government established in these islands to grant mining claims.

There is, furthermore, necessity for some tribunal empowered to decide questions arising in regard to Spanish mining grants and so-called "titles," although the word "title" is in this case a misnomer, for under Spanish law only concessions were granted, the title being continued in the Crown. The ownership of the concessionary was limited to a license of indeterminate length, allowing him to extract certain minerals and to dispose of the same and to convey to others his rights by deed. This "title" was at all times subject to eleven general conditions, and failure to comply with any one of them made it possible for the Crown to cancel the concession.

Endless questions are arising as to the status of concessions granted by the Spanish Government to which the titles had been perfected or were in process of perfection. For purposes of convenience claims are referred to as "first-class claims" where title has been perfected and as "second-class claims" where title was in process of perfection.

FIRST-CLASS CLAIMS (SPANISH GRANTS RECORDED).

Of such concessions there were recorded and uncanceled upon the records at the time the Philippine Islands were ceded by Spain to the United States no less than 481. These claims were embraced in 152 "expedientes" (or petitions); in other words, there were 152 different mines. They were distributed among the various minerals as follows:

	Claims.	Area.
		Square meters.
Gold	338	19,974,512.25
Coal	116	17,400,000
Copper	2	166,849.24
Iron	9	1,137,571.09
Sulphur	3	180,000
Marble	4	80,000
Petroleum	4	600,000
Kaolin	4	80,000
Guano	1	20,000
Total	491	39,638,932.58

Some of these grants are doubtless invalid because of long abandonment, but the formal entry of cancellation has not been made upon the records.

SECOND-CLASS CLAIMS (INCOMPLETE SPANISH GRANTS).

When the Philippine Islands were ceded to the United States there were proceedings pending in the department of mines for the survey and official demarcation of 113 claims, embracing 10,941,614.71 square meters, and contained in 37 petitions, and divided among the minerals as follows:

	Claims.	Area.
		Square meters.
Gold	61	3,531,614.71
Coal	49	7,350,000
Marble	1	20,000
Trachyte	2	40,000
Total	113	10,941,614.71

These claims had not yet reached a stage where they could be closed by a concession, since, by the terms of the Spanish law, the act of demarcation, based on a definite official survey by a public surveyor, was a condition precedent to the granting of a title, and was the only means by which the lands could be segregated from the public domain.

THIRD-CLASS CLAIMS.

There remains a third class of claims, viz, those which it was attempted to establish through the mining bureau at Manila by the filing of petitions there between May 4, 1898, and March 30, 1899. It would appear that there was no warrant of law for the filing of such petitions, and that they have no legal value.

Nevertheless, they number 1,618 and embrace 149,288,134.37 square meters. They are divided among the minerals as follows:

	Claims.	Area.
		Square meters.
Gold	1,006	60,348,134.37
Coal	467	70,050,000
Copper	108	15,160,000
Iron	16	2,400,000
Sulphur	3	450,000
Marble	10	200,000
Granite	4	80,000
Petroleum	4	600,000
Total	1,618	149,288,134.37

As already stated, it is of great importance that some tribunal should be established at the earliest possible date by which the legal status of these claims may be determined. In many if not all instances the disturbed conditions which have prevailed in the archipelago since 1896 have prevented the owners of claims of the first class from fulfilling all the conditions precedent to keeping their title clear. They desire to pay the taxes due on this property, if it be held that they are the rightful owners on the one hand, and on the other they can hardly be compelled to pay them unless their ownership is recognized. They also, and very naturally, desire to prevent others from squatting on their claims. Similarly, those who had begun to perfect titles to mining concessions prior to the change of sovereignty are anxious to learn what their rights are.

The island government is interested in the clearing up of titles to these mining properties on account of the revenue which would result. The owners, or would-be owners, are interested on account of the possible profit to themselves. The people at large are interested on account of the increased opportunities for the employment of labor which would accompany the active development of mineral deposits. There is every reason, therefore, why a mining code should be enacted for these islands at the earliest practicable time and suitable provision made for determining the rights of all claimants to mining properties.

It is believed that this whole matter should be dealt with here by the legislative body at present existing in the islands, but the commission has held that it can not determine questions arising as to existing claims nor consider applications for new concessions until duly authorized by Congress. In view of the importance of the interests involved, such authorization is urgently requested. (*Taft Commission Reports, pp. 51-54.*)

Mr. JONES of Arkansas. Mr. President, I shall vote against the Cuban amendment to this bill for the reason that, it seems to me, there is a right to interfere in Cuban affairs reserved in certain of its paragraphs. For instance, in paragraph 3 the language is:

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

That seems to reserve the right to the United States to judge at all times what sort of a government the Republic of Cuba has, and to intervene whenever the government does not suit the purposes of the Government of the United States. In other words, it seems that there is an intention to reserve to the Government of the United States a supervision and control of the government of Cuba, which is directly in the face of our pledge that Cuba should have an independent government. That is one objection to the amendment.

Then, in paragraph 5, there is this provision:

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

By whom is this mutual agreement to be made? Evidently between the government of Cuba and the Government of the United States. The Government of the United States, it seems, must have reserved in this paragraph a right to direct what sort of sanitary arrangements shall be made in the cities of Cuba, reserving to the United States the right to control the domestic and internal affairs of that government. To this I am opposed.

For these reasons, and because of these features in this proposition, I shall vote against the Cuban amendment. But I join with the Senator from Colorado [Mr. TELLER] in the expression of surprise and gratification that the majority here are willing to put themselves in a much better position in this respect than I had hoped they would do. I think that this proposition is very much better than anything I expected or hoped for.

I confess that I have feared for months that it was the deliberate intention of the majority here to absolutely disregard our plighted faith to the world and to Cuba when we declared war against Spain, and to maintain a control and absolute supervision of the island. I am afraid that we are leaving enough of that in the amendment to make the pretext and excuse for undertaking to interfere in the affairs of that island hereafter, and for that reason I shall vote against that proposition.

I am more strongly opposed to the Philippine proposition than I am to the Cuban proposition, for I believe the Philippine proposition is absolutely indefensible in every respect. It is indefensible from every point of view, and while it is much less offensive and much less objectionable than it was before the Senator from Massachusetts [Mr. HOAR] offered his amendment, it is still so absolutely un-American and it so completely violates every idea of government which I have ever heard of that I am willing to do anything reasonable to defeat this proposition.

I am, however, Mr. President, not willing to resort to filibustering for the purpose of preventing the majority voting on these questions. If they choose to adopt these propositions, they have the responsibility and they have the power; let them take the responsibility and the accountability to the American people for what they do.

There are other important measures besides the pending bill which must be considered. All the general appropriation bills must be passed; and there are three yet to be disposed of. There is the river and harbor bill, involving an expenditure of millions of dollars, involving the good of many localities in this country, and affecting materially the commerce of the entire country. The sundry civil bill must be passed, and the general deficiency bill is yet to be considered. We have but three days more of time in which these great measures are to be taken up and disposed of. I am not willing to consume the time of the Senate in presenting at any length my opposition to these amendments, and I am not willing to resort to any methods of delay or to consume time to prevent a vote upon the pending question when these other great questions are waiting to be considered.

Mr. President, I confess I was amazed to see a statement in the Washington Post of this morning as absolutely devoid of foundation in fact as anything I have ever seen printed, except as to the statement as to my own position. I do not know who wrote that article. I hope that the gentleman who interviewed me and asked me what my position was on this question was not guilty of the execution of that infamy.

The statement is made in the headlines:

Minority will yield—Democratic opposition in the Senate withdrawn—Republicans score a victory.

I believe it is said in newspaper offices that nobody is responsible for headlines. But the article goes on to say:

The opposition to the Philippine amendment to the Army appropriation bill has melted away like snow under a warm sun.

I agree that the Senator from Georgia [Mr. BACON] stated the exact truth when he said that you will find a solid Democratic vote against this proposition. There has been no melting away of opposition to this amendment.

There is another item in this article stating that there has been some agreement for a vote. That is also absolutely without foundation. There has been no agreement to vote. Standing in my place last night at a quarter past eleven o'clock I said, when there was a proposition to go on with a speech, that I believed that at a reasonable hour to-day a vote could be had upon these propositions. We intended to state the reasons why they ought not to be on the statute book; but I for one am not willing to resort to filibustering methods to undertake to defeat the appropriation bills and to make an extra session an absolute certainty, for I know that the result of that extra session would be to pass measures more objectionable than those which are now pending here.

The fact is the want of time to pass these measures was the reason why an amendment came in here, and was accepted by the majority, preventing the sale of the public lands in the Philippines. The reason why there should not be unlimited power to the government to be established in the Philippines to grant franchises to run for all time to come, because of the fact that the majority knew that if that amendment was not accepted, in all human probability they would not be able to get a vote upon the appropriation bills.

When the most infamous features of this proposition are withdrawn we know that if the majority vote for the Spooner amendment as it now stands they are simply taking a part of the responsibility for doing what the President has been doing for two years anyway. It does not increase his power. It does not expand his power, but simply makes the Republican majority here share with the President the responsibility for what has been done and what we all know will be done whether this amendment shall be passed or not.

Under these circumstances, and for these reasons, I am willing that the majority shall take this responsibility and that there shall be a vote. I will not undertake to delay it. I believe that we have a right to discuss these questions and to show why they ought not to pass. I think that has been done in a way which will carry conviction to the minds and consciences of the people of the United States and that the majority will be held to a fearful accountability for passing measures of this kind.

But the statement made that there is an agreement, or that there has been any consent on the part of anybody here that these measures shall be passed, is absolutely without foundation. It is as false as anything that was ever uttered or written on the face of the earth. There is no shadow of foundation for it; there is absolutely no truth in it; there is not now, and there has not been from the beginning to this time. Simply because some of us are not willing, at the dictation of a handful of men who want an extra session for purposes of their own, to resort to

extraordinary methods and filibustering to bring about an extra session—to have a statement of that sort made to justify an attempt to censure us—will not, I imagine, cause any Democrat to change the position he occupies or change his course of conduct here.

Mr. HOAR. Mr. President, I only wish to speak for two or three minutes in order to state very briefly my own opinion and position in regard to this matter.

I believe—perhaps the wish may be father to the thought—that there is a great change going on in the minds of the American people and in the minds of the masses of the Republican party in regard to this Philippine policy. Evidences of it come to me in conversation with eminent and influential men—men who have been charged with public responsibilities all over the country—and in letters from persons who, whether eminent or influential or not, are the fair representatives and type of the great liberty-loving Republican party. When the light comes into the hearts of the American people, they will, in my judgment, adhere to the doctrines of the great Declaration. Our fathers did not penetrate a position their children can not hold. We shall not sink back again from the great heights we have gained.

I do not think, therefore, while this process seems to be going on, that it is wise to have the final debate or to have any more debate over these questions now before a Senate and a House that have so lately acted upon them, or within a few weeks have an extra session of a House and a Senate representing the prevalent tone of the last election. I think we had better adjourn what we have to say until the next six months shall have added their contribution to our knowledge and experience.

So, although I am opposed, and mostly for the reasons stated by the Senator from Georgia [Mr. BACON], to this declaration of a purpose and of a right to commit to five men despotic power over 12,000,000 men, and to give them all powers of legislation, of execution, of judgment over these 12,000,000 people; yet, as the same power is exercised now, and is to be exercised for the immediate future by one man, I do not think it wise for the present to bring upon the country the other mischiefs attending an extra session, by forcing one by an unavailing resistance to this measure.

The amendment which has been adopted, originally drawn by me, but improved by the suggestion of other Senators, and especially by one important suggestion, which I suppose I violate no confidence in saying came from the Senator from Colorado [Mr. TELLER], has somewhat modified and softened the features of this proposition. But still, however modified and softened, it is, in my judgment, a proposition at variance with the principles of the Declaration of Independence, with the principles of the American Constitution, with the principles of every State constitution and every State bill of rights, and with the principles by which and through which and in which the Republican party came to life and has lived from the beginning of its honorable and glorious history.

Mr. President, whatever we may have thought in the beginning, these 12,000,000 people with whom we are dealing are not savages; they are an intelligent, Christian, liberty-loving people. Every evidence, whether it came from the reluctant admission of military officers or from the picture of what takes place in this great struggle of theirs for their liberty, every evidence shows that people to be a race of men with whom our own Revolutionary fathers need not have blushed to be compared.

Among the great public documents in our own history of which I am proud are the resolutions and declarations of the Massachusetts and other New England towns in the beginning of the Revolutionary war, when the people from their simple homes conducted the great debate of liberty. Among those documents still preserved, collected largely by the industry of our illustrious historian George Bancroft, more than one bear the signatures and are the composition of my own ancestors and kindred; and I have a personal pride in that ancestry and kindred which I would not exchange for anything of wealth or of honor this world has to bestow.

I hold in my hand the originals of the actions of 23 towns, and another Senator has produced others. When, only a few weeks ago, the demand of our Philippine Commission and of our military officer was presented to the people of the island of Cebu—that is an island, I understand, of seven or eight hundred thousand people, 150 miles, or thereabouts, from Manila—and it is the island which General MacArthur tells us is the most absolutely pacified and reconciled of the whole Philippine Archipelago.

The people of these towns were gathered by their mayors in their town halls or in the public squares, and discussed this question, vital to them and vital to the history of public liberty on earth as was ever question debated by our Revolutionary fathers, and here [exhibiting] signed by the men who participated in the meeting, and drawn up in each case by the secretary of the meeting, are the records of their proceedings. Every document is in a different handwriting from the others; every one is in a handwriting which marks the scholar, the man of intelligence, the man fit for government, as surely as the countenance of a human being ever marked the character of the man or represented the soul which was behind it.

The resolution which was passed is the same in each of these 23 towns, although the Spanish engrossment and the signatures vary. I wish Senators would look at these papers; I wish anybody who has allowed himself to get up, in the height of political excitement, and say here or on the stump that these men were a race of ignorant savages would come and see whether he can name 23 towns in his own State at this moment the secretaries of which in public meeting could have made a document looking like these. I can not name them in Massachusetts. There are not 23 Massachusetts cities of our 35 the result of whose deliberations would bring any more honor, either in form or substance, to their people than the result of these deliberations brings to this people.

Mr. President, I desire the Secretary to read—it is very brief—the translation of this answer to the demand that they surrender their liberties and submit to this despotism, unchecked, unparalleled on the face of the earth, either by czar or emperor, which was proposed to them by the American commission and the American military commander.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Translation in English of the following document, describing practically identical procedure in the island of Cebu in 23 towns.]

On July 5, 1900, the members of the muncipal council and prominent citizens, who represented the best interests of the town in the different branches of production and capital, assembled in the city hall of the town of Carmen, in the province of Cebu. These were called together by the mayor, in order to obtain the views of the townspeople on important affairs. It was called together by the mayor (jefe local), Señor Victoriano Buot, who declared the session open and stated the object of the meeting.

It was to give an answer to the wishes of the American military governor of this province, who, in an address to the mayors, invited the people of Cebu to state their opinions concerning the establishment of the new municipal régime. He (the military governor) also invited the people to express their desires in order to lay them before the American civil commission when they visited that province. The mayor, therefore, asked all the councilmen and citizens who were present to meditate over this in order to be united, for it was of the greatest importance as affecting the future of the country. For this reason he expressed his confidence that the assembled citizens would put aside all prejudice and dishonest purposes in giving their opinions.

The councilmen were well informed of the object of the meeeting and, after considerable deliberation, reached an agreement in their opinion and wishes, which was similar to that of their constituents. They expressed their views as follows:

1. That we desire the blessings of liberty and for this reason we aspire to the territorial and political independence of our country.

2. That we desire peace, order, and tranquillity, which are the fundamental principles of prosperity and thus do not agree to the establishment of a new municipal system which is not satisfactory to the people, for to recognize a sovereignty which the conscience repels is repugnant to reason, because we do not know what the American Congress will establish. If the system of government established should be detrimental to our interests, if not in harmony with our ideals, we could not conscientiously support such a government, which would certainly create much discord and unhappiness and would not bring permanence, peace, order, and tranquillity.

(3) That we are not only willing, but anxious for the betterment of affairs, and are willing to accept any honorable form of government within the sphere of liberty. We first want a cessation of hostilities and an organization of civil government, all the offices of which, including the judicial branches, shall be elected by the people and shall be Filipinos. In this way only can the future be determined in peace and concord.

(4) That we are desirous of the friendship of the Americans, whom we admire, because they are a people essentially democratic and besides have a good system of government, by which they have obtained peace, prosperity, and happiness. That we are desirous of having the principles of the Declaration of Independence applied to the Filipinos and of having the Constitution become the regulator of justice. That we desire to follow in the footsteps of the Americans.

The mayor having received these opinions, and no more questions remaining to be considered, adjourned the meeting, expressing thanks to the councilmen and citizens for their attendance. Those present then signed the paper, and the secretary certified it.

Documents similar to this are received from the town of—

	Date.	Signatures.
(1) Balamban	June 20	18
(2) Alcantara	June 30	11
(3) Ronda	July 10	16
(4) Aloguisan	July 15	14
(5) Catmon	July 20	14
(6) Barili	July 22	36
(7) Sagad	do	38
(8) Badran	July 24	48
(9) Moalboal	do	35
(10) Santa Rosa	July 26	17
(11) Borbon	July 28	12
(12) Mandaue	July 30	28
(13) Lilcan	Aug. 3	52
(14) Tabogan	do	33
(15) Tuburan	Aug. 4	22
(16) Madridheos	Aug. 13	36
(17) Talisay	Aug. 15	21
(18) El Pardo	do	26
(19) Minglanilla	do	16
(20) San Nicolas	Sept. 1	29
(21) San Fernando	do	30
(22) Asturias	Sept. 15	34
(23) Ginatilan	Oct. 4	23

Twenty-three towns in Cebu.

Mr. HOAR. The people of Cebu have not arms in their hands. There is no occasion to tell them that you will not parley with

these people until they stop fighting. Like the 2,000 principal citizens of Manila, bankers and lawyers and doctors, who sent their respectful petition here a few weeks ago, they are quiet and peaceful. Can you not tell them that you mean, not to give them good government, but to respect their liberties and independence, instead of sending to them this despotism, the worst and most unchecked ever proposed on the face of the earth?

You are to send out Mr. Worcester and Mr. Taft and the rest, giving them a power which, in the height of his glory, the American people never would have trusted to George Washington; giving them a power which, as an examination shows, the American people did not for a moment intrust to Thomas Jefferson when Louisiana was purchased, although Louisiana was not a people, but was only a great waste place on the face of the earth, save for a few Indian tribes and a few French settlements, whose inhabitants were largely proposing to return to France.

This act of yours is to wipe out, if it be adhered to, the last hope that the example of the United States hereafter is to continue to work out its great result in the ideas and aspirations of the downtrodden people of the rest of the world. Down to this year or last year everywhere the world over, in Russia, in Austria, in the far East, in the islands of the sea, even in this distant archipelago, every poor man, every downtrodden man, every brave man who had an impulse toward freedom in his heart had heard, directly or indirectly, of the great liberty-loving people, where all men were equal and where no government of despotism could be permitted.

You are going to vote, as far as you can, in about ten minutes to wipe all that out now. You may talk about benevolent assimulation, or giving good government, or use all the other fine phrases that your ingenuity can invent, but your act is pure, simple, undiluted, unchecked despotism.

> In vain you call old notions fudge,
> And match your morals to your feeling;
> The Ten Commandments will not budge,
> And stealing will continue stealing.

Mr. President, I do not know how others may feel. But this is the faith in which I was born, in which I was bred, which came to me from my ancestors in every drop of my blood. It is the faith in which I hope to die, and it is the faith for which I am willing to die. Whatever it may be called—it may be called Quixotism, it may be called extravagance, it may be called enthusiasm, it may be called illusion—whatever it is, it is the inmost purpose and faith of my soul.

As the greatest intellect that ever lived on the soil of New England, perhaps the greatest that ever lived on American soil—a mighty genius to which that of Dante alone can be compared—said in the dark time of his life, so say I now:

> If such things are enthusiasm and the results of a distempered brain, let my brain be ever more possessed of that happy distemper. If this be distraction, I pray God that the world of mankind may all be seized with this benign, beneficial, beautiful, glorious distraction.

Mr. TILLMAN. Mr. President, I shall not intrude on the Senate except for a brief while, as everybody is so anxious to come to a vote. During the speech of the Senator from Georgia [Mr. BACON] I called his attention to some statements of fact in the report of the Taft Commission in regard to mines and other matters in the Philippine Islands, and he asked me to present them to the Senate, but seemed to object to it being done then. I think these facts are of sufficient importance to go into the RECORD, and I want to call attention to only two or three paragraphs. I will have the rest published, if the Senate will permit me, at the end of the speech of the Senator from Georgia [Mr. BACON], as an appendix. I will merely read one or two small extracts from another part of the report. In order that the people of the country and Senators—for I am afraid a great many Senators are not familiar with these things—may know just what we are doing in the Philippines, I wish to direct attention to one remarkable statement. Listen to this:

The commission—

This is on page 36 of the report—

> The commission has made one large appropriation of $1,000,000, gold, by your direction, for the building of roads under the supervision of the military governor, and another appropriation of $1,000,000, gold, for carrying on the improvements of the Manila Harbor works. The improvement of the harbor can probably not be completed without the expenditure of at least a million and a half more, gold. The appropriation which the general superintendent of public instruction has recommended for school purposes for the coming year from the insular treasury will amount to more than $1,500,000 in gold.
>
> There is now on hand in the Treasury, not covered by appropriations, $2,500,000 in gold, and this sum will increase for the present at the rate of not less than $300,000 a month, if only the ordinary appropriations are made.

Mr. PLATT of Connecticut. Mr. President, let us have order.

Mr. TILLMAN. Some Senators are so much in haste to perpetrate this infamy, they are so cowardly in their purpose to obey the orders they have received, that they are indecent enough not to listen or allow others to do so.

Now listen again. I desire to ask any Senator here who is a member of the Committee on Naval Affairs or of Military Affairs if he has known before that this condition exists in the Philippines?

> One very serious question which we desire to present to you, and upon which we have already had some correspondence, is whether the policy should not now be adopted of spending nothing from the public civil funds for purely military or naval purposes.

I hope the Senator from Maine, who is chairman of the Committee on Naval Affairs, will listen to this and corroborate what I say. I will repeat it:

> Whether the policy should not now be adopted of spending nothing from the public civil funds for purely military or naval purposes. The amount spent for purely military and naval purposes in these islands from the 1st of July to the 15th of September is approximately $800,000 Mexican, or about $160,000 gold, a month.

Now, that Senator knows, as a member of the Committee on Naval Affairs, that we have lavishly appropriated for every naval expenditure that the Department has sent to us, and this bill which we are considering for Army appropriations carries with it itemized statements of every possible want of the Army and of our troops; and yet here we have a statement from the Taft commission that the Army and Navy have been spending over there something like eighteen hundred thousand dollars a year or thereabouts for merely "military and naval purposes."

Mr. HALE. Will the Senator from South Carolina yield?

Mr. TILLMAN. I yield to the Senator to corroborate what I said. As a member of the Committee on Naval Affairs I never knew there was a dollar being spent for naval purposes in that country.

Mr. HALE. What country?

Mr. TILLMAN. In the Philippines, of course.

Mr. HALE. I supposed the Senator knew—he does know, because he is a member of the Naval Committee and a very prominent and able and active member of the committee—that a large portion of the Navy of the United States has been now for a year and a half or two years in the waters of the Eastern seas, and that the expenditures upon that branch of the service are entirely incident to the conditions in the Philippine Islands, and more lately by reason of the Chinese imbroglio. There is no question about that. I had occasion the other day to call the attention of the Senate to the fact that the military budget, which includes all expenses appertaining to the military, both Army and Navy, and pensions, is nearly double that of any other great European power, except perhaps Great Britain, which is engaged in war.

Now, I do not quite see what the Senator is driving at, although he is ordinarily very clear, in raising this question. There is no doubt about the expenses that the United States Government has been put to by reason of the Navy in the Philippine Islands in the last two years. It has been a very great expense.

Mr. TILLMAN. If the Senator will pardon me for a moment, I will try to enlighten him. I thought he caught the drift of my purpose.

Mr. HALE. I did not. It is my fault, undoubtedly.

Mr. TILLMAN. Possibly it is mine. I will try to make myself understood. I was reading from the report of the Taft Commission, in which information is conveyed to the Secretary of War that of the revenues of the island paid into the treasury of General MacArthur, because it has been spent under his orders, there have been these sums spent for purely military and naval purposes, not under any appropriation from this Congress, while we have been called on to appropriate for every possible expense of both, and I do it to call attention to the extravagant and unnecessary expenditure of money wrung from a conquered people.

Mr. HALE. Now the Senator has brought out what is a new feature, and that is, that in addition to all our expenditures a portion of the revenues that have been collected by our authorities in the Philippine Islands have been expended for naval purposes.

Mr. TILLMAN. And for Army purposes.

Mr. HALE. And for Army purposes. The existence of that I did not know, and that is a new matter, to my mind. I did not suppose that the expenses that are incident to our appropriation and our conduct of our fleet and our armies were being supplemented by the revenues drawn from the Philippine Islands.

Mr. TILLMAN. I will remind the Senator that the Naval Committee of the Senate was requested urgently to put on an appropriation of $250,000 for the development of a naval station at Cavite. We were told they had no money, and needed this.

Mr. HALE. It was for an investigation as to the desirability of a site——

Mr. TILLMAN. No.

Mr. HALE. And the location of it and the development of the site. Undoubtedly we were called upon for that.

Mr. TILLMAN. We are called on for many things in the naval bill, and I bear witness to the Senator's desire to scrutinize and reduce those appropriations. We did the best we could with the light before us, in order to give all the Navy needed—every dollar the Department estimated for and a good deal that they sent down as supplementary. I am merely directing attention to this arbitrary form of government, this new despotism of five autocrats or dictators who have been selected by the President of the United States and sent to the Philippines to inaugurate a so-called civil

government, hitherto under the war power. Now, after we have got to that point where we are told we need civil goverment, we are brought face to face with the fact that instead of Congress taking up the question of civil government and legislating to give those people some rights in accord with our Constitution and system of government, we turn the whole thing over, like a pack of cowards, to five men to be appointed by William McKinley.

If there is any peace in Cebu and around Manila, and if we are to hope to have it in the whole archipelago, in the name of common sense and honesty and patriotism why do we not establish a civil government for the archipelago and let the outlying provinces that are in insurrection be brought under it as fast as they are subjugated? Why do we not begin the process of giving these people the boasted benefits of our liberty and our humanity and our civilization? Why do we turn our backs, as the Senator from Massachusetts [Mr. HOAR] so eloquently said a moment ago, on all the traditions of our Republic, upon all the inherited feelings of love for our institutions, to enter upon this departure?

The question of mines and franchises and public lands undoubtedly inspired the proposed amendment. The Taft report proves that beyond dispute. The Republican party was driven to surrender its purpose to give the disposition of those things over into the hands of this oligarchy or this despotism of five by accepting the amendment of the Senator from Massachusetts, itself amended at the suggestions of Senators on this side; and now that we have pulled the teeth, so to speak, of the hyena that you proposed to turn loose upon the vitals of the Filipino people, by limiting the powers of the Taft Commission, this travesty upon civil government, in the name of God and of decency—and I have no impious thought in my mind when I speak of the Deity in that connection—why do you not vote down this proposition and leave the President to continue, under the war power, to rule that country and be responsible, instead of letting Congress abdicate its functions and turn it over to five men to be appointed by him—or even one, because there is no limitation in this amendment? You simply say he shall appoint whom he pleases, if it be one, five, or fifty, and that all of the civil powers to be exercised there shall be under those men, or that one man.

Senators can not afford, after they have agreed to the amendment, even to vote for it. The whole thing ought to be killed. The Spooner amendment ought to be voted down. The amendment, even after amendment, ought not to go in, because, while it has in large measure improved the original devilment, the sting is there still; that is, that we, the Congress of the United States, will, like cowards, surrender to the President the power vested in us to insure to those people civil government of the kind and type to which we have been accustomed, and we do not in any sense add anything to our reputations as public men or as public servants when we do it.

Mr. PETTUS. I desire to ask the Senator from South Carolina a question, merely. He spoke of this amendment as saving the public lands and mines and franchises, which it does. But what does it do for the property of the people who are there?

Mr. TILLMAN. It does nothing. They are left to the tender mercies of the five commissioners, who are now collecting $20,000,000 in taxes, as their report shows, and as I will have it printed in the RECORD, to show that their revenues are $20,000,000 a year, Mexican silver dollars. These men are turned loose to legislate and appropriate that sum to whatever purpose they see fit.

If it is not time for us to legislate and inaugurate a system of civil government for the Philippines, then we ought to leave the President and General MacArthur alone, because, as I said yesterday, we now have the honor of the Army standing between us and the infamies that are proposed to be perpetrated; but whenever military power is supplanted, and you give these five men, although they may be considered immaculate, this power, the temptation and the impossibility of resisting it on the part of the men they select will inaugurate a scheme of carpetbaggery and thievery there beside which, as I said, the darkest days of reconstruction in the South will pale into insignificance.

Mr. CARTER. I move that the amendment of the Senator from Missouri [Mr. VEST] to the amendment of the committee be laid on the table.

Mr. LINDSAY. I hope that motion will not be made just at this time.

Mr. CARTER. I assumed that the debate had closed on the amendment to the amendment, but if it will be convenient to the Senator from Kentucky I will withdraw the motion.

Mr. LINDSAY. Mr. President, I do not intend to vote for the amendment proposed by the Senator from Missouri. If the Constitution of its own force extends to the Philippine country, then the amendment is unnecessary. If the Constitution of its own force does not extend to the Philippine country, to extend it now with all its limitations would, in my opinion, embarrass the Government in securing to those people good civil government at this time and stand in the way of their ultimate independence, if they are to be ultimately independent.

I do not intend to vote for the amendment proposed by the Senator from Wisconsin [Mr. SPOONER], which is the amendment of the committee, but not because I believe that amendment is necessarily unconstitutional. That amendment, in my opinion, is no more unconstitutional than the second section of the act of October 31, 1803, providing for the temporary government by the President and his appointees of the Louisiana Territory. That Territory was acquired in a treaty which provided that the people should be incorporated into the Union of the United States and be admitted at the proper time to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution. The treaty of Paris has no such provision, yet I have not heard any one intimate that this provisional statute that applied temporarily to Louisiana was unconstitutional.

My objection to the amendment proposed by the Senator from Wisconsin is that it adds nothing to the security of the Philippine people, but that it opens a door which may lead, and probably will lead, to the grossest abuses of power. Administering the government under his authority as Commander in Chief of the Army, we understand and appreciate, and the President understands and appreciates, the limitations upon his general power. For Congress to clothe him with power in this language and to continue it for an indefinite period, no man can tell nor can the President tell the line of demarcation between the power granted and the power that would have existed if no such amendment had been attached to this bill.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Without that amendment we know the limitations upon the powers of the President; with that amendment no man knows what those limitations are. I do not object that occasions arise when for a short period we must resort to such measures as this, as was the case in regard to the Louisiana Territory and the Florida Territory, but we have been the owners of the Philippines, the sovereignty has resided in us for more than two years; and yet when Congress comes to act, Congress, instead of defining the civil powers to be conferred on the President, instead of limiting the civil powers to be conferred on the President, instead of undertaking to prepare and form a plan of government by which the Filipinos are to be pacified, a civil government established, and the rights that inhere in every man, whether the Constitution applies to it or not, protected, turns the whole matter over to the discretion of the President.

I am not one of those who believe that personal rights grow out of the Constitution. I am not one of those who believe that personal rights can be sacrificed or disregarded because not within the protecting clauses of the Constitution. The rights of the American citizen existed before we had a Constitution. The rights of the Filipinos as individuals exist whether they have a constitution or not. I do protest that this Government, whatever its powers may be, ought not to undertake to deal with those people by clothing the President of the United States with all the sovereign powers of the great Government he represents.

I object to the amendment and I shall vote against it, because I believe it deprives these people of certain limitations, of certain protections which they now have, and that it is not calculated to lead to peace in the islands, but rather to aggravate the conditions which now exist.

Mr. CULBERSON. Mr. President, I have such respect for the opinion of the Senator from Kentucky [Mr. LINDSAY] on constitutional questions that I desire to ask his attention a moment in order that I may have the benefit of a more elaborate statement from him upon the question as to whether or not the amendment offered by the Senator from Wisconsin [Mr. SPOONER] is or is not a violation of the Constitution of the United States.

The Constitution declares—and this proposition has been discussed by others in this connection—that the Congress shall have power to pass all needful rules and regulations respecting the territory of the United States. The amendment under consideration, proposed by the Senator from Wisconsin, declares, not that Congress shall pass such rules and regulations as may be necessary, but, in effect, that the President of the United States shall pass such rules and regulations respecting the territory of the Filipinos as in his judgment may be proper.

The Senator from Kentucky declares his opinion to be that such an act of Congress as that, by which Congress abdicates its power to pass such rules and regulations for the Territories as may be needful, is not in violation of the organic law, and the only reason which he gave was that it was no more violative of the Constitution than the act of 1803. I call his attention, not that he is not already aware of it, but to impress upon him the matter which is in my own mind, to the fact that in the act of 1803 the President was not permitted to make rules and regulations for the government of the territory of Louisiana, but he was clothed with

the power to appoint officers to execute existing law in Louisiana, which was the the Code Napoleon.

Mr. HOAR. Mr. President, was not that also intended for only two or three months?

Mr. CULBERSON. Certainly.

Mr. HOAR. While we were taking possession?

Mr. CULBERSON. Certainly.

Mr. HOAR. And not as a permanent government.

Mr. TELLER. It lasted five months and fourteen days.

Mr. CULBERSON. It was not only temporary, but there was an existing code in Louisiana known, as everyone is aware, as the Code Napoleon, and the act of Congress simply provided that the President was authorized to execute existing laws in Louisiana by the appointment of officers and not that he should usurp powers vested by the Constitution in the Congress of the United States, as in the Spooner bill.

Now, Mr. President, I have said I have such respect for the opinion of the distinguished Senator from Kentucky on constitutional questions that I would be glad to have him, if he sees proper, to elaborate why, in his opinion, the Spooner bill is not in violation of the Constitution.

Mr. LINDSAY. Mr. President, when I announced my intention to vote with the Senator from Texas against this objectionable legislation, merely by way of parenthesis saying that I was voting against it not because it was necessarily unconstitutional, but because it was objectionable whether constitutional or not, I I did not suppose that I would be called upon to amplify the reason I did not argue and the reason I did not assign as a controlling reason with me.

Now, then, it is true the Spanish and the French code was in force in Louisiana in 1803. It is also true that under international law the Spanish code, which is substantially the same code that was in force in Louisiana in 1803, is in force in the Philippines today.

Mr. CULBERSON. If the Senator will permit me, the Spooner amendment does not authorize or direct or require the President to enforce existing laws in the Philippines.

Mr. TELLER. But to create them.

Mr. LINDSAY. There is nothing in the Spooner amendment that authorizes or requires the President to enforce the civil law that is now in force in that country. The language of the act of 1803 and the language of the Spooner amendment is substantially the same in every particular, so far as that is concerned. I say that the act of 1803 would have been an outrage on free government, not that there was a lack of power in Congress to declare it, but for the fact that it was to be temporary and provisional.

The objection to the Spooner amendment is that the government is not to be temporary and provisional. It is to act indefinitely until Congress shall choose to intervene. Now, let us see the language of the two enactments:

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct.

There was not a law in force that the President could not have modified, abrogated, suspended, if he had chosen to do it. These laws were to be administered as the President might direct, and all the power that Spain and France had possessed in Louisiana passed to us under the treaty of 1803. So it is with the Philippines. Whatever authority, whatever sovereignty Spain possessed in the Philippines has been transferred to the United States. Therefore, so far as the constitutional question is concerned, it is impossible to defend the constitutionality of one act and attack the constitutionality of the other.

I agree that Congress must make all regulations for the government of the Territories of the United States. But we have given to the term "Territories" something more, something broader, something more comprehensive than the mere description of geographical domain. If the Philippines are part and parcel of the United States, if the Constitution extends to the Philippines, then Congress must make the laws to regulate the government of that territory. I agree to that. But the question whether or not the Philippines have become an integral portion of the United States is a question about which men differ who are honestly endeavoring to discover what the constitutional obligations of the United States are and what the constitutional powers of the United States are. I shall not enter into that discussion now.

If this territory is territory in the sense of Louisiana, then the Spooner amendment applies to it the very identical law that was temporarily applied to Louisiana. If without the action of Congress the Constitution extends to all the Territories of the United States, including domain under the sense of territory, then Congress must make these rules. But I take a broader ground than that. Whatever the Supreme Court may decide, whether the Philippines be in or out of the United States, whether the Philippines constitute an integral portion of the United States in its geographical and political sense or are a mere dependency held at our sovereign will, still the Philippine people are entitled to have administered for their benefit all the principles of free and constitutional government.

They are entitled to liberty regulated by law, and when Congress undertakes to deal with the Philippines at all it is the duty of Congress to undertake to furnish to those people a system of government that will secure them in their individual rights, that will secure them in the enjoyment of the natural right to liberty, and will work out a condition of affairs that will prepare those people for self-government if they have the capacity to govern themselves. For that reason I do not object to this amendment. It does not undertake to do it. It undertakes to shift the responsibility upon the President, and I am not willing to give my acquiescence or my indorsement to such a plan of government.

Mr. CULBERSON. I repeat, Mr. President, the Constitution of the United States declares that Congress shall have power to pass all needful rules and regulations respecting the territory of the United States. That power is exclusively in the Congress, and by well-known rules of constitutional interpretation it may not delegate that power to any other tribunal or to any person. So far as I am concerned, if I believed that the act of 1803 was in violation of the Constitution it would not cause me to vote for the amendment proposed by the Senator from Wisconsin; because if in 1803 the Constitution should have been violated it is no reason or argument why we should do so at this time.

But, as already indicated, it occurs to me that there is a distinction, and a wide distinction, between the two cases, and repeating myself somewhat, I say the distinction rests upon the broad ground that in 1803 existing laws in Louisiana were simply ordered to be executed by the President, whereas in this case the President is authorized himself, and by deputed officials, to make such rules and regulations as in his judgment may be proper.

Passing from that, I desire to call attention, because that matter has not been particularly discussed on this side of the Chamber, to the amendment proposed by the Senator from Connecticut [Mr. PLATT]. I believe the only Senator on this side of the Chamber who discussed it at all was the Senator from Arkansas [Mr. JONES]. In my opinion, the amendment proposed by the Senator from Connecticut is not only at variance with the plighted faith of the United States expressed in the declaration of war with Spain, but it is not in accord with the decision of the Supreme Court where the relations between the United States and Cuba were passed upon, though I do not intend to enter into any elaborate discussion.

Congress declared that the "people of the island of Cuba are and of right ought to be free and independent;" and yet, sir, the amendment proposed by the distinguished Senator from Connecticut strips that people of some of the sovereign rights which they might exercise after they form a stable government for the island. It declares that before the United States will remove its military forces from that island the people there must submit to conditions imposed upon them by the United States. And what are some of those conditions? The first is that the people of Cuba shall be controlled in their public debt by the United States. It proposes, in the second place, that the people of Cuba shall be controlled as to the Isle of Pines by the United States. It proposes, in the third place, that the people of Cuba shall be controlled in all of their sanitary regulations by the United States.

Now, Mr. President, when we have in such important particulars as this declared that our Army and Navy shall not be withdrawn from that island until those people submit to our dictation in that respect, will they be a free and independent people, as the Congress of the United States has asserted they are and of right ought to be, if they accept the terms proposed?

Mr. President, we not only declare by threat of continued military occupation that they shall submit to be dependent upon us in some essentials of sovereignty instead of being a free and independent people, but in my opinion this amendment is at variance with the decision of the Supreme Court in the case of Neely *vs.* Henkel, decided in January, 1901. I call attention to that case not with any hope that what I may say will influence anyone here, but to make this record more complete as to our views upon this particular question. In the opinion of the court, delivered by Mr. Justice Harlan, he uses this language:

The legislative and executive branches of the Government, by the joint resolution of April 20, 1898, expressly disclaimed any purpose to exercise sovereignty, jurisdiction, or control over Cuba, "except for the pacification thereof," and asserted the determination of the United States, that object being accomplished, to leave the government and control of Cuba to its own people. All that has been done in relation to Cuba has had that end in view, and so far as the court is informed by the public history of the relations of this country with that island, nothing has been done inconsistent with the declared object of the war with Spain.

Cuba is none the less foreign territory, within the meaning of the act of Congress, because it is under a military governor appointed by and representing the President in the work of assisting the inhabitants of that island to establish a government of their own, under which, as a free and independent people, they may control their own affairs without interference by other nations. The occupancy of the island by troops of the United States was the necessary result of the war. That result could not have been avoided by the

United States consistently with the principles of international law or with its obligations to the people of Cuba.

It is true that as between Spain and the United States—indeed, as between the United States and all foreign nations—Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory. But—

And to this I particularly invite the attention of the Senate—

as between the United States and Cuba, that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action.

In the opinion of the Supreme Court, to epitomize this decision, it is declared that we have no business in the island of Cuba except for its pacification. It is said that after it is pacified it should pass into the exclusive control of the people of Cuba under a government which they may volutarily establish, not a government dictated by the United States by holding the Army and Navy there, under which circumstances the people of that island scarcely have a discretion, and under the provisions of a law by which the United States, after the government is established, would take part in the control of the affairs of the island.

Not only will we by the Spooner amendment undertake to destroy the liberties of the people of the Philippine Islands by placing them under a despotism, but by the amendment under discussion we propose a dishonorable seizure, finally, in my judgment, of the Island of Cuba, contrary to the plighted faith of the United States.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the amendment to the amendment.

Mr. BACON. I desire to offer an amendment, which I ask may be read for information. I do not know whether it is in order now, but I desire to offer it, that it may be presented when in order. I ask the attention of the Senator from Wisconsin [Mr. SPOONER] to it, and I hope he will accept it. The purpose of the amendment is to limit this law until the 4th of March, 1903. In the meantime a Republican Congress may come in and again renew it if it sees proper. I see no possible objection there can be to the limitation. The amendment limits the operation of this law to the 9th of March, 1803, leaving in the words "until otherwise provided for."

The PRESIDING OFFICER. The proposed amendment to the committee amendment will be stated.

The SECRETARY. On page 39, line 7, after the word "shall," it is proposed to insert "until the 4th day of March, 1903;" so that the paragraph, if amended, will read:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until the 4th day of March, 1903, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct.

Mr. BACON. I hope the committee will accept that amendment.

Mr. MALLORY. Mr. President, I propose for a few moments to give a brief expression of the reasons why I can not support the pending amendment to the Army appropriation bill or the amendment proposed by the Senator from Connecticut [Mr. PLATT] in regard to Cuba. The proposition which has attracted most attention in this body is the one relating to the government for the Philippine Islands, and at the risk of being charged with unnecessary iteration, I will read the provision of the proposed amendment, because I believe that the provision can not too often be placed in the RECORD. It is in the following language, or at least so much of it as I consider pertinent to this discussion is:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Amendments which qualify some of the features of that proposition to some extent have been proposed and, I believe, have been accepted, but the main features of that proposition stand as I have read them.

What is the meaning of that language, Mr. President?

All military, civil, and judicial powers necessary to govern the Philippine Islands * * * shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct.

It means simply that the Congress of the United States is about to vest in the President a degree of power, military and civil, greater, probably, than that exercised by any other ruler—if I may apply such an expression to the President of the United States—of a civilized people, not even excepting the Czar of Russia.

Opposition to this proposition has been urged principally because the proposition is in itself unconstitutional and also because the policy which is there indicated is contrary to the principles and policy heretofore adhered to by the people of the United States.

I was surprised, Mr. President, to hear the very able Senator from Kentucky [Mr. LINDSAY] a few moments ago give it as his opinion that there was no distinction to be drawn between this proposed enactment of Congress and that which has been referred to here so often, the act of 1803, whereby the President was empowered to enforce civil government in the Territory of Louisiana. I have great respect for the ability, the learning, and the capacity of the distinguished Senator from Kentucky; and I would hesitate with much diffidence to question any conclusion which that very able gentleman should reach on a question of law; but it appears to me that a very casual reading and comparison of the two propositions will demonstrate that they are not within the same sphere, that they are not at all analogous, and that a distinction very patent is borne upon the face of the two propositions.

The act of 1803, a portion of the language of which has been carefully copied in the proposed amendment to the Army bill, provides that—

Until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Mr. President, it will be observed that there are very clearly indicated certain duties which these officers who are to be appointed by the President shall perform, namely, the duties and official powers which at that time were being exercised by the officers of the then existing government, and the President's power conferred by this enactment contains the limitation that he should appoint them for the express purpose of carrying out the law as it then stood in the Louisiana Territory. That was in keeping with that provision of the fourth article of the Constitution which declares that:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Congress there makes the rules and regulations by adopting the laws which were then in existence in the Louisiana Territory, and simply authorizes the President to exercise the executive function of naming the men who are to perform the functions attached to those offices. That is not the case in this proposed amendment to the Army bill. There is here no limitation whatever upon the powers of the President. He is authorized to name all officers, civil and judicial, if we can accept the distinction that is here sought to be drawn between a civil and a judicial officer. He not only may name the officers, but he has the power under the grant given in this enactment to prescribe their powers, to prescribe their salaries and emoluments, to prescribe the jurisdiction of the courts, to prescribe the powers and duties of the various officers connected with the courts, and, in fact, to do all things which heretofore under our institutions have been prescribed and provided by the legislature.

If it is contended or claimed for an instant that the act of 1803 with regard to the Territory of Louisiana is any justification for such a proposition as the one to which I am referring, no one who will examine the two acts can for an instant be deluded into believing, if the act of 1803 was constitutional—and I believe it was in strict accordance with the provisions of the Constitution—that it can furnish any precedent whatever for such a proposition as this.

I shall not undertake to go into a discussion of the constitutional points involved in this question. They have been already very ably and exhaustively discussed, and I do not propose to consume any more time of the Senate than I can possibly help, referring to this very important matter, but, Mr. President, I come from a part of the country where men who are over 35 years of age have by hard experience learned to apprehend great danger from the exercise of irresponsible power.

It was our misfortune for ten years to have our State governments subjected to the will of irresponsible men; and to-day some of us are still striving to pay the burden of indebtedness which irresponsible power imposed upon the shoulders of a groaning people. It is with pain I refer to the memories of those days between 1865 and 1876; but the circumstances under which those wrongs—and there were many of them—were perpetrated were different from those under which this piece of proposed legislation will crush and trample under foot a defenseless and helpless people.

The people of the South in the days of reconstruction were an intelligent and capable and ambitious people; they were the brethren of the people of the North, and when the heat of anger, inspired by the great tragedy of 1861–1865 had passed away, the better feeling, the better sentiment of our brethren at the North asserted itself; and we were relieved, with the assent of a majority of the people of the North, from the condition in which reconstruction had placed us.

But here we were on the same continent, in juxtaposition to a people with whom we were connected by ties of kinship. But

how is it in the case of the unfortunate people of the Philippine Islands? I do not pretend to say that those people are at this time capable of self-government. I am not sufficiently informed to say whether it would be wise to turn over to them the management of their own local affairs, but I do say that it would be a great wrong; it would be an injustice that the people of this country should be ashamed of, to deliberately, in cold blood, turn the millions of unfortunates in those islands over to the tender mercies of a horde of carpetbaggers from this country.

I do not wish to reflect upon the integrity of the Executive, or his wish or willingness to do anything else than what is strictly right, but, Mr. President, those islands are 10,000 miles distant from this Capitol; they are 7,000 miles distant from the nearest shores of the United States; it requires a month or more for communication by mail to pass between them and this country; and with an irresponsible government, with men who hold their positions, not according to law, not according to precedent, or principle, or republican government, but who hold their positions because of influence which they may be able to bring upon the Executive, and whose duties are prescribed by the Executive and those whom he chooses to designate for that purpose, the temptation for wrongdoing will, in my estimation, be so great that human nature itself will scarcely be able to resist.

The Taft Commission evidently anticipates some such possibility, because in its report to the Secretary of War it calls attention to the fact that much apprehension ought to exist as to the result of unlicensed and unrestrained power in those islands. After showing that, to a great extent, the officials heretofore holding office in the Philippine Islands were venal and easily led into corruption the report turns to the contemplation of the Americans who may go there, and uses this language:

> On the other hand, the Americans who come to these islands come eight or ten thousand miles, come with a venturesome spirit, come with the idea of amassing a competence by their stay in the islands. They are exposed in any important official position where there is opportunity for defeating the rights of the Government to constant temptations offered them by interested persons seeking to escape lawful burdens or to obtain fraudulent advantage, and who have no other conception of a public officer than of one who is to be reached by bribery if the sum offered be large enough.
>
> Men may leave the United States honest, but with the weakening of moral restraints of home associations and with the anxious desire to make so long a trip result successfully in a pecuniary way, demoralization and dishonesty are much more likely to follow than at home.

Surely, Mr. President, the experience of mankind from the days of the Roman Empire to the present time will justify that apprehension; surely the experience that we have had in this country in comparatively recent years is sufficient to put us on our guard against placing such absolutely irresponsible power in the hands of irresponsible men.

Yet it is our mission, so we are told, and it is our purpose to carry the blessings of religion, of civilization, and all the blessings of our republican system of government into those benighted islands. I sadly fear that if this bill becomes a law the unhappy people of those islands will have even a stronger reason to look upon the American—not merely the American soldier but the American citizen—as an enemy.

The proposition which I understand has been accepted, and which will constitute a part of this proposition when it becomes a law, to the effect that there is a restriction upon the alienation of public lands and upon the sale of franchises and mining rights, if adopted will, to a great extent, undoubtedly relieve the measure of some of its objectionable features, as has already been said upon this floor. But there remains the fact that the people of the United States, acting through Congress, unsatisfied with the management of affairs through the power exercised by the President as the military chief of the country, deliberately transfers to him in an extra constitutional form a power which heretofore has never been enjoyed by any President of the United States—a power which, in the opinion of a very large element of the legal fraternity of this country, is absolutely and unqualifiedly unconstitutional.

The legislative power is vested in the Congress of the United States, and the Congress of the United States acquires that legislative power from the Constitution of the United States; and yet we are called upon here, for the purpose of conferring upon the President a power which the Constitution confines exclusively to the Congress of the United States, to surrender without a protest, almost in the closing hours of a short session of Congress, the great right of legislation.

Mr. President, were it in my power I would oppose the enactment of this proposition into law so long as I was able to stand upon my feet in this body. That, however, I take it, would accomplish but little, because we have already had a sufficient earnest of the disposition of the majority of this body to pass this measure by the action which it took two days ago with regard to the question of order which was raised as to the proposition. It has been by a party vote of the Senate declared a piece of legislation which it is competent to pass in connection with this bill; and I take it, Mr. President, that if the opponents of the measure should resort to an extraordinary effort to talk it to death it ultimately would nevertheless become a law.

At all events, viewing it that way, I desire to say that I shall content myself with thus putting in my protest against it. As a piece of legislation it is certainly very extraordinary, and I do not think there is any question that it has been attached to this amendment, or at least it has been placed in a position where it can be considered as a possible amendment, in the face of one of the standing rules of the Senate, which has been overthrown for that purpose. I greatly fear that, having reached that point in its progress, it will be carried on and attached to this bill and become an enactment of the Congress of the United States in spite of the Constitution and the principles of our Government.

Mr. MONEY. Mr. President, as a member of the Committee on Relations with Cuba, and as a member of the subcommittee of four which drew the amendment that was presented by the Senator from Connecticut [Mr. PLATT], I consider it my duty to my colleagues on this side of the Chamber, as well as to the public, to give the reasons why I shall support the amendment proposed by the Senator from Connecticut to the pending bill.

Preliminary to my reasons for so acting, I desire to say that I do not believe there is a member of this Senate who has worked harder and done more for the cause of Cuban independence than myself. This is no boast nor vaunt, but the simple fact, as I believe. Four years ago I wrote a magazine article, in which I argued that the right and duty of the United States existed for an armed intervention in the affairs of Cuba. I proved to my own satisfaction, at least, that the laws of the United States permitted us by an armed intervention to protect the property of American citizens, being destroyed at that time by the Spaniards, and also the enormous business which was enjoyed there and which was being demolished.

Later on I visited Cuba more than once. I went its length and breadth. I visited the camps of the reconcentrados and the hospitals. I saw the infinite distress and unspeakable misery of that people, and I changed my base and I declared war in my own heart against the power of Spain because of humanity. No man was more anxious to secure the entire independence of Cuba than myself. I have never omitted a proper occasion to make that statement here and elsewhere, and I never shall. I recollect a Spanish proverb, Mr. President, which says, "If you can not have what you like, try to like what you have."

The subcommittee met with very, very diverse views, but there was a spirit of concession and moderation manifested on both sides because the extreme necessity for some action was apparent to all. Above everything I did not desire that that island should remain until next December in the hands of the United States. I wanted the troops withdrawn from the garrison towns of the island of Cuba. I desired the people should begin the experiment of self-government in their own way.

I have had a good deal of correspondence with people in Cuba, people who have had opportunities and have had the sagacity to entertain and form opinions. I have long since felt—while I have never doubted the capacity of any people to govern themselves in their own way, either good or ill, not considering myself responsible for good government or ill government anywhere, not for good or bad religion anywhere, or good or bad philosophy, or true or untrue ideas anywhere, except for myself and those I represent in part—I have felt growing upon me all the time that to withdraw the United States from the island might lead to conflicts there which would in the beginning of the new republic shake it to its foundations.

I recognize also that our own country, born in the throes of a revolution, and all other countries that have had their origin by the sword, have been subject to the same experience and have experienced the same danger, some with capacity to overcome all obstacles, to assert the power of self-government and to maintain it, and others that have been constantly in a state of revolution and conflict. I believe that Venezuela has had 82 revolutions in eighty years, and there is not a Spanish-American colony from the Rio Grande to Patagonia that has not been afflicted with revolutions and their pronunciamentos. The people of Cuba are, in my opinion, more competent than any of the Spanish-American colonists on this continent, and I hope at least for them a good and prosperous future.

Now, with these preliminary remarks I am going to examine the amendment submitted by the Senator from Connecticut [Mr. PLATT], and let us see to what objections it is amenable. The first one goes on to recite what is well known as the Teller amendment, declaring that Cuba is and of right ought to be free and independent. The first thing is this—and mind you, this is a suggestion to the Cuban convention now in session—that they either incorporate in their constitution or put in an ordinance to be appended thereto, certain provisions which are declared by us to be necessary for the good of both countries and to secure the

independence, ultimate and continuous, of Cuba. The first provision is:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

Will any gentleman who undertakes to vote against this amendment say he objects to that? It carries with it, in short space, the only two points in the Monroe doctrine as declared by Monroe in 1822. Furthermore, in 1852, when Great Britain and France invited the United States into a convention to secure the peace and tranquillity of this island and to secure in perpetuity its possession by Spain, the United States promptly declined any such convention, declaring that those two countries were not to be admitted into the settlement of a purely American question, and furthermore saying the time might arrive when the United States themselves might deem it to their best interest and the interest of Cuba to bring that island within our territory.

The second clause is:

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

That proviso, I think, if understood would not be objected to, not even by the Cubans themselves. We had the spectacle before us of Mexico held to-day in the grip of Great Britain because of the fifty millions loaned way back in 1826, by which to-day the import duties of the port of Vera Cruz and the ports on the Pacific are held by the British Government as security—hypothecated for the payment of the interest upon that fifty million loan. We could not permit any Government to hold up Cuba in that manner. We have the example of Egypt, which to-day is under the fiscal control of Great Britain because of her great indebtedness to that country.

It is not necessary to say that when a country endeavors to secure its debt it will not scruple at the ways and means of doing it, and a threat from the United States probably would lead to more than that. If a country like Great Britain or Germany had loaned money for improvements, for everything that would go to the betterment of the island, and then the island was unable to pay its indebtedness, they would seize its ports and customs in order to secure the interest upon the debt, and our intimate relations, to be more intimate hereafter, having given us almost the total trade of Cuba, we are not willing to have it taken from us. I do not believe a Senator present who will vote upon this proposition will object to that clause.

The next is:

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

That proposition, I want to say frankly, I did not like; but it was the best that could be done, and I would rather have this amendment passed, to be considered by the Cuban convention and to be afterwards made permanent by treaties, than to see the United States continue to be the possessor of Cuba, holding her people in a state under which they are already chafing. If I had my way, and I so advised the Executive, three months after the late war there would not have been an American soldier upon the island of Cuba. I do not believe matters have been bettered by their stay there. The conflict would have been over. The several political parties, among which the Cuban people are divided, would have gone into the cutting of throats, and there would have been a bloody time for two or three years, and then a settlement by the help of the United States, which in any case must be invoked. We all very well know that we would not submit to a continued war in Cuba, that would devastate her cane fields and her tobacco fields and destroy our business with her.

In 1826 the United States of Colombia and the United States of Mexico proposed to the American Government (Mr. Clay then being Secretary of State) that they two should fit out an expedition to raise the standard of revolt in Cuba against Spain, as other colonies had done under the yoke of Spain, and Mr. Clay remarked that this country would not permit it; that our business was too great to be interrupted by a devastating war; and the two countries since then have charged us with being an obstruction in the way of Cuban liberty.

The next one is:

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

I do not know that there is any objection to that; at least I see none whatever. There have been concessions, perhaps, we know not of, but as far as I am informed they have been made by the military governor with circumspection. There are contracts there, however, that were let out by the Secretary of War, which are not mentioned in this instrument and to which I would most seriously object. They are matters that should have been investigated and brought to public attention. I think when they are, or if they ever are, they will be found to be about the biggest job ever perpetrated anywhere. The fifth article says:

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

Mr. CLAY. Will the Senator from Mississippi permit me?

Mr. MONEY. Certainly.

Mr. CLAY. The Senator passed over the third clause of the amendment, which has reference to Cuba.

Mr. MONEY. No; I did not.

Mr. CLAY. I thought the Senator did.

Mr. MONEY. Oh, no. I commented on it at length.

Mr. CLAY. I was going to say the Senator had passed from it.

Mr. MONEY. Yes; I have passed from it.

Mr. CLAY. Take the amendment, in clauses 1, 2, 4, 5, 6, 7, and 8, and I have no objections to those subdivisions. I am willing to support them: but you take the third——

Mr. MONEY. If the Senator did not hear me, I will just tell him that I did take the third, and object to it.

Mr. CLAY. That is all right. I did not hear him.

Mr. MONEY. There is nothing like hearing what a man says.

Mr. SPOONER. What did the Senator from Mississippi say? I did not hear it.

Mr. CLAY. The Senator said he objected to the third clause.

Mr. MONEY. I said I objected to the third clause because it did not give, as I thought, unlimited independence to Cuba; but that I took it as the best that could be had, and that it was very much better than allowing the United States troops to stay there another year, and that I would vote for it if I had a vote. I am paired.

Mr. SPOONER. I could not hear the Senator. That is the only reason I asked him.

Mr. MONEY. I do not mind interruptions. I would rather be interrupted than not.

This provision with respect to sanitation is a matter about which the people of my State are very much concerned. I have had them over and over again tell me that the Teller resolution was a mistake; that we ought to have taken possession of Cuba as a war indemnity, for the purpose of protecting the people of the Southern States from the infection of yellow fever.

I desire to say that it is possible by sanitary regulations to make these yellow-fever plague spots innocuous. During the whole of the last century there was not a single epidemic of yellow fever in Cuba, although we had it in New York, Philadelphia, Baltimore, Norfolk, and Charleston, where it raged with great virulence, because they happened to have a series of captain-generals who had devoted themselves to the betterment of the cities on the south side, which are the homes of yellow fever. Yellow fever is not a Cuban disease. It is an African disease, brought there by slave traders, and is not indigenous to Cuba by any means. I suppose that this clause will not be objected to by any man in the Cuban convention. They are anxious that sanitation shall be had. Without it yellow fever will continue to infest the people of the United States, and we will be powerless, without some arrangement with the Cuban people on this point, to protect ourselves.

I have been along the first yellow-fever district, so called, in the city of Habana. The houses are six or seven steps below the street. The streets have risen by the continued accumulation of nearly one hundred years of offal, with no pavements; grimy, green cesspools all over it everywhere, and the people cadaverous and pale, looking underfed and underkept. There yellow fever does manifest itself. I have been along the second district, the great quarries, fronting the Gulf, and the great Gulf stream flowing at the rate of 4 miles an hour, where the offal of the city has been dumped in these quarries to fill them up and after a while the city extended over them. That is the second yellow-fever plague spot; and these places can be intelligently dealt with, and proper sanitary regulations will make them no longer the home of yellow fever.

Plans have been devised by American engineers, and I understand it will take about $28,000,000 to complete them, but whether or not they are adopted, this should be a matter of mutual agreement, because we are just as deeply concerned in it as the people of Cuba themselves. As a matter of fact, the people of Cuba are very little concerned about yellow fever. They do not have it in the country districts. In the cities it is endemic, but not epidemic, and it does not every year become an epidemic.

Mr. PLATT of Connecticut. Will the Senator from Mississippi allow me to make a single remark?

Mr. MONEY. Certainly.

Mr. PLATT of Connecticut. The Senator from Arkansas [Mr. JONES] this afternoon objected to these words:

Or other plans to be mutually agreed upon—

As exercising some sort of control on the part of the United States. I want to say that that clause was put there especially for the benefit of the people of Cuba. Plans have already been devised, and they are very expensive and very thorough, and we thought in committee that we ought scarcely to hold them up to the execution of these expensive plans if other plans, which they might suggest, could be devised which would be less expensive. That clause was put there for the benefit of the people of Cuba.

Mr. MONEY. That is true.

Mr. BERRY. Will the Senator from Mississippi allow me?

Mr. MONEY. Certainly.

Mr. BERRY. My colleague is not present, but as I understood him, the clause to which he especially objected was clause 3.

Mr. PLATT of Connecticut. This was one of them.

Mr. BERRY. I know he stated he was going to move to strike out clause 3, and his principal objection was based upon clause 3. He may have objected to others.

Mr. MONEY. The Senator from Connecticut has given the explanation of the argument around the committee board, and which prevailed, because the plans were considered a little too expensive for the revenues of a new government just beginning its career, and therefore "plans to be mutually agreed upon" was inserted instead; and it is because the United States has more interest in this question than Cuba has that we have asked them to allow us to participate in a plan to be devised for the protection of both countries against yellow fever.

You may go in all the three western provinces of Cuba and you will not find a case of yellow fever in twenty years. If you go into the cities you will find it. There is not a healthier country on earth than Pinar del Rio, Matanzas, and Habana provinces, and you might say the same perhaps of Principe, which is a cattle country. This clause is the last one to which, I think, a man living in a country subject to yellow fever should object.

I want to say now, by way of explanation, betraying no secrets, that I was permitted to consult certain gentlemen on this side of the Chamber, and I never heard a single objection from one of them until the matter came up for discussion. They all agreed to it—every solitary man of them with whom I talked.

Mr. BERRY. Every one with whom the Senator consulted.

Mr. MONEY. I said that. It does not apply to those I did not consult.

Mr. BERRY. I wish to state that I was not one of those consulted, and I objected to clause 3 specifically when I first saw it.

Mr. MONEY. Of course, my remark was not intended for the Senator from Arkansas, but to those with whom I did consult. A few were named who were to be consulted, and I was asked to do so, and I did so, and I had their consent to all these clauses. I do not reflect upon those gentlemen. They have a right to change their minds when they examine further into these things. That is a liberty I take myself, even with my own work—to revise it. I do not blame them at all for it. But I am trying to give the reasons which will actuate me in supporting the amendment to which I was a party and to the reporting of which I consented. I can do that, at any rate.

Mr. TILLMAN. Will the Senator permit me to say that he did not consult with me; but I agree with a great deal that is in the report.

Mr. MONEY. I should like to say to the Senator from South Carolina and the Senator from Arkansas that I should have been very glad to have consulted both of them, but the time was exceedingly short.

Mr. TILLMAN. The Senator was not under any obligation to consult anybody except his colleagues on the committee.

Mr. MONEY. I consulted my colleague, and there were one or two others I did consult, and they all agreed. As I said before, all are at liberty to change their minds as often as they please, men as well as women.

Mr. TILLMAN. I have not changed my mind, because I had not an opportunity to make it up until the report came in.

Mr. MONEY. If I had consulted the Senator from South Carolina and he had agreed to it and had changed his mind, that would be his business, and I would not find fault with him.

Mr. TILLMAN. I do not change my mind that quick, Mr. President.

Mr. PETTUS. Will the Senator from Mississippi allow me? While we are all here at the confessional table I want to say that I did not approve of the amendment, and I do not approve of anything that is in it which trenches on the independence of Cuba. We promised to make them free and independent; that is the amount of it, and we are not doing it.

Mr. MONEY. That is just exactly the feeling I have entertained all the time. I have changed my mind; not that I have changed my feelings, but I must get something for their relief.

Now, the question is whether it is better to have this or to permit the occupation of Cuba by military force any longer, certainly as long as next winter, and we do not know how much longer. In the meanwhile, the constitutional convention having framed their organic law, and in great part in accordance with suggestions from this country, from people in authority, what will they think of us if something is not done here? I could not get all I wanted; the gentlemen on the other side could not get all they wanted; and we met each other in a spirit of concession, feeling that something must be done, and we have done the best we could under the circumstances. We can all have opinions about Cuba, and I am as stout as the Senator from Alabama, who, I know, never gives way an inch under any circumstances, in saying I most devoutly hope that some day Cuba will find herself as independent in every respect as she is intended to be in this respect.

Who has been sovereign in Cuba in the last two years, according to the law of nations and the practice of nations? The Government of the United States of America. The consuls of foreign countries to Cuban ports are accredited here and get their exequaturs from the Secretary of State. So the United States Government has been, according to the law of nations, the de facto sovereign. The de jure sovereign is the great body of the population of the island of Cuba. The real sovereign de facto has been the President of the United States.

I did not want that to go on any more. I did not believe it was a responsibility he ought to be permitted or suffered to carry any longer. He has shown a disposition to put the matter before Congress and have them act upon it in order that he might be relieved, and I am willing that he shall be, and I am willing to take my part of the responsibility of relieving him. The sixth clause is:

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

The constitution of the Cuban republic recites that the limits of the territory shall be Cuba and the islands that surround it, not mentioning the Isle of Pines, which is 40 miles to the nearest land and 60 miles to the nearest port. The United States some months ago declared that the Isle of Pines belonged to us by the treaty of Paris. Whether it does or not, it is of very little worth to either of us.

The Isle of Pines, 1,200 acres, one half of which is an impassable bog and the other rolling lands, running up to 1,500 feet; of barren sands and pines, with magnificent mineral waters, is the healthiest island in the world, but it is not productive. When all the other islands in the West Indies had been occupied by Europeans that remained unoccupied, the home of the buccaneer and the pirate of the Spanish Main until driven off, when the island came under the control of the Captain-General of Cuba, and they made it a penal colony for political offenders and after a while for offenders of another character. So it is to-day—a penal colony.

Why should we treat with them about that? Because that is the nearest island to the mouth of the Nicaragua Canal. Jamaica is only 450 miles. The Isle of Pines is a little farther. It can not be said to be a base of supplies, but it can be a depot of supplies, and in any occupation of the waters of the Caribbean by our fleet or by other fleets of the world in contesting for supremacy over that canal this island will be found very valuable to the United States and of very little worth to the island of Cuba. Cuba no longer needs a penal colony, because banishment is not a punishment known to modern republics.

The seventh is:

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

We have spent a great deal of blood and treasure in the war to redeem Cuba from Spain. We need above everything else, perhaps, harbors and coaling stations to a limited number on the coast of Cuba on both sides. Thomas Jefferson once said that he was opposed to any extension of the territory of the United States to islands, because they would require a great navy to protect them, and he did not want that, but he said: "I except from that the island of Cuba, which rounds out well our country and supplies us with harbors which we lack on the Gulf coast, and because it commands the great commerce of the Mississippi Valley; but on its farther shore I would put up a stone and engrave thereon 'Ne plus ultra.'"

The last clause is as follows:

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

It would be worthless without that.

Now, Senators, I have read this amendment, paragraph by paragraph, and I have stated my objections to it, and yet my determination to support it, because it is the best I can do, and nobody can do better. I appeal to Senators on this side, Is it better or worse than the occupation of the island until next winter, at least, by the Army of the United States and the Navy of the United States and to have the constitution of a people whom we have invited to make a constitution, when they have made it, stand in abeyance and the people still be subject to the military occupation and rule of the United States?

As to civil administration, that seems to be going on fairly well, but still it is under military rule, subject to it in every respect. Now, these are my reasons for supporting this amendment. I do not know that I will support the bill if the amendment prevails.

Mr. President, I wish to address myself very briefly, and unexpectedly, I will state, to the other amendment, called the Spooner amendment, concerning the Philippine Islands. I had no intention of speaking to that point, but there has been such a continual and concerted attempt to make out a resemblance, in fact a replication of the treaty of 1803, that gave us Louisiana Territory, that I want to point out, if I can, a little more fully than has been done yet the difference between the two.

During the last campaign I had Democrats come to me and say, "Here, Mr. So-and-so made a speech the other day, and he said it was exactly a copy of the law of Congress authorizing the President to take possession of and govern the Territory of Louisiana." "Well," I said, "it is not true." Then some one would meet me with a newspaper which said it was exactly the same thing. I would say this is certainly one of the mendacities of the campaign or the product of crude, crass ignorance on this subject.

As a matter of fact, they are nothing alike, for the reasons which have been pointed out, and for another reason which has not yet been given, I believe. It is unpleasant for me to thrash over old straw and go over ground that other gentlemen have gone over much more fully and ably and learnedly than I can do, but one of the substantial differences is the circumstances that surround the two propositions.

In the treaty with Napoleon the President of the United States was authorized to appoint certain men to offices already established, with a civil code—not the Napoleon code, but a civil code—that had been established for sixty-five years. The offices were already established, the salaries fixed, the duties were fully and clearly defined, and the responsibilities were fixed and bond had to be given. Every check and guard that could be devised were placed around them, because the English common law and the statutory law of the several States and the United States are not so strict as the laws of Spain. That is one difference.

Another difference is this. When we ratified the Spanish treaty a resolution was presented and voted on and carried by the dominant party which declared that the land of the Filipinos, the archipelago, was not and should not become a part of the United States, and the people living therein were not and should not become citizens of the United States. With respect to the cession of Louisiana Mr. Jefferson, in his message to Congress congratulating them upon their acquisition, used these words:

> On this important acquisition, so favorable to the immediate interests of our Western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

There is the vital difference. Not only that, but this power to appoint officers was limited to that session of Congress, unless sooner provision was made, and sooner provision was made. In four and a half months laws were provided dividing the territory into the District of Orleans and the Territory of Louisiana, and provision was made a year later by which the two could come into the Union when they had 60,000 inhabitants. They exercised from the very beginning of their allegiance to the United States all the rights of any citizen of the United States, wherever he might be in a State or Territory.

These were the facts that surrounded the two people. How was it as to the Philippines? Just as I stated a while ago, the two propositions are so antagonistic that it is impossible for me to see how a man can compare them at all. Never before in the history of this country has an attempt been made to subject people to the sway of the United States without at the same time investing them with the privileges and the rights and the liberties enjoyed by the citizens of the United States. We have paid no regard to the Filipinos. We have declared that the Constitution does not exist there. If it does not exist there, then we have no army there, and they are a mob of freebooters. Every commission carried by any officer is after swearing true allegiance to the Constitution of the United States. Some one said to-night that the Constitution was not there, and it was argued by my able friend from Kentucky [Mr. LINDSAY] that there were certain rights that people have inherently and inalienably.

Now, I want to say that the Constitution of the United States, which is the Government of the United States, or the creator of the Government of the United States, did not contain a bill of rights when it was passed by the convention, and such men as Sam Adams, of Massachusetts, and Richard Henry Lee, Patrick Henry, and Thomas Jefferson, of Virginia, and other great heroes of the Revolution declared their unalterable opposition to that instrument for the reason, to use Jefferson's words, that it had a vital lack of a bill of rights, and the several States proposed the ten amendments, which were adopted, and which contain the bill of rights.

Of course it might be said that the people in every country have certain inalienable rights; but they are not governed by inalienable rights, but by government. This nation can do what another nation can do, it is true, but it does it in a prescribed way. That way is prescribed through a Constitution, and its provisions and its limitations. Then, if one of these inherent powers choose to do something else not consonant with that Constitution, they are allowed by provision engrafted therein by their own power to do it if they change it in the manner prescribed. So the nation, whatever may be its inherent right as such, can change the Constitution; and that is the only mode of governing itself and of governing others.

No provision is made anywhere in the Constitution that we are to govern any but ourselves. It was made for the people of the United States. It says that it is the law of the land:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

What land? Any land where the United States has authority; on the deck of ships at sea, in foreign capitals, in any land where the United States holds up the ensign of authority. That is the place where the Constitution prevails, and the proposition that we can carry it there by an act of Congress is, to my mind, one of those legal absurdities not to be entertained at all. Congress does not exist but by the Constitution, and that the creature can be greater than the creator, that the creator will not exist without the permission of the creature, is something preposterous.

Now, what do we propose to these people in the Philippines? It has been stated here over and over again in this discussion, and I have no desire to repeat it or to detain the Senate. It has been repeated here over and over again. There is no proposition here for the benefit of the people of the Philippines. The proposition is for somebody else, always somebody else, and the Constitution is set at naught that somebody else may profit by the sort of government that will prevail under this amendment, or what is called the Spooner bill.

Human nature is the same everywhere. We recollect the example of Crossus in Asia Minor, Varres in Sicily and we recollect the more recent example of Clive and of Warren Hastings in India. Every colonizing country on earth, or country that has had other nations in subjection that we know of, if history can tell the truth, shows that it has been the fountain and source of all corruption and that it destroyed the ancient republics of the world. Greece existed in unmitigated splendor, and she colonized as much as any nation that ever lived, but never in any instance did she attempt to retain rule over her colonies, for she was as careless of them when they left her swarming country as the mother hive is of a swarm of bees that leaves. That was because the Greek was individual. But Rome was not individual. She undertook to extend her dominion over all of her colonies. The result was that corruption overthrew the mighty power of Rome.

Now, Mr. President, with this amendment called the Spooner amendment, even with this modification upon the bill, it will be impossible for me to vote for it, having due regard to my conscience and my oath. Of course the measure will pass. You have the majority to pass it. But I shall support the amendment offered by the Senator from Connecticut [Mr. PLATT], because I believe that is the very best thing that can be done under the circumstances. It is not as good, probably, as it should be. I want to say, also, that I believe the Cuban convention will consider it just as we have, and will agree to every one of its provisions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes; further insists upon its disagreement to the amendments of the Senate numbered 3, 7, 8, 9, 10, 24, 25, 26, 39, 40, 42, 60, 61, 65, 67, 79, 80, 81, 82, 84, 85, 86, and 89; asks a further conference with the Senate

on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory by the United States by holding an international exhibition of arts, industries, and manufactures and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. STEELE, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902; further insists upon its disagreement to amendments numbered 2 and 3, upon which the committee of conference were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia;

A bill (S. 5978) authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands;

A bill (H. R. 6146) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers;

A bill (H. R. 6204) for the relief of Olivia M. Clifford;

A bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes;

A bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes;

A joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia; and

A joint resolution (H. J. Res. 74) authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

OLIVIA M. CLIFFORD.

The PRESIDENT pro tempore laid before the Senate the bill (S. 2471) for the relief of Olivia M. Clifford returned by the House to the Senate at its request.

Mr. TELLER. I move to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. TELLER. I move that the bill be indefinitely postponed.

The motion was agreed to.

THE ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Missouri [Mr. VEST] to the amendment reported from the Committee on Military Affairs as amended.

Mr. PETTIGREW. This afternoon when I was addressing the Senate I asked unanimous consent to have certain papers printed as a document. I supposed the request was granted, but as there is some doubt about it I now renew it. The Senator from Massachusetts [Mr. HOAR] also asked that certain similar papers which he had should be made a part of the document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota that the papers he referred to and the papers referred to by the Senator from Massachusetts shall be printed as a document?

Mr. CHANDLER. I do not object except where there are 20 or 30 papers all in the same language. There is no need of reprinting them if one is printed and the signatures. I suppose that is all the Senators desire. I do not know whether they are translated or not, but I notice that they are all the same.

Mr. HOAR. I should like to have the translation printed. Where they are alike one of the documents will answer, of course. I do not want to have them repeated in the print.

Mr. PETTIGREW. All those I presented were different. I presented six or seven, all different in the statement and in the matter.

Mr. CHANDLER. I only make the suggestion that duplicates should not be printed, if that course is agreeable.

Mr. PETTIGREW. But the signatures shall be printed.

Mr. CHANDLER. The signatures, in all cases.

The PRESIDENT pro tempore. The request of the Senator from South Dakota now is that the papers presented by him, and also those presented by the Senator from Massachusetts, duplicates not being printed, shall be printed as a document. Is there objection?

Mr. CHANDLER. All in one document?

The PRESIDENT pro tempore. In one document.

Mr. CULLOM. With the signatures?

Mr. PETTIGREW. With the signatures.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The motion was reduced to writing in the form of a resolution, and agreed to, as follows:

Resolved, That the proceedings of the municipal governments of the island of Cebu, Philippine Islands, protesting against the establishment of American civil government therein, be translated into English and printed as a document, together with a facsimile of all the signatures thereto.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Missouri [Mr. VEST] to the amendment.

Mr. ALDRICH. On that I ask for the yeas and nays.

Mr. PETTIGREW. I should like to hear the amendment to the amendment read.

Mr. TELLER. Let it be read, and then let us have the yeas and nays on it.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

Mr. TILLMAN. This is the amendment of the Senator from Missouri. I think the motion to lay it on the table has been withdrawn.

Mr. BERRY. That motion has been withdrawn.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. On page 39, line 15, after the word "same," insert:

And provided further, That no judgment, order, nor act by any of said officials so appointed shall conflict with the Constitution and laws of the United States.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] demands the yeas and nays on this vote.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. I do not see him present, and therefore I withhold my vote.

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. LINDSAY]. I will transfer that pair to the Senator from Minnesota [Mr. CLAPP] and vote. I vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that to the senior Senator from Kansas [Mr. BAKER], and I ask that that pair may remain on all votes on this bill. I vote "nay."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the Senator from West Virginia [Mr. ELKINS]. The Senator from North Dakota [Mr. HANSBROUGH] has a general pair with the Senator from Virginia [Mr. DANIEL]. We have transferred those pairs so that we can both vote. I vote "yea."

Mr. HANSBROUGH. That is agreeable. I vote "nay."

Mr. RAWLINS. I desire to announce that the Senator from Mississippi [Mr. MONEY] is temporarily absent, and that he is paired with the Senator from Oregon [Mr. MCBRIDE]. If the Senator from Mississippi were present, he would vote "yea."

The Secretary recapitulated the vote.

Mr. ALDRICH. My colleague [Mr. WETMORE] is detained from the Senate. I supposed he was paired with the Senator from Georgia [Mr. BACON].

Mr. BACON (after having voted in the affirmative). I was just about to announce my pair. I did not know until I heard the recapitulation of the vote that he had not voted. In the absence of the junior Senator from Rhode Island [Mr. WETMORE], I withdraw my vote and announce my pair with him.

The result was announced—yeas 25, nays 45; as follows:

YEAS—25.

Bate,	Culberson,	McLaurin,	Teller,
Berry,	Harris,	Mallory,	Tillman,
Butler,	Heitfeld,	Martin,	Turley,
Caffery,	Hoar,	Pettigrew,	Turner.
Chilton,	Jones, Nev.	Pettus,	
Clay,	Kenney,	Rawlins,	
Cockrell,	McEnery,	Taliaferro,	

NAYS—45.

Aldrich,	Fairbanks,	Lodge,	Scott,
Allison,	Foraker,	McComas,	Sewell,
Bard,	Foster,	McCumber,	Shoup,
Beveridge,	Frye,	McMillan,	Simon,
Burrows,	Gallinger,	Nelson,	Spooner,
Carter,	Hanna,	Penrose,	Stewart,
Chandler,	Hansbrough,	Perkins,	Thurston,
Clark,	Hawley,	Platt, Conn.	Warren,
Cullom,	Kean,	Platt, N. Y.	Wolcott.
Deboe,	Kearns,	Pritchard,	
Dillingham,	Kyle,	Proctor,	
Dolliver,	Lindsay,	Quarles,	

NOT VOTING—18.

Allen,	Depew,	Mason,	Vest,
Bacon,	Elkins,	Money,	Wellington,
Baker,	Hale,	Morgan,	Wetmore.
Clapp,	Jones, Ark.	Quay,	
Daniel,	McBride,	Sullivan.	

So Mr. VEST's amendment to the amendment was rejected.

Mr. RAWLINS. I offer an amendment to come in after the last proviso of the amendment of the committee.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. On page 39, after the amendment of the committee, known as the amendment of the Senator from Wisconsin [Mr. SPOONER], as amended by the amendment of the Senator from Massachusetts [Mr. HOAR], add the following:

Provided further, That the Government of the United States declares that it is its purpose and intention not to retain or exercise permanent control or sovereignty over the Philippine Islands, but only to the extent necessary to secure their pacification and the establishment of a stable government therein by their people; and upon the accomplishment of these ends, and after securing by amicable arrangement suitable naval, military, and coaling stations, and proper guaranties for the safety of those who have adhered to the United States and for the performance of the treaty obligations of the United States to other nations, the Government of the United States intends to withdraw from the said islands and leave the government and control thereof to their own people, and the powers hereinbefore conferred upon the President and the persons selected by him are to be exercised to the ends herein provided.

Mr. HANSBROUGH. I ask for the yeas and nays.

Mr. RAWLINS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Under the arrangement already stated between the Senator from North Dakota [Mr. HANSBROUGH] and myself I will vote. I vote "yea."

Mr. MASON (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. I make that announcement on this and also make it on all other votes on these amendments.

Mr. RAWLINS (when Mr. MONEY's name was called). The Senator from Mississippi [Mr. MONEY] desired me to announce that he is unable to be present, but that he is paired with the Senator from Oregon [Mr. MCBRIDE]. If the Senator from Mississippi were present, he would vote "yea" on this question.

The roll call was concluded.

Mr. JONES of Arkansas (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. HALE] and withdraw my vote. If he were present, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I observe that the junior Senator from Rhode Island [Mr. WETMORE] is still absent, and I withdraw my vote, being paired with that Senator.

Mr. SCOTT. My colleague [Mr. ELKINS] is unavoidably detained from the Chamber. If he were here, he would vote "nay" on this proposition. By the transfer of pairs he stands paired with the Senator from Virginia [Mr. DANIEL].

Mr. HANSBROUGH. I ask the Senator from Texas [Mr. CHILTON] if he has voted?

Mr. CHILTON. Yes; I made the announcement of the transfer of our pairs.

Mr. HANSBROUGH. I vote "nay."

The result was announced—yeas 24, nays 45; as follows:

YEAS—24.

Allen,	Clay,	Jones, Nev.	Rawlins,
Bate,	Cockrell,	McEnery,	Taliaferro,
Berry,	Culberson,	Mallory,	Teller,
Butler,	Harris,	Martin,	Tillman,
Caffery,	Heitfeld,	Pettigrew,	Turley,
Chilton,	Hoar,	Pettus,	Turner.

NAYS—45.

Aldrich,	Fairbanks,	Lodge,	Scott,
Allison,	Foraker,	McComas,	Sewell,
Bard,	Foster,	McCumber,	Shoup,
Beveridge,	Frye,	McLaurin,	Simon,
Burrows,	Gallinger,	McMillan,	Spooner,
Carter,	Hanna,	Nelson,	Stewart,
Chandler,	Hansbrough,	Perkins,	Thurston,
Clark,	Hawley,	Platt, Conn.	Warren,
Cullom,	Kean,	Platt, N. Y.	Wolcott.
Deboe,	Kearns,	Pritchard,	
Dillingham,	Kyle,	Proctor,	
Dolliver,	Lindsay,	Quarles,	

NOT VOTING—19.

Bacon,	Elkins,	Mason,	Sullivan,
Baker,	Hale,	Money,	Vest,
Clapp,	Jones, Ark.	Morgan,	Wellington,
Daniel,	Kenney,	Penrose,	Wetmore.
Depew,	McBride,	Quay,	

So Mr. RAWLINS's amendment to the amendment was rejected.

Mr. PETTUS. I propose an amendment to the bill and I ask for a vote on it by yeas and nays, unless it is accepted by the committee.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment to the amendment, which will be read.

The SECRETARY. On page 39, strike out all that part of the bill from line 3 to line 15, both inclusive, and insert the following section:

SEC. —. That the Constitution of the United States is hereby extended over and declared to be in force in the Philippine Islands so far as the same or any provision thereof may be applicable.

Mr. PETTUS. That is not the amendment. It is the amendment to support the Constitution of the United States, simply and alone.

Mr. HOAR. Is that amendment amendable?

The PRESIDENT pro tempore. The Senator from Alabama has not yet found the amendment he desires to offer.

Mr. BACON. Pending that, there is an amendment to the amendment on the table, offered by myself, that I should like to have considered.

Mr. WOLCOTT. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the amendment, which will be read.

The SECRETARY. On page 39, line 7, after the word "shall," insert "until the 4th day of March, 1903;" so that if amended the clause will read:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until the 4th day of March, 1903, or until otherwise provided by Congress, be vested in such person and persons, etc.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the committee.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). In the absence of the junior Senator from Rhode Island [Mr. WETMORE] I withhold my vote. If he were present, I would vote "yea."

Mr. CHILTON (when his name was called). Under the arrangement stated of a transfer of pairs between the Senator from North Dakota [Mr. HANSBROUGH] and myself I will vote. I vote "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I would vote "yea" if he were present.

Mr. KENNEY (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 26, nays 43; as follows:

YEAS—26.

Allen,	Cockrell,	McEnery,	Taliaferro,
Bate,	Culberson,	McLaurin,	Teller,
Berry,	Harris,	Mallory,	Tillman,
Butler,	Heitfeld,	Martin,	Turley,
Caffery,	Hoar,	Pettigrew,	Turner.
Chilton,	Jones, Nev.	Pettus,	
Clay,	Lindsay,	Rawlins,	

NAYS—43.

Aldrich,	Dolliver,	Kyle,	Quarles,
Allison,	Fairbanks,	Lodge,	Scott,
Bard,	Foraker,	McComas,	Sewell,
Beveridge,	Foster,	McCumber,	Shoup,
Burrows,	Frye,	McMillan,	Simon,
Carter,	Gallinger,	Nelson,	Spooner,
Chandler,	Hanna,	Perkins,	Stewart,
Clark,	Hansbrough,	Platt, Conn.	Thurston,
Cullom,	Hawley,	Platt, N. Y.	Warren,
Deboe,	Kean,	Pritchard,	Wolcott.
Dillingham,	Kearns,	Proctor,	

NOT VOTING—19.

Bacon,	Elkins,	Mason,	Sullivan,
Baker,	Hale,	Money,	Vest,
Clapp,	Jones, Ark.	Morgan,	Wellington,
Daniel,	Kenney,	Penrose,	Wetmore.
Depew,	McBride,	Quay,	

So Mr. BACON's amendment to the amendment was rejected.

Mr. PETTUS. The amendment which I proposed has been brought from the document room, and I now ask action upon it.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment, which will be stated.

The SECRETARY. On page 39, after line 15, and immediately after the words "or repeal the same," it is proposed to insert:

Provided further, That every person in whom shall be vested any power in or over the Philippine Islands, before exercising any such power, shall take an oath to support the Constitution of the United States.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Alabama to the amendment of the committee.

Mr. PETTUS. I ask for the yeas and nays on that amendment, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). In the absence of the junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when his name was called). Under the arrangement already stated, I make a transfer of the pair between the Senator from North Dakota [Mr. HANSBROUGH] with the Senator from Virginia [Mr. DANIEL] to the Senator from West Virginia [Mr. ELKINS], and I will vote. I vote "yea."

Mr. JONES of Arkansas (when his name was called). On this vote I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Kentucky [Mr. LINDSAY]. I vote "yea."

Mr. KENNEY (when his name was called). I again announce my pair with the Senator from Pennsylvania [Mr. PENROSE].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. COCKRELL (when Mr. VEST's name was called). My colleague [Mr. VEST] is necessarily detained from the Senate Chamber. For this evening he is paired with the Senator from Kansas [Mr. BAKER].

The roll call was concluded.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and therefore withhold my vote.

The result was announced—yeas 25, nays 41; as follows:

YEAS—25.

Allen,	Clay,	McLaurin,	Teller,
Bate,	Cockrell,	Mallory,	Tillman,
Berry,	Culberson,	Martin,	Turley,
Butler,	Harris,	Pettigrew,	Turner.
Caffery,	Heitfeld,	Pettus,	
Chilton,	Jones, Ark.	Rawlins,	
Clark,	McEnery,	Taliaferro,	

NAYS—41.

Aldrich,	Fairbanks,	Lodge,	Scott,
Allison,	Foraker,	McComas,	Sewell,
Bard,	Foster,	McCumber,	Shoup,
Beveridge,	Gallinger,	McMillan,	Spooner,
Burrows,	Hanna,	Nelson,	Stewart,
Carter,	Hansbrough,	Perkins,	Thurston,
Chandler,	Hawley,	Platt, Conn.	Warren,
Cullom,	Hoar,	Platt, N. Y.	Wolcott.
Deboe,	Kean,	Pritchard,	
Dillingham,	Kearns,	Proctor,	
Dolliver,	Kyle,	Quarles,	

NOT VOTING—22.

Bacon,	Frye,	Mason,	Sullivan,
Baker,	Hale,	Money,	Vest,
Clapp,	Jones, Nev.	Morgan,	Wellington,
Daniel,	Kenney,	Penrose,	Wetmore.
Depew,	Lindsay,	Quay,	
Elkins,	McBride,	Simon,	

So the amendment of Mr. PETTUS to the amendment of the committee was rejected.

Mr. PETTUS. Mr. President, I desire to say that in offering the amendment before the one which has just been disposed of I stated that it came from the document room. I am informed that that was an entire mistake, and that it was on the Secretary's desk. I do not want to do the gentlemen at the desk any injustice. I believe they are the ablest clerks I ever heard of, and they are uniformly courteous. I sent to the document room for the amendment, and an amendment was handed to me, but it was sent to me from the Secretary's desk, as I am informed.

I offer another amendment, on which I shall ask for the yeas and nays. I move simply to strike out what has been called the Spooner amendment. I ask that that be read.

The PRESIDENT pro tempore. The Senator from Alabama moves as an amendment to strike out what is known as the Spooner amendment, and asks that it be read.

Mr. TELLER. I suppose we shall reach that on a motion to adopt that amendment. It is not yet in the bill.

Mr. JONES of Arkansas. The part proposed to be stricken out by the Senator from Alabama is not yet in the bill.

Mr. ALDRICH. It can not be stricken out until it is inserted.

The PRESIDENT pro tempore. The amendment offered by the Senator from Alabama is clearly not now in order.

Mr. TELLER. I gave notice of an amendment to come in after the word "religion," on line 13, page 39, which I ask may be now stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 39, line 13, after the word "religion," it is proposed to amend the committee amendment by inserting:

and secure to them such participation in the affairs of the civil government so to be established as shall be consistent with the safety of the government.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado to the amendment of the committee.

Mr. TELLER. Let us have the yeas and nays on that, Mr. President.

The yeas and nays were ordered.

Mr. HOAR. I wish two or three lines preceding that amendment might be read, so that we may know in what connection it comes.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion, and secure to them such participation in the affairs of the civil government so to be established as shall be consistent with the safety of the government.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). In the absence of the junior Senator from Rhode Island [Mr. WETMORE], I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when his name was called). Under the arrangement heretofore stated between the Senator from North Dakota [Mr. HANSBROUGH] and myself, pairing the Senator from Virginia [Mr. DANIEL] with the Senator from West Virginia [Mr. ELKINS], I am authorized to vote, and I vote "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. WARREN. I am paired with the Senator from Washington [Mr. TURNER], and as I do not see him in the Chamber I withhold my vote.

Mr. JONES of Arkansas. I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Missouri [Mr. VEST], if he is not otherwise paired.

Mr. COCKRELL. He is paired with the Senator from Kansas [Mr. BAKER] for this evening.

Mr. JONES of Arkansas. Then I withhold my vote.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and therefore withhold my vote.

Mr. CHILTON (after having voted in the affirmative). I inquire if the Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CHILTON. Then it is necessary for me to withdraw my vote in order to protect the Senator from West Virginia [Mr. ELKINS], and I will do so.

The result was announced—yeas 23, nays 39; as follows:

YEAS—23.

Allen,	Cockrell,	McEnery,	Rawlins,
Bate,	Culberson,	McLaurin,	Taliaferro,
Berry,	Harris,	Mallory,	Teller,
Butler,	Heitfeld,	Martin,	Tillman,
Caffery,	Hoar,	Pettigrew,	Turley.
Clay,	Lindsay,	Pettus,	

NAYS—39.

Aldrich,	Dillingham,	Kearns,	Proctor,
Allison,	Dolliver,	Kyle,	Quarles,
Bard,	Fairbanks,	Lodge,	Scott,
Beveridge,	Foraker,	McComas,	Sewell,
Burrows,	Foster,	McMillan,	Shoup,
Carter,	Frye,	Nelson,	Simon,
Chandler,	Gallinger,	Perkins,	Spooner,
Clark,	Hanna,	Platt, Conn.	Stewart,
Cullom,	Hawley,	Platt, N. Y.	Thurston.
Deboe,	Kean,	Pritchard,	

NOT VOTING—26.

Bacon,	Hale,	Mason,	Vest,
Baker,	Hansbrough,	Money,	Warren,
Chilton,	Jones, Ark.	Morgan,	Wellington,
Clapp,	Jones, Nev.	Penrose,	Wetmore,
Daniel,	Kenney,	Quay,	Wolcott.
Depew,	McBride,	Sullivan,	
Elkins,	McCumber,	Turner,	

So Mr. TELLER's amendment to the amendment of the committee was rejected.

Mr. TELLER. Mr. President, inasmuch as the officers in that country are not to take an oath to support the Constitution of

the United States, and the Constitution and laws of the United States are not to be applicable in any sense there, I desire to offer, for the purpose of protecting the people of the Philippine Islands, an amendment to this bill. It is a provision taken out of the act establishing the Missouri Territory in 1812. It was very good Republican doctrine in those days. I have no doubt the amendment will be voted down; but I desire to read it, and then I shall send it to the desk.

I move to insert immediately after the last portion of what is called the Spooner amendment, to come in on page 39, after line 15, the following:

All persons shall be bailable unless for capital offenses where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his life, liberty, or property but by the judgment of his peers and the law of the land. If the public exigencies make it necessary for the common preservation to take the property of any person, or to demand his particular services, full compensation shall be made for the same. No ex post facto law or law impairing the obligation of contracts shall be made. No law shall be made which shall lay any person under restraint, burden, or disability on account of his religious opinions, professions, or mode of worship, in all which he shall be free to maintain his own and not burdened for those of another.

Mr. President, I think, after the statement made on this floor of the cruel torture that has been practiced upon those people by the soldiers of the United States and by the natives employed, the Macabebes, that it is very pertinent and proper that this amendment should be adopted; and if those people are to have no protection of the United States laws and are to be absolutely under the power of the autocratic and absolute government that is to be established in violation of every principle of a free government, this amendment ought to be adopted.

The PRESIDENT pro tempore. Does the Senator from Colorado desire the amendment which he has offered to be read at the desk?

Mr. TELLER. Not unless its reading is desired by other Senators. I have read it myself.

The PRESIDENT pro tempore. And better than anyone at the desk could read it.

The question is on the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the committee.

Mr. TELLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT of Connecticut. Before the vote is taken I ask that the first portion of the committee amendment as it is now in the bill may be read.

The PRESIDENT pro tempore. The first portion of what is called the Spooner amendment?

Mr. PLATT of Connecticut. The amendment adopted by the committee on the last page of the bill.

The PRESIDENT pro tempore. The portion of the amendment referred to will be read.

The Secretary read as follows:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Colorado [Mr. TELLER] to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present I should vote "yea." As he is absent, I withhold my vote.

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE]. I would vote "yea" if he were present.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I would vote "yea" if he were present.

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER], who is out of the Chamber. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and, therefore, withhold my vote.

The result was announced—yeas 23, nays 41; as follows:

YEAS—23.

Allen,	Clay,	Kenney,	Pettus,
Bate,	Cockrell,	Lindsay,	Rawlins,
Berry,	Culberson,	McLaurin,	Taliaferro,
Butler,	Harris,	Mallory,	Teller,
Caffery,	Heitfeld,	Martin,	Tillman.
Chilton,	Hoar,	Pettigrew,	

NAYS—41.

Aldrich,	Dolliver,	Kyle,	Proctor,
Allison,	Fairbanks,	Lodge,	Quarles,
Bard,	Foraker,	McComas,	Scott,
Beveridge,	Foster,	McEnery,	Sewell,
Burrows,	Frye,	McMillan,	Shoup,
Carter,	Gallinger,	Nelson,	Simon,
Chandler,	Hanna,	Penrose,	Stewart,
Clark,	Hansbrough,	Perkins,	Thurston.
Cullom,	Hawley,	Platt, Conn.	
Deboe,	Kean,	Platt, N. Y.	
Dillingham,	Kearns,	Pritchard,	

NOT VOTING—24.

Bacon,	Hale,	Money,	Turner,
Baker,	Jones, Ark.	Morgan,	Vest,
Clapp,	Jones, Nev.	Quay,	Warren,
Daniel,	McBride,	Spooner,	Wellington.
Depew,	McCumber,	Sullivan,	Wetmore,
Elkins,	Mason,	Turley,	Wolcott.

So Mr. TELLER's amendment to the amendment of the committee was rejected.

Mr. TELLER. Mr. President, I gave notice that I would offer an amendment extending the Constitution over the islands. The Senate has negatived that idea twice, once on the Vest amendment and once on the proposition that the officers should take an oath to support the Constitution. I do not care to bring the Constitution of the United States into further contempt this evening than it has been brought.

We are about to enact a law that is so contrary to anything that has ever taken place in American history that, even if it is late, I propose to read what the fathers of the Republic said at an early day when they were contending with British power. To say it now I have no doubt is treason, but it was patriotism and good law then. On the 14th day of October, 1774, the Congress of the colonies passed this resolution with some others, and I want to call the attention of the Senate to it. I want to know whether the Senate does not believe when it is read that either that was heresy then or this is heresy now.

Resolved, It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed during pleasure by the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which can not be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

Mr. President, if the Crown of Great Britain can not establish an absolute government, the Government of the United States can not do so; but that is what you are doing to-night.

Again, in their address to the people of Great Britain, on the 21st day of the same month, that Congress said:

That we hold it essential to English liberty that no man be condemned unheard or punished for supposed offenses without having an opportunity of making his defense.

That we think the legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we as well as you deem sacred, and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

They are to be flagrantly violated by the authority of the Congress of the United States. There is a similarity to which I wish to call attention. These people over there are charged to be in rebellion against the United States, and we assert with great vehemence that they must submit to our will before we will even consider or negotiate with them for any cessation of hostilities. I want to read what occurred in the Continental Congress on the 30th of May, 1775. As I read, I think some of the Senators will find a familiar sound in it:

TUESDAY, *May 30, 1775.*

The Congress met according to adjournment.

A member informed the Congress that a gentleman just arrived from London had brought with him a paper, which he says he received from Lord North, and which was written, at the desire of his lordship, by Mr. Grey Cooper, undersecretary to the treasury, and as the gentleman understood it to be his lordship's desire that it should be communicated to the Congress, for that purpose he had put it into his hands. The member further observed that he had shown the paper to a member near him who was very well acquainted with the handwriting of Mr. Cooper, and that he verily believes the paper was written by Mr. Cooper.

As I read I think some of the Senators will find a familiar sound to it.

The paper being read, is as follows:

That it is earnestly hoped by all the real friends of the Americans that the terms expressed in the resolution of the 20th of February last will be accepted by all the colonies who have the least affection for their king and country or a just sense of their own interest.

That was a resolution which denied to the colonies their demands, as we hear every day with reference to these people, that we are proceeding in their interests.

That these terms are honorable for Great Britain and safe for the colonies.

That if the colonies are not blinded by factions, these terms will remove every grievance relative to taxation, and be the basis of a compact between the colonies and the mother country.

That the people in America ought, on every consideration, to be satisfied with them.

That no further relaxation can be admitted.

The temper and spirit of the nation are so much against concessions that if it were the intention of administration they could not carry the question.

But administration have no such intention, as they are fully and firmly persuaded that further concessions would be injurious to the colonies as well as to Great Britain.

That there is not the least probability of a change of administration.

That they are perfectly united in opinion and determined to pursue the most effectual measures and to use the whole force of the kingdom, if it be found necessary, to reduce the rebellious and refractory provinces and colonies.

There is so great a spirit in the nation against the Congress that the people will bear the temporary distresses of a stoppage of the American trade.

They may depend on this to be true.

If there is not a familiar sound that we have heard for the last ninety days, then I have not ears to hear. But it is to be said to the credit of the men to whom this was read that they met it just as the people of the several communities in the Philippine Islands met the demands of the military governor of that island. They said they preferred freedom to the specious promises of Great Britain, as these people have said they prefer freedom to the specious promises of the military governor.

Mr. President, it is not a question of Filipinos alone; it is a question of American citizenship. I read here the other day of an outrage that has called forth no protest from any official of this Government—an outrage to an American citizen, a soldier, who had gone there to fight the battles of his country and was there discharged; who wrote an inoffensive article in a public paper, an article that I read, and I challenge any man now here to assert that there was either treason, or menace, or defiance, or anything of the character in it.

I said then, and I repeat it now, that that rule applied would put every editor in the United States in jail, and yet that man was taken away from his business without a trial, without a hearing, except before a military officer, because he had assailed, not in violence, not slanderously either, the collector of the port, a man who appears to have been a pet of the Government, a man who was court-martialed for conduct unbecoming a gentleman as an officer in the Navy, a man against whom the Secretary of the Navy, Mr. Hunt, passed the severest condemnation.

I am not going to read it to-night, but I ask to put in the whole proceedings of the court-martial against this man, who had conducted himself in such a way that he was to be reprimanded, and the Secretary of the Navy, Mr. Hunt, in 1881, administered to him a reprimand that no man ever deserved who was fit to stay in the American Navy or in the American Army, and he was only kept there because the court-martial had rendered it impossible for the Secretary of the Navy to dismiss him.

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
Washington, D. C., February 20, 1901.

SIR: Replying to your request of February 19, 1901, I inclose a copy of General Court-Martial Orders, No. 36, of 1881.

Very respectfully,
A. S. CROWNINSHIELD,
Chief of Bureau.

Hon. H. M. TELLER,
United States Senate, Washington, D. C.

GENERAL COURT-MARTIAL ORDERS, No. 36. NAVY DEPARTMENT, *Washington, November 23, 1881.*

I. Before a general court-martial, which convened at the torpedo station, Newport, R. I., October 11, 1881, and of which Capt. Ralph Chandler, U. S. N., was president, was arraigned and tried Ensign William Braunersreuther, U. S. N.

Charge, "Conduct unbecoming an officer and a gentleman."

Specification 1.—"In this, that the said William Braunersreuther, an ensign in the United States Navy, having become justly indebted to William H. Bellis, of Annapolis, Md., merchant tailor, in the sum of $207.25, or thereabouts, for goods purchased and money borrowed from said Bellis, at various times between the 21st day of June, 1875, and the 26th day of September, 1876, has, with the exception of $105, paid on account June 1, 1876, and February 25, and May 27, 1878, up to the present time, notwithstanding repeated promises to pay said debt and the frequent demands for payment made on him by said Bellis, neglected and failed to pay the said Bellis the amount due him, thereby exhibiting a dishonorable indifference to his just indebtedness and a disregard of his obligations as an officer and a gentleman, to the scandal and disgrace of the naval service of the United States."

Specification 2: "In this, that the said William Braunersreuther, an ensign in the United States Navy, having, while attached to the U. S. S. *Minnesota*, become justly indebted to Maurice Morrissey, a seaman on board said ship, in the sum of $19.50, or thereabouts, for articles purchased from said Morrissey, at various times between the 2d day of May, 1879, and the 22d day of June 1881, and having in June last, when detached from said vessel, at Newport, R. I., promised to pay said debt upon his arrival at New York, has, notwithstanding said promise, dishonorably neglected and failed to pay the amount of said indebtedness, or any portion thereof."

Specification 3. "In this, that the said William Braunersreuther, an ensign in the United States Navy, having, while attached to the U. S. S. *Minnesota*, become justly indebted to Private Hugo Caro, United States Marine Corps, attached to said ship, in the sum of $30.75, or thereabouts, for articles purchased from said Caro at various times between the 1st day of October, 1879, and the 31st day of March, 1881, and having in June last, when detached from said vessel, at Newport, R. I., promised to pay said debt upon his arrival at New York, has, notwithstanding said promise, dishonorably neglected and failed to pay the amount of said indebtedness or any portion thereof."

To which charge and specifications the accused, Ensign William Braunersreuther, United States Navy, pleaded "not guilty."

FINDING.

The court, having maturely considered the evidence adduced, found the accused, Ensign William Braunersreuther, United States Navy, as follows:

First specification of the charge. "Proved in part; proved except the words 'thereby exhibiting a dishonorable indifference to his just indebtedness and a disregard of his obligations as an officer and a gentleman, to the scandal and disgrace of the naval service of the United States.'"

Second specification of the charge, "Proved in part; proved, except the word 'dishonorably.'"

Third specification of the charge, "Proved in part; proved, except the word 'dishonorably.'"

Of the charge, "Guilty in a less degree than charged; guilty of 'improper conduct.'"

SENTENCE.

The court thereupon sentenced the said Ensign William Braunersreuther, United States Navy, "to be reprimanded by the honorable Secretary of the Navy, and to have the sum of $10 checked monthly against his pay, which said sums are to be paid to his creditor, William H. Bellis, merchant tailor, Annapolis, Md., until such payment shall amount to $102.25."

II. The proceedings of the general court-martial in the foregoing case are approved; and, although the Department can not agree with the court, in its judgment that the conduct of Ensign Braunersreuther, in repeatedly violating his promises to pay his just indebtedness, and in his continued disregard of his pecuniary obligations, is not unbecoming an officer and a gentleman, the findings are approved only because, otherwise, this officer would escape punishment for conduct deserving severe condemnation.

The sentence is also approved, except that portion of it relating to a checkage of his pay for the reimbursement of one of his creditors. This being unauthorized by law, is disapproved. Pay forfeited by sentence of courts-martial accrues to the United States for the maintenance of Navy hospitals, and such forfeitures can not be diverted to the benefit of an individual, however justly the amount may be due him.

III. There are, undoubtedly, instances where officers find themselves hampered by pecuniary embarrassments from which they can not, without difficulty, at once extricate themselves. In such cases it becomes proper that they should practice a rigid economy, and so gradually pay their debts.

But when an officer has taken advantage of the circumstance that he belongs to the naval service of the nation to establish a credit among tradesmen and merchants, he owes it to that service, as well as to his own reputation and to common honesty, that he should see his way clear to meet, within a reasonable time, the obligations he incurs. If, in a spirit of recklessness, he makes use of his position to live beyond his means, and runs in debt in face of a certainty, or the strong probability, that he will be unable to meet his engagements; if he takes advantage of the immunity with which the law protects his pay from seizure in order to defeat his honest creditors, such conduct is dishonorable and dishonest, unbecoming an officer and a gentleman, and calculated to bring scandal and disgrace upon the service.

Whilst it is in the near borderland of the crime of common swindling at law, it is undoubtedly amenable to punishment under the rules and practices governing the Navy.

The Department must not be converted into a collecting agency, but it will not fail to take note of such disgraceful practices and to bring those who commit them to speedy and condign punishment.

These observations are intended as a compliance with that part of the sentence of the court which recommends that Ensign Braunersreuther be reprimanded. It is hoped that he will in future take heed of them; and it were well that other officers in the service should give timely attention to them.

WILLIAM H. HUNT,
Secretary of the Navy.

This man, a citizen of the United States, a citizen of the State of Minnesota, an ex-soldier, because he criticized this man in a legal and proper manner, a manner that is allowed in any country where freedom exists, is taken and transported from that country to the United States and his business destroyed, with no redress, and no attempt is made to redress his wrongs.

Mr. President, I called upon the Secretary of War to tell us why this man was brought away from that country, and I want to read his reply. I do not know what I can do about it; and that is the unpleasant and ugly feature in the case, that there may be no redress for this man. Let me read what the general of the army telegraphed, and then let us see if there is not some necessity for just such a provision of law as the Senate has just voted down.

MANILA, ——.

ADJUTANT-GENERAL, *Washington:*

Editor Rice deported San Francisco, January 23. Offense, malicious publication of false charges affecting integrity of administration of office captain of the port, in which formerly employed.

Remember that I read every word this man had said, and it is here in the RECORD.

This with full knowledge of their falsity.

Mr. Rice declared that no charge he had made was false, and from the record of this man there is every reason to believe they were true.

He was informed he must give bond not to republish.

Think of it! An editor of a paper, at the demand of a military captain, is to give bond that he will not criticise the administration of public affairs in the community in which he lives; and call that a free government! Do you mean that that exists anywhere under the flag, and then you boast that you do not intend to dishonor the flag!

He was informed he must give bond not to republish or leave islands, as his actions were creating strife and were menace military situation. He maintained attitude of defiance and was necessarily sent home. Full report was forwarded with all papers February 1.

I never supposed that I would live long enough, and I regret that I have, to see and hear in this body, the greatest legislative body in the world, a declaration that the ordinary rights of citizenship shall be denied to 10,000,000 of men over whom we are now dominating, as well, too, to the 76,000,000 American people, if they shall happen to stray, as they may, into that new country. Every American has a right to go there, and he has a right to have it remembered while he is there that he is an American citizen. These islands may be valuable. If they were covered with gold and full of diamonds, they would not be worth all this, Mr. President, in the eyes of the American people and in the eyes of the world. You intend to continue and accentuate that

condition by this legislation to-night. It is possible that this can be done, and it can be continued for an indefinite time, but you will have to take the back track or we will have to abandon all pretenses of freedom under our flag.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. ALLEN. I desire to have the so-called Spooner amendment read.

The PRESIDENT pro tempore. The committee amendment as amended will be read in full.

The SECRETARY. It is proposed to insert, after line 2, on page 39, the following:

All military, civil, and judicial powers necessary to govern the Philippine Islands acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for the establishment of civil government and for maintaining and protecting the inhabitants of such islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago, full report shall be made to the Congress, on or before the first day of each regular session, of all legislative acts and proceedings of the temporary government instituted under the provisions hereof, and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing a more permanent government: *Provided*, That no sale or lease or other disposition of the public land, or the timber thereon, or the mining rights therein, shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not, in his judgment, clearly necessary for the immediate government of the islands and indispensable for the interests of the people thereof, and which can not, without great public mischief, be postponed until the establishment of a permanent civil government, and all such franchises shall terminate one year after the establishment of such civil government.

Mr. ALLEN. Mr. President, if this side of the Chamber, in opposition to the pending amendment, shall permit it to become a law, they will not be able to escape responsibility to the country. It is within the power of those in opposition to the bill to defeat it. There are but five days of this Congress left, when, by the Constitution, it must expire. It is not a difficult matter for those in opposition to this measure, and particularly the so-called Spooner amendment, which is the drastic and vicious feature of the bill, to defeat it by ample, necessary, and proper discussion. So, if it is permitted to pass and become a law, the people of this country are not going to charge the Republican party with responsibility as much as they will charge the Democratic party and its allies in this Chamber with responsibility for its adoption.

I am perfectly willing, so far as I am concerned, to be a part of the active opposition to the passage of this bill. What little mental and physical strength I may have I am willing to devote night and day in a systematic, parliamentary opposition to the passage and adoption of this measure. But, of course, the measure can not be successfully combated by one or two men. It must receive the active opposition of all who are in sentiment opposed to its adoption.

The Republican party in this Chamber seems to have gone absolutely wild. Intoxicated with power, inflated with the result of the election in November last, they seem to take it for granted that the people are prepared to receive and accept without complaint any measure that they may adopt. "Whom the gods would destroy they first make mad," and I am well convinced that the time will come when you gentlemen upon the other side of the Chamber, who are looking so complacent to-night, and who are resting in the full confidence that your measure in the course of a few hours, possibly a few moments, will pass this Chamber, will have occasion to regret the action you may take to-night.

I want to give the Senator from Wisconsin [Mr. SPOONER] credit for having drafted an amendment that could not be excelled, in my judgment, by any Senator in this Chamber who sought to accomplish the same result he seeks to accomplish by this amendment. Without stopping to read the amendment again, it provides in substance that all military and all civil power shall be vested in the President of the United States, to be exercised over the Philippine Archipelago, until such time as a permanent government may be established in those islands. The Philippine Archipelago fell to the United States on the 1st of May, 1898, by an act of war with Spain. From that time to this it has been under the jurisdiction of the Government of the United States by virtue of our military power. We do not hold it to-day by any other title than such jurisdiction as comes to us by virtue of the war-making power under the Constitution of the United States.

It is true that by the treaty of Paris Spain undertook to cede to the Government of the United States the Philippine Archipelago, but Spain had nothing to cede. She held but a few towns in that archipelago. There never was a time since Magellan discovered the Philippine Archipelago to the 1st of May, 1898, when Spain exercised jurisdiction over those islands. Out of the 10,000,000 people there, she never exercised jurisdiction over to exceed 1,000,000 of them. So when we claim that we got title to those islands from Spain the claim is unfounded in fact.

There is another thing, and I defy any gentleman in this Chamber upon either side to dispute the proposition, and that is that you can not acquire jurisdiction over a people by acquiring their territory. Concede, for argument's sake, that the United States Government got title to the Philippine Archipelago. We did not get title to the people inhabiting that archipelago, for if there is anything well settled and well defined and well determined by international law it is that the allegiance of a people who are conquered does not pass to the conqueror, although the title of the territory they inhabit may pass to the conqueror. So when we speak of the Filipino as a rebel it is a misnomer. He does not owe this Government any allegiance. He never has owed any allegiance to the United States, and, not owing allegiance to this Government, he can not be in rebellion against a Government to which he owes no allegiance.

This amendment provides that:

All military, civil, and judicial powers necessary to govern the Philippine Islands * * * shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct.

We have just witnessed the singular spectacle of the Senate of the United States voting down a proposition to extend the Constitution to this new territory. How do we acquire title, if it shall be conceded for the moment that we have title to those islands. By what authority did we acquire title to this archipelago lying there in the Orient? It was by virtue of the Constitution of the United States, for this Government exists only by virtue of that Constitution. So, if we have any power to send our Army and Navy across the ocean to conquer and subdue other people, it is by virtue of the Constitution of the United States.

All military and civil power—all military power means the Army and Navy; all civil power means the executive, the legislative, and judicial power—are conferred upon such persons as the President of the United States may direct and subject to his supervision. So, as a matter of fact, the President of the United States is invested with all military, all executive, all judicial, all legislative, and all executive power over these islands and over these people, without any restraint or restriction.

Sir, is that in accordance with the Constitution of the United States? I appreciated very fully the remarks of the senior Senator from Colorado [Mr. TELLER] a moment ago, when he said he did not propose to bring the Constitution into further disrepute by discussing it in this Chamber. Yet I shall be loath to believe that any gentleman will consciously violate any of the provisions of the Constitution. Let me turn briefly to some of its provisions and read and discuss them for a moment. I read first the preamble:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Constitution was completed in 1787. It was then submitted by the Continental Congress to conventions called in the different colonies, and was finally adopted in 1789 by nine of the original thirteen States.

While it is true that the preamble of the law, whether it be a constitution or a statute, is not in a technical sense a part of the text, yet it is likewise true that always in the construction of a constitution or a statute or a document of any kind having a preamble it is proper that we should refer to the preamble to ascertain the general scope and purpose of the text.

The first thing, then, Mr. President, was to form a more perfect Union. Those familiar with the history of the colonies are not at a loss to understand the expression, the formation of a more perfect Union. The first Congress, the great Continental Congress, was called together in 1774. The grievances that existed against the British Crown were well understood. They are well understood by the student of history to-day. Great Britain had dealt with the separate colonies. Her measures were drastic, they were severe, they were unjust, as our measures are drastic and severe and unjust to the Filipinos. The colonies were acting separately.

There had been no uniformity of action between them. New York was acting one way, Massachusetts another, and all the different 13 colonies were pursuing their own respective courses in meetings, contending with the British Crown and in asserting their rights from time to time as their rights were debated. It became apparent to the fathers of the Republic that there must be unity of action upon the part of the colonies.

So the thought uppermost when the Continental Congress came together in 1774 was the formation of a more perfect union between these 13 colonies. And what did they desire to form this more perfect union for? "To establish justice, to insure domestic tranquillity, to provide for the common defense, promote the general welfare, and secure the blessings of liberty."

Acting in their separate capacities their judicial tribunals had

been overturned by the British Crown; anarchy reigned supreme in the several colonies; their courts were invaded by the military, the judges driven from their benches, the records of the courts destroyed, so that justice could not be administered between the citizens of the different colonies. Therefore the formation of a more perfect Union would result in the establishment of justice in the colonies, and so they included these words as one of the objects of the formation of that Union.

Then they wanted to insure domestic tranquillity. The colonies had been invaded by British troops. They had quartered themselves in the houses and in the homes of the colonists. They had been guilty of spoliation and of confiscation from time to time without any restraint upon the part of the British Government. So one of the purposes of the formation of the Constitution was to insure domestic tranquillity and provide for the common defense.

We recall well that the separate colonies formed armies of their own. They undertook, each one of them, to erect themselves into a republic. It was found impracticable, and so the common judgment of the colonists was that there should be united action upon the part of these original thirteen colonies or territories providing for the common defense of all.

Then they were to promote the general welfare. Mr. President, we very frequently hear the general welfare of the United States spoken of as it is found in the Constitution. I think there are three different places in the Constitution where the words "to promote the general welfare" are to be found, and I have heard these words construed to mean everything.

Whatever the particular individual might think would promote the general welfare of the people of the United States he would quote these words as apt and applicable. But I submit to any gentleman who is familiar with the constitutional history of this country that the meaning of the words "to promote the general welfare of the people of the United States" is to promote them within the purview of the language and the policy of the Constitution and not outside of it, and the Constitution marks out the pathway and prescribes the means by which the general welfare of the people of the United States is to be promoted.

What was all this to be done for? That our ancestors might secure the blessings of liberty to themselves and their posterity, and for that purpose they declared that we "do ordain and establish this Constitution for the United States of America."

There are the plain purposes for which the Constitution was framed; there are the plain purposes for which it was adopted.

Now we come to the text of the Constitution, which marks out the course and which prescribes the means by which these desirable objects were to be accomplished. The first proposition we meet is that proposition which was so lengthily discussed in the constitutional convention and consumed so much time in the conventions of the respective States, to wit, the division of civil power. Experience had proved that it was unwise to vest the executive, judicial, and legislative power in one person or in one body.

Governments that had pursued the policy of investing all their powers in one person or in one organization had failed and crumbled into the dust; but governments that had divided the power, parceling to one branch the legislative, to another the executive, and to still another the judicial had in the history of the world proved eminently successful.

Our ancestors, profiting by the example and by the precedents of the past, divided all powers, civil and military, distributing certain powers to an organization called the legislative department, certain powers to the executive department, and certain other powers to the judicial department, and it has always been held until this moment that one of these powers can not be transferred, can not be delegated, can not be laid aside, can not be forced aside, but must be exercised by that particular body or organization upon whom it is conferred.

Now, mark this so-called Spooner amendment. It invests all power, without restriction and without restraint, in the President of the United States, or such person as may be designated by him. Now, let me turn to the very first section of Article I of this Constitution:

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Mr. President, if that is true, how can we delegate the legislative power of Congress to the President of the United States, and how can he in turn transmit or delegate this delegated power to certain other persons in the Philippine Archipelago? It does not say that a part of the legislative power shall be vested in a Congress, but it says all legislative power shall be vested in a Congress consisting of a Senate and House of Representatives. Yet gentlemen upon the other side propose to abandon this power. They propose to delegate it to the President of the United States, and they propose to give him power or authority to delegate it ad infinitum to such persons as he may select from time to time.

Has any gentleman upon that side of the Chamber the hardihood to stand in this presence and say that this so-called amendment is not a flagrant violation of this provision of the Constitution?

Let me turn, Mr. President, to another provision of the Constitution. I come to the Executive Department, Article II, section 1:

The executive power—

So says the Constitution—

shall be vested in a President of the United States of America.

Therefore, so far as the executive power is concerned, this bill gives the President no executive power that he does not possess already by virtue of the Constitution. The President of the United States, as President, lives and breathes by virtue of this provision of the Constitution. If it were not for this provision of the Constitution, the President of the United States would be as powerless and as impotent as an unborn child.

Now, let me turn again to another provision of the Constitution.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Now, Mr. President, there is the third power. There, by virtue of this section of the Constitution, all judicial power, not a part of it, not a modicum, but all power of a judicial character is vested in the Supreme Court of the United States and in such inferior courts as Congress may from time to time establish.

Yet it is proposed by this amendment to take the judicial power out of the hands of the Supreme Court and the inferior courts that may be established by Congress and turn this power over to the President of the United States—delegate it to him, uproot the Constitution, violate its meaning and its language, and confer this power upon the President of the United States and upon such persons as he may delegate in turn.

Mr. President, this Constitution is worth fighting for yet. We had the most sanguinary war in this country a little over a third of a century ago that was ever known in the history of the world, and it was all over this Constitution. Four years and a half of the bloodiest war the world ever knew was fought upon this continent for the preservation of this Constitution; and you gentlemen upon the other side of the Chamber, who upheld it then, are to-night violating it worse and trampling it under foot with more scorn and contempt than was ever threatened by armed foe upon this continent. Is there no place to stop?

Have you not reached a point where you will stop and consider this document and consider its sacred provisions and its history? Are you prepared to lay it aside entirely and set up absolutism in this country and in the country we have acquired by virtue of the recent war?

Now let me turn briefly to some of the articles of amendment. I call attention to Article XIV of the amendments to the Constitution, section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, while the word "State" is used in this article of amendment, according to the judicial decisions the word "State" must be held to apply to a country or a district or any well-defined geographical portion of the earth that is subject to the jurisdiction of the United States. So the provision should read thus:

All persons born or naturalized in the United States or any Territory belonging thereto, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

It can not be denied, Mr. President, that the Philippine Archipelago is under the jurisdiction of this country. Whatever may be the true legal relation between the United States and the archipelago, that the archipelago is de facto under the jurisdiction of the United States Government no man can successfully deny; and if it is within the jurisdiction of the United States, if it is subject to the laws of the United States, it is subject to those laws by virtue of the Constitution, and a child born in the Philippine Archipelago since the acquisition of this territory becomes a citizen of the United States and is entitled to all the privileges and immunities of citizenship.

The Supreme Court within the last few years has held that a Chinaman can become a citizen of the United States by birth here. A few years ago a Chinaman and his wife came to San Francisco. While there a child was born. They returned after that to their native country, and then they came back, bringing the child with them. The child grew to manhood and undertook to exercise the rights of a citizen of California. He was denied the privilege by the local court, and the Supreme Court of the United States, under this provision of the Constitution, held him to be a citizen of the United States, and he is exercising his right as such to-day.

So, Mr. President, by virtue of this provision of the Constitution of the United States we have ingrafted the "heathen Chinee" upon our territory and incorporated him into our citizenship. Can we not easily contemplate the time, if this rule is to prevail, when that fact alone, by virtue of its deteriorating effect, will undermine this country?

So, if the Chinaman, being born in the territory of the United States and under its flag, becomes a citizen of the United States under this provision of the Constitution, does not the Filipino, by a like course of reasoning, become a citizen of the United States, and being a citizen of the United States, are you prepared to say that there is any constitutional power to deny him the rights and privileges of citizenship?

But, Mr. President, I turn to another provision of the Constitution for the purpose of showing that the Constitution does of its own force go beyond a mere original territory of the United States. Section 1, Article XIII, of the amendments, reads as follows:

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

I read that for the purpose of accentuating the fact that the framers of this amendment had clearly in their minds a distinction between the United States and territories subject to its jurisdiction. The disjunctive is used "within the United States or" territory subject to its jurisdiction. Now, here is territory subject to the jurisdiction of the United States. It is asserted upon the other side of this Chamber, and it is conceded upon this side. Whether it is legally subject to the jurisdiction of the United States or not is a question we have debated here for weeks. I have not the slightest doubt upon that point. That it is subject to our jurisdiction de facto we all concede.

If the Constitution does not by its own force and by its own vigor extend to this territory, then this provision of the Constitution is a work of supererogation. Wherever the flag of the United States floats, whether it be upon this hemisphere or upon another, there that territory is subject to the jurisdiction of the United States, and there the Constitution extends.

And yet we propose to take the 10,000,000 Filipinos and hold jurisdiction of them, requiring them to yield allegiance and obedience to our country and to our laws, and at the same time deny them the privileges and immunities that belong by right under the Constitution to the citizenship of this country.

I do not care anything about the policy of this measure. That it is vicious, that it is inexcusable, that its result will come home to plague us in the future, I have no doubt; and I am surprised that grave men, having the intellect and the character to be sent to the United States Senate to represent the different States of this Union, can be so lost to the effect of this policy upon the nation that they would vote this amendment through without reasonable discussion.

I want to say to my friends upon this side of the Chamber again, that if you permit this measure to go through, having it in your power to prevent it, the country will hold you responsible, and they ought to hold you responsible. We are not equal, it is true, in numbers to the other side, but we are enough in numbers to debate this measure until the 4th of March at noon, and let this Congress die and let this bill and this infamous amendment go with it.

It may be said that an extra session of Congress will in that case be necessary. Suppose it is. It may be said that the appropriation bills will be defeated. Suppose they are. If the President of the United States wants to take the responsibility, and his party wants to take the responsibility, of an extraordinary session of Congress, if they want to take the responsibility of defeating the appropriation bills, let the responsibility rest there, not here.

Mr. MORGAN. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. ALLEN. Yes, sir.

Mr. MORGAN. I wish to know if the Senator has seen, or if he knows whether it has come in, a printed copy of the message of the President of the United States sending us the remaining statutes which were enacted by the Taft commission in the Philippines?

Mr. ALLEN. I have not.

Mr. MORGAN. I have found no statute yet in any act of the Philippine legislature or the Taft Commission which provides for the allowance of the writ of habeas corpus in those islands in favor of any native of the Philippines. Can the Senator from Nebraska inform me whether he knows of any such?

Mr. ALLEN. I know of no ordinances they have passed. They may have passed some.

Mr. MORGAN. The Senator, of course, is aware that the Spanish law contains no provision in favor of the writ of habeas corpus?

Mr. ALLEN. Yes, sir.

Mr. MORGAN. And when a man is arrested under that law he is kept incommunicado for a certain length of time, while the officers are inquiring into what he has to say about the crime charged against him. There is no indictment by grand jury there, and there being no writ of habeas corpus, I supposed, of course, that during the existence of the Government of the United States there some provision had been made by which a man could avail himself of the constitutional right of habeas corpus and also the English common-law right.

Mr. ALLEN. I know of no ordinances—because there can not be statutes passed by the Taft commission, they not being a legislative body—I know of no ordinances or rules adopted by the Taft commission referring in the slightest degree to either the property or personal rights of the people of the Philippines or other persons in those islands.

The Senator speaks about the writ of habeas corpus. It is a writ unknown, as I understand, to Spanish law, and known only, I believe, to the common law, and to those countries and States which have adopted the common law. There is no provision for trial by jury there.

My understanding is, although I may be mistaken as to that, that when a person charged with an offense is arrested under Spanish law he is put incomunicado expressly—nobody can talk with him and he can not communicate with anybody. Before he is permitted to employ counsel he is required, or his friends are required, to advance enough money to pay board while he is in prison, to pay his charges, to pay the expenses of his trial. When that money is advanced, then he is permitted to have access to counsel. But he stays incomunicado forever, if the Spanish authorities see fit to keep him, until he or his friends advance this money.

I suppose the Spanish law prevails to some extent, or to a very great extent, in the Philippine Archipelago, so far as there is any law there, because we must recollect that the United States does not exercise jurisdiction over all of those people. We have got less territory and we occupy less territory to-day than we did within three months after Dewey destroyed the Spanish fleet. We only occupy a few towns, while the vast body of the country of those islands is in the full and unrestricted possession of the Filipino government.

But, Mr. President, I have no purpose of discussing the policy of this law, and I shall not do so now at any length. I simply desire to call the attention of the Senate and of the country to the fact that every line and syllable and provision of this so-called Spooner amendment, with the Hoar attachment, is in direct violation of the Constitution of the United States, and it can not be justified.

Of course, I can well understand that Senators upon the other side will say, "We can go to the country and justify our action, and we will induce the people of the United States to believe we are all right; they are not very critical; they do not read the Constitution very closely; they do not analyze it very closely, and we can blind them through our subsidized press; we can deceive them." I understand that policy. That is the policy of partisan politics, but, Mr. President, it is not the part of statesmanship; it is not the part of patriotism. I would invoke the curse of the Divine Being upon any man, high or low, rich or poor, who would consciously violate a letter or a syllable of the Constitution of the United States.

Suppose you should adopt this amendment and it becomes a law, what do you propose to do then? Do you propose to put down what you call the rebellion in the Philippine Islands? You have not got the power to do that. Nature has so fortified that country for the natives so that you can not reach them. Look at the hundreds and thousands of American lives you have sacrificed in the last three years in this unholy war upon this weak and struggling people.

Go to San Francisco and watch one of the great vessels going out on her voyage to the Philippine Islands. She goes with the youth of the land, soldiers to fight those people simply because they are struggling for the liberty that we ourselves enjoy. Then stand there a week afterwards and witness a vessel coming from the Philippine Islands. She comes with her cargo of American dead; she comes with the emaciated forms of wounded men, who are to be a burden to themselves and a burden to the country during the remainder of their lives.

In what cause have these men sacrificed their lives and sacrificed their health? In a cause that would destroy the liberty and destroy the rights of those people to enjoy a republican form of government.

Are the American people prepared to continue this unholy war upon that people? Mr. President, they come to this Congress for relief; they come here in respectful language, and they come as petitioners to a great Christian Government like this, asking for the establishment of constitutional liberty in their country.

They are alien to us in blood; alien to us in language; alien in their purposes; and there can never be an assimilation with those people. They desire to set up a government of their own, as we set up a government of our own when we wrested our independence from the British Crown. Are we prepared to say to-day that because we have the physical power to subjugate these people we will do so? Why do we want to subjugate them? Simply that we may loot them and loot the islands of their value, of their property.

Look at the final provision of this so-called Spooner amendment and see how skillfully and artfully it is drawn. It reads:

Provided, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Why, Mr. President, that proviso presupposes that somebody has a right to grant franchises in that country. That is a falsehood upon its face. There is no power in this Government, in its civil or military branch, to grant franchises in those islands. Yet here is an open assumption that that power exists; and it is provided that whenever these franchises are so granted they will be subject to the power of Congress, or whatever authority it may be, to revoke them in the future.

The amendment of the honorable senior Senator from Massachusetts [Mr. HOAR], while well intended, is most disastrous. It provides for the maintenance of the status quo as respects the fiscal policy of the islands. There are the crown lands, millions of acres, with their valuable timber being sold off; there are mineral lands that are being sold and disposed of, that are being leased, and their values removed, and the amendment of the honorable Senator from Massachusetts simply holds them in that shape. So that before Congress shall act, or may act, in the establishment of a permanent government in those islands all the franchises of timber, minerals, and other values may be entirely removed.

So, Mr. President, all municipal privileges, street railways, electric lights, gaslights, and all these various priviliges may be granted without restraint by the persons appointed by the President of the United States, and every Yankee, whose cupidity is well known and whose greed is unrestrained when the opportunity presents itself, will have completely absorbed every privilege, every franchise, and everything of value in those islands before Congress shall have established a permanent government there.

So if the time ever comes when these people shall be granted a government of their own—Mr. President, I doubt if that time will ever come—they will find themselves denuded of their lands, of their timber, of their franchises, of their rights, of their privileges, of their property, and that is the purpose and policy of this amendment.

Are we prepared to say, Mr. President, if any American citizen wants to put himself upon that low level of using the Government of which he is a part to rob those people of their rights, because they are weak and inefficient and incapable of competing with us on land or on sea, that he shall have the power to do so?

Let me digress, Mr. President, far enough to call attention to a fact which I think is not generally known. I want to state it conservatively; I want to state it within the bounds of truth; I want to state it within the bounds of what can be proven by ocular evidence. In that country, as we all know, much manila hemp is grown. It is put in bales something like cotton. Those bales of hemp, I am told, are worth in the market at Manila and in the different seaports of those islands something like $26 per bale. Americans are over there speculating in this hemp, and the Army is being used to confiscate much of it.

It is seized in warehouses; it is seized on the farms or the plantations, or whatever they may be called. It is taken because it belongs to rebels, to these people who are struggling for their liberty. It is sent to market, and under the guardianship of the Army of the United States it is put up at auction and sold at $6 a bale, and many of the Army officers are purchasers of it. I am told it is sold by them at from $23 to $26 a bale. All that goes on without restraint under the very nose of the commanding general in the archipelago.

I have performed my duty as I understand it. I am responsible to my own conscience for what I do, and not to anybody else. I would stand here, Mr. President, if I had it in my power to defeat this infamous measure, if a dozen extraordinary sessions of Congress should follow.

You can not compromise with principle; you can not temporize when a great principle is at stake. There is but one of two courses to pursue, either turn and fly from your duty like a coward, or stand and fight for principle manfully until victory comes or until you yourself are overcome.

I have no doubt about the course that should be pursued. I shall vote against this amendment, and I shall vote against the bill if the amendment is adopted. I shall antagonize it at every step when it passes into conference, if it shall pass into conference, and if it comes back I will antagonize the conference report. I call upon you Democrats; I call upon the Silver Republicans and the Populists, few though we are, to stand here to-night, to-morrow, and to-morrow night, and until 12 o'clock on the 4th of March, antagonizing this bill, so that the Constitution of the United States may be preserved and the rights of these weak people may not be overcome and overridden.

Mr. SHOUP. Now, I hope we may have a vote on the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the amendment as amended.

Mr. PETTUS. I ask for the yeas and nays.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Deboe,	Kenney,	Proctor,
Allen,	Depew,	Kyle,	Quarles,
Allison,	Dillingham,	Lindsay,	Rawlins,
Bacon,	Dolliver,	Lodge,	Scott,
Bard,	Elkins,	McComas,	Sewell,
Bate,	Fairbanks,	McCumber,	Shoup,
Berry,	Foraker,	McEnery,	Simon,
Beveridge,	Foster,	McLaurin,	Spooner,
Burrows,	Frye,	McMillan,	Stewart,
Butler,	Gallinger,	Mallory,	Sullivan,
Caffery,	Hanna,	Martin,	Taliaferro,
Carter,	Hansbrough,	Mason,	Teller,
Chandler,	Hawley,	Morgan,	Thurston,
Chilton,	Heitfeld,	Nelson,	Tillman,
Clark,	Hoar,	Perkins,	Turley,
Clay,	Jones, Ark.	Pettigrew,	Turner,
Cockrell,	Jones, Nev.	Pettus,	Warren,
Culberson,	Kean,	Platt, Conn.	Wetmore.
Cullom,	Kearns,	Pritchard,	

The PRESIDING OFFICER. Seventy-five Senators have answered to their names. A quorum of the Senate is present.

Mr. HOAR. Mr. President, there is one principle of constitutional liberty not yet slain, and I desire to give it a little chance for its life. I move the amendment which I send to the desk, to be inserted at the end of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts submits an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

In the government of the Philippine Islands no person vested with legislative powers shall ever exercise the executive or judicial powers, or either of them; no person vested with executive powers shall ever exercise the legislative or judicial powers, or either of them; no person vested with judicial powers shall ever exercise the legislative or executive powers, or either of them; to the end that it may be a government of laws and not of men.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the committee.

Mr. JONES of Arkansas and Mr. PETTUS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. He being absent, I withhold my vote. If he were present, I should vote "yea."

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I wish to state that I am paired with the Senator from Pennsylvania [Mr. QUAY]. I really believe if he were here he would vote for this amendment, but I am not authorized to say he would, and I therefore will stand paired with him.

The roll call was concluded.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and therefore withhold my vote.

Mr. KENNEY (after having voted in the affirmative). I understand the senior Senator from Pennsylvania [Mr. PENROSE] has not voted. I desire to transfer my pair with that Senator to the Senator from Virginia [Mr. DANIEL], so that the Senator from North Dakota [Mr. HANSBROUGH] and I will be at liberty to vote. I will therefore let my vote stand.

The result was announced—yeas 26, nays 43; as follows:

YEAS—26.

Allen,	Clay,	McEnery,	Taliaferro,
Bacon,	Cockrell,	McLaurin,	Teller,
Bate,	Culberson,	Mallory,	Tillman,
Berry,	Hoar,	Martin,	Turley,
Butler,	Jones, Nev.	Pettigrew,	Turner.
Caffery,	Kenney,	Pettus,	
Chilton,	Lindsay,	Rawlins,	

NAYS—43.

Aldrich,	Carter,	Dillingham,	Foster,
Allison,	Chandler,	Dolliver,	Frye,
Bard,	Cullom,	Elkins,	Gallinger,
Beveridge,	Deboe,	Fairbanks,	Hanna,
Burrows,	Depew,	Foraker,	Hansbrough.

Hawley,	McCumber,	Proctor,	Spooner,
Kean,	McMillan,	Quarles,	Stewart,
Kearns,	Nelson,	Scott,	Thurston,
Kyle,	Perkins,	Sewell,	Warren,
Lodge,	Platt, Conn.	Shoup,	Wetmore.
McComas,	Pritchard,	Simon,	

NOT VOTING—19.

Baker,	Harris,	Money,	Sullivan,
Clapp,	Heitfeld,	Morgan,	Vest,
Clark,	Jones, Ark.	Penrose,	Wellington,
Daniel,	McBride,	Platt, N. Y.	Wolcott.
Hale,	Mason,	Quay,	

So Mr. HOAR'S amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended, on which the Senator from Alabama demands the yeas and nays.

The yeas and nays were ordered.

Mr. CLAY. What is the amendment?

The PRESIDING OFFICER. It is the committee amendment as amended.

Mr. CLAY. The committee amendment?

The PRESIDING OFFICER. The committee amendment as amended. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). Under the arrangement announced by the Senator from Delaware, I will vote. I vote "yea."

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I would vote "nay."

The roll call was concluded.

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and therefore withhold my vote.

The result was announced—yeas 45, nays 27; as follows:

YEAS—45.

Aldrich,	Dolliver,	Kyle,	Scott,
Allison,	Elkins,	Lodge,	Sewell,
Bard,	Fairbanks,	McComas,	Shoup,
Beveridge,	Foraker,	McCumber,	Simon,
Burrows,	Foster,	McLaurin,	Spooner,
Carter,	Gallinger,	McMillan,	Stewart,
Chandler,	Hale,	Nelson,	Thurston,
Clark,	Hanna,	Perkins,	Warren,
Culloin,	Hansbrough,	Platt, Conn.	Wetmore.
Deboe,	Hawley,	Pritchard,	
Depew,	Kean,	Proctor,	
Dillingham,	Kearns,	Quarles,	

NAYS—27.

Allen,	Clay,	Kenney,	Rawlins,
Bacon,	Cockrell,	Lindsay,	Taliaferro,
Bate,	Culberson,	McEnery,	Teller,
Berry,	Harris,	Mallory,	Tillman,
Butler,	Hoar,	Martin,	Turley,
Caffery,	Jones, Ark.	Pettigrew,	Turner.
Chilton,	Jones, Nev.	Pettus,	

NOT VOTING—16.

Baker,	Heitfeld,	Morgan,	Sullivan,
Clapp,	McBride,	Penrose,	Vest,
Daniel,	Mason,	Platt, N. Y.	Wellington,
Frye,	Money,	Quay,	Wolcott.

So the committee amendment as amended was agreed to.

Mr. PLATT of Connecticut. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Connecticut offers an amendment, which will be stated.

The SECRETARY. On page 6, line 12, after the words "nineteen hundred" it is proposed to insert:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Mr. JONES of Arkansas. I move to amend the proposed amendment by striking out paragraph 3, on pages 2 and 3.

The PRESIDING OFFICER. The Senator from Arkansas moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out paragraph 3, on page 2, as follows:

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the the United States, now to be assumed and undertaken by the government of Cuba.

Mr. HOAR. I should like to inquire of the Senator who moved the amendment whether it is intended that the agreement for coaling stations, and so on, shall be made by the President alone, without the advice and consent of the Senate?

Mr. PLATT of Connecticut. I suppose if Cuba should attach these provisions to its constitution the Congress of the United States might agree, through the President, with the government of Cuba——

Mr. HOAR. Assenting.

Mr. PLATT of Connecticut. Assenting. I think so.

Mr. FORAKER. I desire to ask the Senator from Connecticut if it is not one of the provisions of this amendment that all these provisions shall be embodied in a permanent treaty?

Mr. PLATT of Connecticut. Certainly.

Mr. FORAKER. It contemplates the action of the Senate in harmony with the action of the President.

Mr. HOAR. Mr. President, I wish to say in a single sentence that, studying this amendment as well as I can, it seems to me eminently wise and satisfactory. I am not able to share in the apprehensions or objections which some Senators in the Chamber have expressed. It seems to me to be, in substance, a proper and necessary stipulation for the application of the Monroe doctrine to the nearest outlying country in America, except Mexico, whose borders touch our own, and under the circumstances one which the protection of the United States as well as the protection of Cuba fairly and properly requires.

There is one exception to that observation, and that is the matter of sanitation, and it seems to me we are reasonably and fairly entitled, by a just regard for our own protection, to secure as far as we can and to secure now the protection of our shores against yellow fever, cholera, and possibly some other diseases not yet developed which might come from the want of sufficient sanitary protection against them in that tropical climate.

It is to be observed that this stipulation, though so highly essential to the protection of the United States, and especially the southern portion of the United States, the Gulf cities, and the warmer portions of our own continental territory, is infinitely more valuable to the people of Cuba—and it will turn out to be so in the future—even than it can be to us.

So, while I have been obliged to differ, so painfully to myself, from the policy which I suppose may be called the policy of the Administration in regard to one of these great questions, it gives me uncommon pleasure to testify, so far as my testimony is of any value at all, to what seems to me the wisdom and the moderation and the unexpected good fortune with which the committee having this matter in charge have solved this difficult problem of our relations with Cuba.

Mr. JONES of Arkansas. Mr. President, I have just moved to strike out paragraph 3 of this amendment, and I am somewhat surprised to hear the Senator from Massachusetts express himself

as he does. The first and second paragraphs seem to be a practical assertion of the Monroe doctrine, and I do not understand how the Monroe doctrine anywhere gives the United States the right to interfere in the internal affairs of any American State. To the first part of paragraph 3 I have no objection.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence—

I have no objection to that, but what follows I do seriously object to—

the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

The reserving to the United States of the right to maintain a government, the United States to be the judge of what that government is, adequate for the protection of life and property would seem to me to be reserving to the United States the right to overturn the government of Cuba whenever it saw fit; and for that reason I moved to strike out that paragraph.

Mr. HOAR. I do not want to undertake a defense of this matter. It is not my duty or function. The Senators who have reported it will deal with it as they see fit; but in justification of my own observation it seems to me that is practically what we have been doing now. We recognized Spain as the lawful government of Cuba, and we claimed the right to interfere—to insist on her having a government free and adequate to the protection of life, liberty, and property there; and it seems to me we can not properly leave our task without seeing that that is secured.

I do not suppose that the United States will ever undertake under this clause to interfere in such local commotions or disturbances as every country, especially every Spanish-American country south of us, is subject to. I do not suppose that is anybody's intention; but only in those grave cases where international interference is proper, and where other countries would interfere if we did not, Cuba consents, and it is for her benefit also—and more, indeed, than it is for ours—that the United States shall continue supervision until a government is completely established.

I do not mean to be drawn into an argument. It is no part of my duty especially to deal with this question, but I thought under the peculiar circumstances it was not out of place, having differed with my political associates in this other grave matter, to express my concurrence with them in this.

Mr. JONES of Arkansas. I will withdraw the motion I made to strike out the whole paragraph, and now I move to strike out, in line 21 of the printed amendment, the words:

The maintenance of a government adequate for the protection of life, property, and individual liberty.

So as to leave the provision for the Government to guarantee the independence of Cuba and to carry out the obligations to Spain, but entirely striking out those words which would authorize the Government of the United States to interfere in the internal affairs of Cuba.

Mr. LINDSAY. How will it read?

Mr. TELLER. Mr. President——

Mr. JONES of Arkansas. Will the Senator from Colorado excuse me? A Senator asks how it will read. It will read:

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

Mr. TELLER. I rose to suggest to the Senator from Arkansas that perhaps we might secure the adoption of an amendment, if he would make it of this character.

The government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, etc.

That leaves out the protection of life, property, and individual liberty.

Mr. PLATT of Connecticut. Those were the obligations assumed. There would be no difference.

Mr. TELLER. It might seem a little better to the people to whom we are going to present this. However, I am not going to attempt to correct it. As a member of the committee I did the best I could to assist in getting this into shape. The objection that the Senator from Arkansas has made I made to it, and I did not waive my objection to that feature of this paragraph. It is very much better than I supposed we were likely to secure, and yet it is not at all satisfactory to me, as I said to-day.

I feel at perfect liberty to vote to amend any of these propositions, not being bound by anything that occurred in the committee, because I reserved that right and the right to vote against any single one or all of them if they are put in that shape. I believed that if we were to submit to Cuba any proposition whatever it was the duty of Congress to submit it and not the President, and with that view, knowing that it was to be submitted to Cuba, whether we did or not, I thought it was wise for Congress to act. But I regret to say that I am not in accord with exactly what the Congress propose to do if they adopt the report.

Mr. MORGAN. Mr. President, I do not know whether we are proposing to require Cuba to adopt a constitution with such addendum to it in the shape of an amendment or an ordinance, or whether we are making a proposition to Cuba for a treaty.

The Senator from Ohio asked the question of some one on the floor whether or not the last clause in this proposition, the eighth clause, did not provide for a permanent treaty with the United States in respect of all these matters. That is the way it reads. At the same time the inducement, I will call it—that part of the amendment which precedes the designation of the different sections of it—contains this language:

The President is hereby authorized to leave the government and control of the island of Cuba to its people so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba substantially as follows:

The Cuban people are no more in a situation to make a treaty with the Government of the United States than the people of Arizona or New Mexico, and not so much so, because there is in Cuba no organized government whatever, except that which the United States has carried into the island under the treaty with Spain, and that is a military government. The people of Cuba, under the authority of that military government, have held a constitutional convention, and they have come, we understand by the newspapers, to a conclusion as to the constitution which they will adopt. I do not know whether or not that constitution is to be submitted to the people of Cuba. Does the Senator from Connecticut, who is chairman of the committee, know?

Mr. PLATT of Connecticut. I understand there is no provision in it submitting the constitution to the people.

Mr. MORGAN. There is no provision?

Mr. PLATT of Connecticut. That is what I understand.

Mr. MORGAN. The Senator says he so understands. Has the Senator ever read the constitution of Cuba?

Mr. PLATT of Connecticut. I have read the draft of it as first sent here—the original draft of it.

Mr. MORGAN. Has the Senator read the constitution as it has been adopted by the convention?

Mr. PLATT of Connecticut. It has not been received here. I could not.

Mr. MORGAN. It has not yet been received here?

Mr. PLATT of Connecticut. No.

Mr. MORGAN. We do not know how far that constitution may have to be changed to admit such propositions as are here. We do not know anything about that. These propositions may be right in the teeth of the constitution of Cuba, and the Senate of the United States and the Congress of the United States are now preparing to declare, by public law, that these people shall accept what we here spread before them and make it a part of the constitution or else an ordinance to accompany the constitution of equal force and validity in Cuba. Even after that, we wind up the proposition that all of these matters shall be the subject of a treaty stipulation.

Here is the Congress of the United States legislating. The Senate by a bare majority can pass these propositions. How are we going to get them into a general treaty after we have passed them? With whom are we going to treat? Before we can possibly treat with anybody in Cuba we must establish a government there with such sovereignty that it shall be able to make a treaty. We have that to do. So these two provisions in this amendment are in direct conflict with each other, and when you get it here the matter is quite different, because here is the Senate as a legislative body passing an ultimatum and sending it to Cuba, and then requiring that that matter shall come back before the Senate as a part of the treaty-making power and be ratified by at least two-thirds of this body, which you know you can not get.

We are in great haste about this business. We are legislating on this important subject before the constitution of Cuba has even been sent to the body, and I am as ignorant of it as I am of the constitution of Paraguay or of some other country whose constitution I have never read or perhaps even heard of. So are the other Senators here. Yet we are proposing grave amendments to their constitution in the shape of an ordinance or proposition to be carried into their constitution after they have made it, after they have signed it, and, I suppose, after they have adjourned.

I do not know whether they are in session yet or not. The Senate of the United States as a legislative body sends these propositions to them. Cuba will ask us, "How are we going to treat with you about these things? Must you not first recognize us as a sovereign, free and independent?" "Yes; we have to do that." "Here we are ready. We have our constitution already prepared which contains none of these things."

"You recognized us as a sovereign, autonomous, free, and independent government and propose to make a treaty with us. We

are ready. Are you ready?" "No, no, we can not make a treaty with you until you have amended your constitution or passed an ordinance of that kind." "Then if you can not you have recognized us." We put ourselves into that absurdity. Now, I can not call it anything else; it is an inexplicable absurdity, and that is all you can say about it.

Well, it is not only so, but it is an ultimatum sent by the Congress of the United States to the people of Cuba, not to any government there. You have got no government in Cuba except the Government of the United States when you pass this act. It is an ultimatum, then, to the people of Cuba. Have they authorized their representatives in that convention to adopt something like this? When that convention was organized it was upon the basis of the vote of the people of Cuba.

They sent their delegates to that convention, many of hem very able men, and now before we have seen that constitution we demand that that convention or some other convention shall accept these propositions from the legislative department of the Government of the United States and incorporate them into their organic law, and we put it in the form of an ultimatum. "You have got to do it because we say so. We do not ask you to confer with us about it or anything of the sort. We want no conference with you, although we pretend in the closing article of this proposition that this shall all be secured by a permanent treaty, as if there was ever any such thing in this world in the public law of nations as a permanent treaty, unless it was a treaty that passes a title, and then its permanency does not depend upon the fact of its being a treaty and called a permanent treaty, but it depends upon the fact that you can not by revoking a treaty of that kind reclaim what you have passed under it. That is all."

A permanent treaty! Oh, no; it ought to be stricken out, and if you want to make any permanent treaty, make it a compact between the two States, a contract based upon mutual considerations which are inviolable and will be so held.

Now, as to the particular matter that is under discussion in article 3, I think there can be no doubt that the proposition as stated by the Senator from Massachusetts is entirely in error. The Monroe doctrine never had anything to do with a proposition like this, the maintenance of a government adequate to the protection of life, property, and individual liberty in any one of the American States. It has no connection with that.

That gives us the right to go into one of these American States that we say we will protect against Europe or Asia or any other country under the ægis of the Monroe doctrine, and when you go into that State you can exercise the power of the Government of the United States for the maintenance of a government adequate for the protection of life, property, and individual liberty. Whose life? Whose property? Whose individual liberty? Why, as a matter of course, of the people who are in Cuba, whether they are citizens or whether they are denizens, whether they are foreigners—it makes no difference what country they may belong to.

Now, here is the United States marching into an American republic with the question whether the government of that republic has got sufficient authority or is sufficiently well conducted to protect life, liberty, and property.

Mr. President, that thing has never been done by any government in the world that did not enter as we would in the Indian Territory down here, the boundaries of a government as a dependency for the purpose of exercising our authority over it.

We get that unlimited authority, not terminable according to this agreement by any lapse of time, an authority that stands forever. As long as the Cuban government is there this authority lasts on behalf of the United States; and when we get it for that indefinite period we can at any time enter the territory of Cuba and find out whether she has a government there that is capable and adequate for the protection of life, property, and individual liberty.

Now, could there be any government in Cuba more perfectly subject to the United States than that, and does any person here suppose that those people in Cuba would be willing to accept at our hands that dependent, humiliating, abject position?

We probably can go into one of these Indian tribes under the laws of the United States and ascertain whether they in their tribal relations are protecting life or personal liberty or property, but we could not go into a State and do that. I do not believe that we can go into a Territory and do it. We may have the right to do it in a Territory of the United States, but I am speaking now about some country that is beyond.

Will Cuba ever be a foreign country? No matter what we may say about her right to life, liberty, and property, or to her freedom and independence and sovereignty, will Cuba ever be an independent state as long as that provision is in her constitution or in an ordinance or in a treaty that she signs with the United States?

No, sir. It is a false pretense. It is a piece of arrant hypocrisy on the part of the Congress of the United States to make any such declaration, and in the same connection to say that they are executing the purpose and the pledge of Congress that it shall be a free, sovereign, and independent state.

Mr. President, the fault and the shame of this proposition are both disclosed on the face of the papers, and it is unnecessary to go outside of the four corners of this proposition for any man of ordinary common sense to discover it. There it is.

You leave those words in there, and you compel Cuba at once to subordinate herself at all times to the visitation of the United States, to ascertain how she is dealing with her own people, not ours; whether she is protecting life, and personal liberty, and property there according to our ideas of what she ought to do. Can any man imagine a more absurd position that the Congress of the United States could possibly place itself in than that which is on these papers? I would be ashamed——

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. MORGAN. I will.

Mr. TILLMAN. The Senator has mentioned that these requirements are to be embodied in a treaty which the Senate would have to ratify and that the condition of parties in the Senate after the 4th of March will not give the two-thirds vote necessary. Will the Senator, and the other Senators who are on this committee and who have framed this amendment, tell us what would be the result of that situation?

Mr. MORGAN. I am not on the committee.

Mr. TILLMAN. I know; but I should like to have the Senator give me his opinion as to what would be the conditions, and I should like to have the other Senators, if they are willing, tell us just what the situation would be if we had made a demand and laid down an ultimatum which the Cuban people might be willing to agree to but which the Senate here would not agree to.

Mr. MORGAN. It would be rejected; it would be null and void.

Mr. TILLMAN. It would be null and void of course, and then what would be the situation?

Mr. MORGAN. Cuba would be relegated, I suppose, back under the treaty——

Mr. TILLMAN. The question that I am more particularly interested in making the inquiry is whether the troops would be withdrawn before the treaty was ratified, and whether Cuba would be allowed to set up a government under its constitution or whether we would maintain military possession and treat it as a common province.

In other words, are there not more complications and dangers in the situation which the Senator, with his great wisdom and foresight, has looked forward to and has shown us might exist? Would not the situation be more unpleasant and dangerous than to strike out those words in regard to our right to interfere?

I presume if in the future the Cuban Republic shall go the way of all the South American republics that have thrown off the Spanish yoke—and they will have to learn by degrees to govern themselves—we might find it necessary to interfere, if the conditions there became intolerable. But that would be reaching away ahead, and I do not think we need to run and hunt trouble.

Here is the whole difficulty—that we are, in the face of Almighty God and Christendom, telling a lie when we make that demand, because the declaration of war did not warrant any such expectation.

Mr. HALE. Let me ask the Senator——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Did the Senator address a question to me?

Mr. HALE. When have we felt called upon in any way to interfere with the Central and South American Republics because they have not got so perfect a scheme of government there as we have? Have we not let them go on and work out their own salvation?

Mr. TILLMAN. There is an insurrection against the Government in Colombia now, and we read every day about a certain attitude and condition of two contending factions.

Mr. HALE. Suppose there is.

Mr. TILLMAN. It is none of our business.

Mr. HALE. That is it. We do not interfere, do we? Why not revert Cuba to that same condition and let them take their chances?

Mr. MORGAN. We have got to do that.

Mr. HALE. And that is what this amendment proposes—to leave the government to the people of Cuba.

Mr. TILLMAN. If the amendment of the Senator from Arkansas is accepted and adopted, that would leave us with the right to intervene in behalf of Cuban independence against any foreign interference and maintain the Monroe doctrine, but it would shut us out from going there to meddle with those people.

Mr. HALE. I do not speak about foreign interference. I have not the least fear of foreign interference. There never will be any foreign interference in Cuba. This proposition that is presented gives to the Cubans the opportunity to work out their own

government and nobody will interfere. It will not be as perfect as ours, but they will have an opportunity to work it out.

Mr. JONES of Arkansas. Will the Senator allow me?

Mr. MORGAN. Mr. President, I will abandon the field.

Mr. JONES of Arkansas. I will withdraw the request.

Mr. MORGAN. I am in the time of everybody who wants to talk.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. MORGAN. I should like to have the opportunity of merely stating my position; that is all. I do not want to filibuster here, but there will be filibustering going on between this and Cuba if you adopt that, as that is a nest of filibustering.

It is an invitation to it. And when they want to go down there to rectify the Cubans we will keep a sort of Sunday school down there with an army, at any time and every time that they do not do exactly what we want them to do. They will never put themselves into that attitude. We could not extend a better invitation to those high-tempered and honorable people to rebel, to kick at least against what we are doing, than to put in that provision, which is continuous.

The Senator from South Carolina asked me when it would end. I will tell him never, in my opinion. It is continuous, giving us a right to interfere with their method of conducting their own government in respect to their own people, and then trying to house that or shelter it under the idea of the Monroe doctrine.

Whoever heard of such an application as that made of the Monroe doctrine before, that it gives us the right not only to fence off outside the United States and prevent them from coming in and establishing institutions that might be dangerous to the liberties of the United States, sooner or later, but also the right to enter into these different governments, to visit them, look into their affairs, to determine whether or not their governments are adequate to the protection of the life, personal liberty, and property of their own people?

Mr. President, we can not hope for anything from those people when we start at them in this way, and the world will laugh at it. They will mock when we come at them on the one hand and say you shall amend your constitution and put these things in the organic law, and then on the other hand say all these matters shall be provided for in a treaty.

Mr. TILLMAN. Will the Senator from Alabama pardon me a minute?

Mr. MORGAN. Certainly.

Mr. TILLMAN. I will direct his attention to a dispatch which came two days ago, I think, from England, that this proposed suzerainty, for it is nothing more than that——

Mr. MORGAN. That is it.

Mr. TILLMAN. Is a sweet morsel under the tongues of Chamberlain and Salisbury, because they are excusing themselves now to Christendom by comparing the purpose of the United States, in the face of the solemn obligations in the declaration of war, with their infamous proceedings in South Africa.

Mr. MORGAN. I saw the dispatch, Mr. President, and, having spoken the day before I saw it in the same line with respect to the parallelism between our case and that of England with reference to the Boers, I was afraid I would be accused of plagiarizing some British idea in the discussion of this question in the Senate.

It is a perfectly obvious case. We are giving to the British people, and they are adopting it instantly, the best argument we know how to give to those people to justify them under the claim of suzerainty in the butcheries which are inflicted upon the Boer people.

Now, I have not had much to say, I have not had anything to say, about the Boer or the British war. But, Mr. President, before the war broke out quite a good while I had the honor of introducing a resolution here pledging the Government of the United States to maintain republican institutions in Africa and Liberia and the Transvaal, the Orange Free State, and wherever else republican institutions might be found. It went to the Committee on Foreign Relations, and it had not touched the table until it was dead. It is dead yet.

But my views on that question have not died. I have not thought it was worth while for the United States to do more than I asked the United States Government to do for Cuba, to declare our neutrality between the contending forces. I thought that was our duty, and I did that, and I was willing to abide by it, and I am yet, until some event may occur when we shall have an opportunity of determining for ourselves whether it is better for the institutions of freedom that we have incorporated in the American system and in the American Constitution that we should assist by advice, counsel, or intervention.

We are not free from that yet. That is the cloud, Mr. President, that still hovers over Africa as it is hovering over a good many other countries besides Africa to-day. I am not inattentive to it, but at the same time I am helpless to do anything, and I do not want to do anything that will involve our country in a responsibility that is not necessary and unless it is absolutely imperative.

But we are furnishing the example here; we are establishing a suzerainty, a protectorate over the island of Cuba, and this particular part of this third proposition that the Senator from Arkansas moves to strike out is the farthest reach that suzerain or protector has ever made in the direction of the control of the internal affairs of a government over whom we assume a magistracy.

That is the situation we are in to-night, and it is a dreadful situation. It is an alarming situation, and I have begged from the time this thing was first brought into the Senate that it should not be pressed upon this bill.

I took an attitude of supplication about it, because with my extreme apprehension of the dangers in which we are involved, looking forward to the time that there might be something like this, I repeat, I offered the other side of the Chamber an amendment which would increase the power of the President of the United States to call the militia into service in Cuba. To-day we have got no such law. Cuba is a foreign country—or elsewhere that it might be necessary to protect the treaties or the laws of the United States against rebellion or insurrection or some other obstruction.

You rejected it. I did not care about arguing it. I did not want to argue it for the reason that I did not want any person to say that I had even by suggestion waked up an idea which was going to be one of a threatening character to the people of the United States. I remained mute and let you kill that amendment. I offered it to you.

Now, Mr. President, I am perfectly persuaded in my own mind that if we put this legislative ultimatum at those people in Cuba it will not be two months, perhaps it will be less time than that, when the roll of the drum will be heard in our country summoning the volunteers to go to Cuba to put down an insurrection. I believe it is the best invitation for strife and war that has ever been put into a paper to be tendered to another government, and having cleared my skirts of this I do not care to say much more about it.

Yesterday I read a statement that I made to the Cubans when they came and asked me for it, headed by General Garcia and some 20 gentlemen of great importance and great ability, who are now the chief men in the management of the constitutional convention in Cuba. I was frank to state to them, as they requested it in 16 propositions, I believe, exactly what I thought of the legal situation, and I would not converse with them except on paper.

They replied to me, and I have got the reply in my desk. I have not read it to the Senate for the reason that I do not want to express the indignation of those gentlemen at the propositions that I had to make to them, I being known amongst them as well as other people as one of the best friends they ever had in the United States.

They expressed their indignation to a friend. I informed the State Department by sending the paper directly to the State Department. I had no conversation with any person in the world about it, but I know what I am talking about, and I know that that same spirit to-day prevails in Cuba and will not be given up without strife, and our best plan with those people is to treat them with absolute justice and fairness, but to hear what they have got to say; not put a legislative ultimatum at them that we have got to repeal hereafter if it is not in accordance with the wishes of the Cuban people.

And we go at them in regard to this Isle of Pines to which we have got a clear title, perfectly clear, undeniably clear, and we say to them the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty. There is another trouble that we invite, and there is no necessity for it. They are perfectly willing to admit upon a fair interpretation (there is no interpretation about it, it is an express thing) that we are entitled to the Isle of Pines when we present that.

But, Mr. President, they are not willing, having formed their constitution, to amend it by an ordinance that will contain the proposition that the Senator from Arkansas wants to strike out of this third article. They will not be willing to do it, and we are wasting time and doing very much worse than that by tendering it. I do not care about debating it. I have said as much about it as I want to say.

Mr. PETTUS. Mr. President, before this amendment is adopted I want to say a word for the people of the United States. I am not speaking to-night for the people of Cuba or any of their rights. I want, as far as it is possible for me to do so, to preserve the honor of the people of the United States and their organic law.

Mr. President, the fundamental error in this amendment, which establishes a protectorate over the island of Cuba, consists in supposing that every officer of the United States all combined is a sovereign. That is the fundamental error. All of them combined is not a sovereign. It is not intrusted by the people with that power. It is intrusted by the people with certain named

powers, and those powers have been construed by the Supreme Court of the United States.

The people of the United States made this Government. They made the law themselves through their representatives—not the Senate, nor the House, but the convention of the people from the different States framed the law, and we lose sight of the fact that the people enacted that law and only the people can change it.

Mr. President, you will search that instrument in vain from one end of it to the other among the powers granted to the Congress, to both Houses, or to the President, or to the judiciary, to find any authority of any kind to establish a protectorate. You can not pass laws if you obey that Constitution that will apply to any spot on earth that the United States does not own.

Mr. President, so much I have said in reference to trying to save the people's law. I want to say one word now about their honor.

Senators and Representatives and the President pledged their word in the plainest possible language, written by the Senator from Ohio [Mr. FORAKER]. He induced the Senate and the House of Representatives to pledge their word, and it is on your statute books, that these people "are, and of right ought to be, free and independent." That is the pledge we made, and so far as I am concerned I intend to keep it.

Mr. MORGAN. And the sovereign.

Mr. PETTUS. Free and independent are the words used in the resolution; that they "are, and of right ought to be, free and independent." That takes it all in. You can not add another word to that sentence that would make them more separate than those do from all other authority.

That is our pledge. Now, what are we doing here to-night? Mr. President, we are violating that pledge as plainly as men can do it, and there is no man, I do not care who he is, who is not bound to see it, although he may waive it off as we do other things we do not want to perform.

But there is one pretense in this thing that is so naked that every Senator sees it without its being pointed out. You say that you reserve the power over Cuba to carry out your pledges as to what you would do there; that you retain it for that purpose. What pledges, what obligations has this Government ever assumed in any way in reference to Cuba after a permanent government has been established there? This Government did assume the power and did declare that they would establish a government in Cuba—a free and independent government.

When you have done that, what obligation are you under? Yet there is a pretense in that very amendment that we shall be under obligation afterwards, when there is no sign or scintilla of an obligation that will rest upon us after a government is established there. We pledged ourselves to that course, and to-night we are violating every one of the pledges we made to the people of Cuba and to the world, and we are bringing disgrace on the name of the American people. That is what we are doing.

Ah, Mr. President, the man who has read history would be a blind man if he did not see what it means. It means exactly what that old English adage meant—

> That they should take who have the power,
> And they should keep who can.

This is a great nation, a powerful nation, a wonderful nation. It has the power, and it intends to take, and it intends to hold. That is the disgrace that we are bringing upon the American name; and if we have any spark of love of country in our bosoms we ought to keep that name untarnished at home and abroad.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. MORGAN. Let the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, paragraph 3, line 21, after the word "independence," it is proposed to strike out the words:

The maintenance of a government adequate for the protection of life, property, and individual liberty.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Let the amendment to the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, paragraph 3, line 21, after the word "independence," it is proposed to strike out "the maintenance of a government adequate for the protection of life, property, and individual liberty;" so that the paragraph if amended would read:

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

The Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I have a general pair with the Senator from Texas [Mr. CHILTON].

Mr. HANSBROUGH (when his name was called). I transfer my pair with the Senator from Virginia [Mr. DANIEL] to the junior Senator from Colorado [Mr. WOLCOTT], and vote "nay."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MASON (when his name was called). I again announce my pair with the junior Senator from Mississippi [Mr. SULLIVAN].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], who is absent. If he were present, I should vote "nay."

The roll call was concluded.

Mr. HARRIS (after having voted in the affirmative). I announce my pair with the senior Senator from Wyoming [Mr. CLARK], who has not voted, and I therefore withdraw my vote.

Mr. PRITCHARD. I transfer my pair with the Senator from South Carolina [Mr. MCLAURIN] to the Senator from West Virginia [Mr. SCOTT], and vote "nay."

The result was announced—yeas 21, nays 43, as follows:

YEAS—21.

Bacon,	Cockrell,	Mallory,	Tillman,
Bate,	Culberson,	Martin,	Turley,
Berry,	Foraker,	Pettigrew,	Turner.
Butler,	Jones, Ark.	Pettus,	
Caffery,	Kenney,	Rawlins,	
Clay,	Lindsay,	Teller,	

NAYS—43.

Aldrich,	Dolliver,	Kearns,	Proctor,
Allison,	Fairbanks,	Kyle,	Quarles,
Bard,	Foster,	Lodge,	Sewell,
Beveridge,	Gallinger,	McComas,	Shoup,
Burrows,	Hale,	McCumber,	Simon,
Carter,	Hanna,	McMillan,	Spooner,
Chandler,	Hansbrough,	Nelson,	Stewart,
Cullom,	Hawley,	Penrose,	Thurston,
Deboe,	Hoar,	Perkins,	Warren,
Depew,	Jones, Nev.	Platt, Conn.	Wetmore.
Dillingham,	Kean,	Pritchard,	

NOT VOTING—24.

Allen,	Elkins,	McLaurin,	Scott,
Baker,	Fryo,	Mason,	Sullivan,
Chilton,	Harris,	Money,	Taliaferro,
Clapp,	Heitfeld,	Morgan,	Vest,
Clark,	McBride,	Platt, N. Y.	Wellington,
Daniel,	McEnery,	Quay,	Wolcott.

So the amendment to the amendment was rejected.

Mr. MORGAN. For the purpose of giving the conferees a chance to save the Isle of Pines to the United States without a row with Cuba, I propose to strike out the sixth proposition of the amendment, in lines 19 and 20, which read "the title thereto being left to future adjustment by treaty."

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 3, paragraph 6, line 19, after the word "Cuba," it is proposed to strike out "the title thereto being left to future adjustment by treaty;" so that the paragraph, if so amended, would read:

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba.

Mr. PETTIGREW. Mr. President, I hope that amendment will not be adopted. It seems to me this is the most apparent illustration of the Anglo-Saxon greed for land ever presented in a legislative body. The Isle of Pines is a sand bank, uninhabited, utterly worthless, without a harbor, and although it has been heretofore a part of Cuba under the government of Cuba, governed from Cuba, and regarded by all the world as a part of Cuba, the same as the other islands along its coast, we propose to present a proposition for a contention over this worthless sand bar, simply to illustrate our greed for something that is not worth having, because it is a piece of the earth's surface.

Mr. MORGAN. Mr. President, the Government of the United States could throw away a great deal of territory which the Senator from South Dakota thinks is not worth having, I have no doubt; but he is very much mistaken, or else I am, and the geographers are very much mistaken, if the Isle of Pines is not a very valuable possession, if it has not got a good harbor with deep water, if it is not a very important naval station, and if it is not also the only place in which the United States can defend herself against the supposed power of Great Britain at Santa Lucia and at Jamaica.

I do not care now about having a controversy with the Senator on questions of geography, which I suppose can be settled by a reference to the books; but certainly he has stated just the reverse of what I stated yesterday upon authority and after consultation

with the Senators who had this matter in charge, and who, I think, know what they are talking about.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment.

The amendment to the amendment was rejected.

Mr. MORGAN. I move now, for the purpose of giving the conference committee a chance to relieve us from presenting an ultimatum to Cuba, which is going to produce great discord here, to add, on page 2, after line 3, the words "which are hereby submitted for the consideration of the constitutional convention;" so that these propositions shall be submitted to the consideration of the constitutional convention, which we say here that convention shall adopt as a part of its ordinances.

I do not want to compel the convention to accept it by an act of Congress unless the convention shall have some opportunity at least to debate it and consider it. The language will read as follows, if the amendment be put in:

The President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows, which are hereby submitted for the consideration of the constitutional convention.

I think we had better put this subject rather politely than otherwise, to say the least of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment.

The amendment to the amendment was rejected.

Mr. JONES of Arkansas. On page 3, paragraph 5, line 11, after the word "plans," I move to strike out the words "to be mutually agreed upon."

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas to the amendment will be stated.

The SECRETARY. On page 3, paragraph 5, line 11, after the word "plans," it is proposed to strike out the words "to be mutually agreed upon;" so as to make the paragraph read:

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as the commerce of the Southern ports of the United States and the people residing therein.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. JONES] to the amendment.

The amendment to the amendment was rejected.

Mr. CLAY. Mr. President, since the amendment offered by the Senator from Arkansas [Mr. JONES] to the fifth paragraph of this amendment has been voted down, I deem it just to myself that I should take about two minutes in explaining the reasons why I shall vote against this amendment.

I do not entertain the same views in regard to Cuba that I do in regard to the Philippine Islands. As an original proposition, if the people of the island of Cuba were to ask to be annexed to the United States, with the lights that I have before me now, I would vote in favor of the annexation of Cuba to the United States, but I desire to say that we made a sacred promise and pledge on our part that we would not interfere with the affairs of the island of Cuba; and I do not believe that we can adopt this entire amendment and carry out in good faith the promise which we made to the island of Cuba.

If you take the third paragraph of the amendment, it authorizes the Government of the United States to go to the island of Cuba every time there is an insurrection there for the purpose of suppressing it; and, consequently, we can send our soldiers there every year for the purpose of maintaining what we may believe to be a good government there. It will be indirectly the United States carrying on a government in the island of Cuba.

I believe that the time will come when the people of the island of Cuba will ask to be annexed to the United States. I believe the way for us to expect to bring about this result is to be just and to carry out the promises which we have made to the people of the island of Cuba. This will lead to good feeling between those people and our Government, and will finally result in the island of Cuba being annexed to our Government. But I believe that a nation ought to carry out all of its promises; and when we insert in this amendment that we reserve the right to go there and interfere in their internal affairs, to see to it that they shall maintain, I say, a good government there, we practically take charge of their internal affairs. If that amendment had been adopted, I would have voted in favor of the amendment offered by the Senator from Connecticut [Mr. PLATT]; but, for the reasons I have stated, I shall now vote against the amendment.

Mr. TILLMAN. The fourth section of the resolution declaring war against Spain is familiar to all Senators, but some of them seem to have forgotten its exact language. It reads as follows:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

That resolution was adopted at 1 o'clock at night, after one of the most exciting and momentous debates that I have ever known in this Senate or that any other man has ever known. The reason why every Democrat voted against it, although the Democratic party had forced the Republicans to bring on the war, was because we contended that it ought to carry with it a recognition of the then existing government.

I want to read to Senators a list of some of the Republicans who, at that solemn hour——

Mr. TELLER. Will the Senator allow me to make a suggestion?

Mr. TILLMAN. Certainly.

Mr. TELLER. I think the Senator's words might be misunderstood. We voted for the fourth resolution, but we voted against the conference report, which left out the "republic of Cuba."

Mr. TILLMAN. I am only speaking of the parlimentary situation. While we had forced this vote up to the last vote, we voted against the conference report because it left out, as the Senator from Colorado says, the section which provided for the recognition of the then existing Cuban republic. We voted for this resolution, of course; and here are the Republicans, or some of them, who, under their oath of office, and as men, gentlemen, and Christians, or who claim to be and who are recognized as such, made this solemn pledge to Almighty God, to their country, to Cuba, and to the world:

Messrs. ALDRICH, ALLISON, BURROWS, CARTER, CHANDLER, CULLOM, DAVIS, ELKINS, FAIRBANKS, FORAKER, FRYE, GALLINGER, HOAR, HALE, HANNA, HAWLEY, LODGE, MCMILLAN, MASON, MORRILL, PENROSE, PERKINS, PLATT of Connecticut, PROCTOR, QUAY, SEWELL, SPOONER, and WOLCOTT.

Now, gentlemen, you say you have the power and are ready to take the responsibility. If your action to-night shall precipitate a war between the patriots of Cuba, who have cherished their desire for liberty and held Spain by the throat, with her two hundred and odd thousand men there until she was helpless and could not repress their aspirations; if you choose by your greed and inordinate purpose, unreasonable and unholy, to belie your professions and want to do this infamy, then I wipe my hands of all responsibility for it and you may have it all.

Mr. FORAKER. Mr. President, I am loath to differ with anything that the committee has brought in here after careful consideration, but the more I think about it the more I think it would be unfortunate to adopt this amendment without changing the third clause, and I move that the third clause be amended as follows:

After the word "independence," in line 21, page 2, insert "and;" then, in line 22, strike out the words "protection of life, property, and individual liberty, and for;" change the word "discharging" to "discharge," and insert the word "of" before the words "the obligations," in line 23; so that it would then read as follows:

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence and the maintenance of a government adequate for the discharge of the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

Mr. CLAY. That is similar to the amendment offered by the Senator from Arkansas [Mr. JONES].

Mr. FORAKER. It is not exactly the Jones amendment, but it reaches practically the same result. It seems to me that if we adopt this amendment as it was reported by the committee it will be a constant menace to both the United States and Cuba. I may be mistaken about this.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. PETTUS. I simply want to ask a question. Can the Senator point out any obligation that the United States will be under in reference to Cuba after a permanent government has been established there, or after the island has been pacified and surrendered to the people?

Mr. FORAKER. I am not asserting that there is any such obligation; but the committee has assumed that there is such an obligation, and if that be true, whatever it may be, the government of Cuba will have to assume to discharge it.

Mr. PETTUS. I wanted to know, just in that same connection, if the committee think there may be such an obligation, what in the name of Heaven is the obligation that will exist after we have surrendered the government of the island to its own people?

Mr. FORAKER. I believe there is in the treaty some language

to the effect that the United States, when it leaves Cuba, will advise the government that succeeds us there and assume to discharge certain obligations in the way of protecting life, liberty, etc. That is my recollection, but I have not the text of the treaty before me.

Mr. SPOONER. I have it before me. It is the sixteenth article.

Mr. FORAKER. I wish the Senator would read it, if he has it.

Mr. SPOONER. It is as follows:

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

Mr. PETTUS. "Advise?"

Mr. FORAKER. Yes; "advise." What that language may mean men might differ about. I am assuming that the committee is correct in what it evidently assumed, that there would be some kind of obligation.

What I was about to say when I was interrupted by the Senator from Alabama was this——

Mr. TILLMAN. Will the Senator allow me for a moment?

Mr. FORAKER. I should like to have another moment myself, but I will yield with pleasure to the Senator, if he wishes to ask a question.

Mr. TILLMAN. I was going to suggest as a possible reason why the language which you have just spoken of is put in, and ought to stay in, that we have witnessed in the recent past the entry of a European battle ship into the harbor of San Domingo, I believe it was, making a demand at the mouth of a cannon upon that Republic for something, I do not know what—some supposed claim or obligation to some German citizen, I think it was.

Now, if Cuba is a kind of a ward in chancery of the United States—and I think it is—we would not tolerate any European nation going there and undertaking to browbeat or to rob that people; but I can see a great deal of reason and justice in the contention that we are under some obligations to European powers to have Cuba not do such things to their citizens as will embroil her with them.

Mr. FORAKER. Mr. President, if I may be allowed now to proceed, I want to state what it was in my mind to say a moment ago when interrupted, that if we adopt this amendment as reported by the committee it seems to me that it is likely to lead to conditions down there that would seem to invite intervention.

Suppose they have an election. One party or the other will be defeated. The party that is out is liable to complain, and with this kind of a provision, it seems to me it might be very naturally done; it would be thought that by making objection, by making trouble, and creating difficulties, they would make a condition that would lead to an intervention of the United States to put the successful party out. It seems to me that, instead of having a restraining influence, it would have an exciting influence and that the very result which the committee evidently sought to accomplish would be defeated, and the opposite would result.

Again, it seems to me that it is unnecessary. The language of this paragraph is that we shall be allowed to intervene for the preservation of Cuban independence and the maintenance of a government capable of discharging the obligations the United States has assumed.

Now, if we intervene we will intervene for the purpose of maintaining a government of that character. It is necessarily a government that can protect life, liberty, and property.

We are not to intervene when they have a government on the ground that their government does not protect life, liberty, and property, but we are to be allowed to intervene, according to this, only when they do not have a government capable of it. If they have a government capable of discharging the obligations which the United States has assumed, it will of necessity be a government capable of protecting life, liberty, and property.

Therefore I think we are accomplishing the same result which the committee had in view when we change the language as proposed, and it removes the invitation, if I may so characterize it, to which I have referred, which it seems to me would be a sort of standing menace to us as well as to the Cubans.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Ohio [Mr. FORAKER] to the amendment, which will be stated.

The SECRETARY. On page 2, line 21, after the word "independence," insert the word "and;" after the word "the," in line 22, strike out the words "protection of life, property, and individual liberty, and for;" in line 23 change the word "discharging" to "discharge" and insert the word "of" immediately following; so that the paragraph will read:

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence and the maintenance of a government adequate for the discharge of the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. TILLMAN and Mr. FORAKER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I would vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from South Carolina [Mr. MCLAURIN]. I transfer my pair to the Senator from Colorado [Mr. WOLCOTT] and will vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 21, nays 42, as follows:

YEAS—21.

Bacon,	Cockrell,	Mallory,	Tillman,
Bate,	Culberson,	Martin,	Turley,
Berry,	Foraker,	Pettigrew,	Turner.
Butler,	Jones, Ark.	Pettus,	
Caffery,	Kenney,	Rawlins,	
Clay,	Lindsay,	Teller,	

NAYS—42.

Aldrich,	Dolliver,	Kyle,	Quarles,
Allison,	Fairbanks,	Lodge,	Sewell,
Bard,	Foster,	McComas,	Shoup,
Beveridge,	Gallinger,	McCumber,	Simon,
Burrows,	Hale,	McMillan,	Spooner,
Carter,	Hanna,	Nelson,	Stewart,
Chandler,	Hawley,	Penrose,	Thurston,
Cullom,	Hoar,	Perkins,	Warren,
Deboe,	Jones, Nev.	Platt, Conn.	Wetmore.
Depew,	Kean,	Pritchard,	
Dillingham,	Kearns,	Proctor,	

NOT VOTING—25.

Allen,	Frye,	Mason,	Taliaferro,
Baker,	Hansbrough,	Money,	Vest,
Chilton,	Harris,	Morgan,	Wellington,
Clapp,	Heitfeld,	Platt, N. Y.	Wolcott.
Clark,	McBride,	Quay,	
Daniel,	McEnery,	Scott,	
Elkins,	McLaurin,	Sullivan,	

So Mr. FORAKER'S amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. BERRY and Mr. LODGE called for the yeas and nays, and they were ordered.

The SECRETARY proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I would vote "yea."

Mr. HANSBROUGH (when his name was called). I again announce my pair with the senior Senator from Virginia [Mr. DANIEL]. I transfer my pair to the junior Senator from Colorado [Mr. WOLCOTT], and will vote. I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. If he were present, I would vote "nay."

Mr. HEITFELD (when his name was called). I again announce my pair with the Senator from New York [Mr. PLATT]. If he were present, I should vote "nay."

Mr. MASON (when his name was called). I again announce my pair with the junior Senator from Mississippi [Mr. SULLIVAN].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I would vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN]. I transfer that pair to the junior Senator from Minnesota [Mr. CLAPP] and will vote. I vote "yea."

The roll call was concluded.

Mr. PLATT of Connecticut. I wish to state that the Senator from Pennsylvania [Mr. QUAY] has sent word to me that he is in favor of this amendment and is paired with the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. I announced the pair.

The result was announced—yeas 43, nays 20; as follows:

YEAS—43.

Aldrich,	Chandler,	Fairbanks,	Hansbrough,
Allison,	Cullom,	Foraker,	Hawley,
Bard,	Deboe,	Foster,	Hoar,
Beveridge,	Depew,	Gallinger,	Kean,
Burrows,	Dillingham,	Hale,	Kearns,
Carter,	Dolliver,	Hanna,	Kyle,

Lodge,	Penrose,	Quarles,	Stewart,
McComas,	Perkins,	Sewell,	Thurston,
McCumber,	Platt, Conn.	Shoup,	Warren,
McMillan,	Pritchard,	Simon,	Wetmore.
Nelson,	Proctor,	Spooner,	

NAYS—20.

Bacon,	Clay,	Lindsay,	Rawlins,
Bate,	Cockrell,	Mallory,	Teller,
Berry,	Culberson,	Martin,	Tillman,
Butler,	Jones, Ark.	Pettigrew,	Turley,
Caffery,	Kenney,	Pettus,	Turner.

NOT VOTING—25.

Allen,	Frye,	Mason,	Taliaferro,
Baker,	Harris,	Money,	Vest.
Chilton,	Heitfeld,	Morgan,	Wellington,
Clapp,	Jones, Nev.	Platt, N. Y.	Wolcott.
Clark,	McBride,	Quay,	
Daniel,	McEnery,	Scott,	
Elkins,	McLaurin,	Sullivan,	

So the amendment submitted by Mr. PLATT of Connecticut was agreed to.

The PRESIDING OFFICER. The Chair will state that there is a committee amendment which was passed over.

Mr. CARTER. The amendment appears on page 12.

The SECRETARY. On page 12, beginning in line 20, the Committee on Military Affairs reported to insert as an amendment the following:

Provided, That appointments to fill original vacancies in the grade of captain in the Quartermaster's Department, Subsistence Department, and Pay Department may be made from officers of volunteers commissioned since April 21, 1898, and the age limit prescribed as to chaplains shall not apply to persons who served as chaplains of volunteers after said date who were under 42 years of age when originally appointed.

Mr. MCCOMAS. The first vote is on the pending amendment to the amendment.

Mr. PETTIGREW. I make the point of order against the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate.

Mr. CHANDLER. What is the question?

The PRESIDING OFFICER. The question is, Is the amendment in order?

Mr. CHANDLER. I could not hear what the amendment was.

Mr. CARTER. It is the amendment on page 12.

The PRESIDING OFFICER. The amendment will again be stated.

The Secretary again stated the amendment.

Mr. PETTIGREW. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment.

Mr. MCCOMAS. The vote first is on the amendment to the amendment, which includes all the staff.

The PRESIDING OFFICER. The Senator from Maryland submits an amendment to the amendment, which will be stated. The Chair was not aware that it had been presented.

The SECRETARY. It is proposed to insert at the beginning of line 21, page 12, the following:

In the lowest grade in the Adjutant-General's Department, the Inspector-General's Department, and the Judge-Advocate-General's Department, and-

Mr. PETTUS. We do not understand the amendment, because it is not stated in connection with the text. How will it read when amended?

The PRESIDING OFFICER. It will again be stated, and the amendment will be reported as it will read if amended.

The SECRETARY. It is proposed to insert in line 21, page 12, the following:

In the lowest grade of the Adjutant-General's Department, the Inspector-General's Department, and the Judge-Advocate-General's Department, and.

So that if amended the clause will read:

Provided, That appointments to fill original vacancies in the lowest grade in the Adjutant-General's Department, the Inspector-General's Department, and the Judge-Advocate-General's Department, and in the grade of captain in the Quartermaster's Department, Subsistence Department, and Pay Department may be made from officers of volunteers commissioned since April 21, 1898, and the age limit prescribed as to chaplains shall not apply to persons who served as chaplains of volunteers after said date who were under 42 years of age when originally appointed.

Mr. MCCOMAS. Only a word. That includes all the staffs.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. PROCTOR. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHOUP. By direction of the Committee on Military Affairs I offer the amendment which I send to the desk.

The SECRETARY. On page 18, after the word "possessions," in line 7, it is proposed to insert:

Provided, That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States for the purpose of returning thereto, or which may have been granted such officers for such purpose since the 13th day of October, 1898, shall be regarded as taking effect on the date such officers reach, or may have reached, the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October 13, 1898.

The amendment was agreed to.

Mr. CARTER. On behalf of the Committee on Military Affairs I submit the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. On page 20, after line 19, it is proposed to insert the following:

For the engraving of medals of honor authorized by the act of Congress approved March 3, 1863, and for the purchase and engraving of bars or clasps for the same, $200: *Provided*, That whenever an officer or enlisted man of the Army to whom the Congressional medal of honor has been or shall hereafter be awarded shall again earn the medal under the conditions prescribed in said act an additional medal shall not be issued to him, but in lieu thereof the President may cause to be presented to him, in the name of Congress, a suitably inscribed bar or clasp to be worn with the medal previously awarded to him, and a similar bar or clasp may be awarded for each subsequent occasion on which such officer or enlisted man shall earn the medal by most distinguished gallantry in action: *Provided further*, That hereafter no award of a medal of honor or of the bar or clasp herein authorized shall be made after the lapse of more than three years from the date of the performance of the act for which such award shall be claimed.

Mr. PETTIGREW. I make the point of order against the amendment that it is legislation.

Mr. CARTER. I will briefly state that the point of order is not well taken, for the reason that the proposed appropriation is recommended by the Secretary of War in a communication which I hold in my hand. It has been presented here by authority of a majority of the committee. This item is an appropriation pure and simple, with certain regulations attached to the expenditure of the money, considered under all the rules, I believe, as being pertinent and proper. I do not wish to detain the Senate.

The PRESIDING OFFICER. Does the Chair understand that it is recommended?

Mr. CARTER. It is recommended.

Mr. PETTIGREW. It is not estimated for. There is no estimate for it that can be produced.

Mr. CARTER. It is recommended by the head of a Department, and in that behalf comes under the rule.

Mr. PETTIGREW. That is not an estimate. The Senator is well aware it is not an estimate.

The PRESIDING OFFICER. Does the Chair correctly understand that it is to carry out the terms of existing law?

Mr. CARTER. The appropriation is for the purpose of carrying into effect the conditions and requirements of an act approved March 3, 1863, relating to the subject-matter to which the amendment relates.

Mr. PETTIGREW. Oh, Mr. President, it is new legislation, enlarging the scope of existing law, and it is not to carry out its provisions at all. That law has been in force and has been carried out for years, ever since it was enacted.

The PRESIDING OFFICER. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. HAWLEY. The amendment provides that a medal shall not be given for any event that occurred more than three years ago. Now, nobody in the war of the rebellion, however brilliant the act may be discovered to have been on examining his history, can have a medal. They can not go back more than three years to give a man a medal.

Mr. PETTUS. As I understand the amendment, it authorizes the President of the United States to give a medal to those to whom he thinks proper to give it. Is that the understanding of the mover?

Mr. CARTER. The conditions under which medals may be awarded for gallant service in action are not changed. Those conditions are prescribed by the act of March 3, 1863. This amendment, however, provides that instead of granting a new medal for each act of gallantry there shall be added a bar, upon which an inscription shall be made indicating the particular act of gallantry for which the bar stands in the record.

Mr. PETTUS. Who is to award it?

Mr. CARTER. Of course the act of 1863 provides that the Secretary of War shall award medals for gallant conduct.

Mr. PETTUS. He shall determine who shall have them?

Mr. CARTER. The conditions of the law are very specific, and the particular point of limitation referred to by the Senator from Connecticut is the only proposition here that adds, if you please, to existing law. Under the act referred to there is no limitation as to the time within which proof of gallant service or of a gallant act shall be submitted. The records of the Department are now being burdened with applications for medals based upon acts over 40 years old. It is found exceedingly difficult to get at the very truth of the conditions to which these applicants refer.

Mr. HAWLEY. Can nobody remember more than three years?

Mr. CARTER. Will the Senator allow me for one moment? It is desired by this amendment to provide that proof of gallant service shall be submitted when the facts are within the recent knowledge of the person testifying.

Mr. HOAR. Then it does change existing law.

Mr. CARTER. It does not change existing law. It fixes limitations which existing law does not provide.

Mr. HOAR. The existing law, as I understand the Senator from Montana, authorizes this to be done at any time.

Mr. PETTUS. I am claiming my rights, Mr. President.

Mr. HOAR. Will the Senator from Alabama allow me to finish the sentence?

Mr. PETTUS. Certainly; but I like to have it done in order.

Mr. HOAR. The existing law authorizes and directs the thing to be done at any time. Now we come in with a new law, which says it shall not be done in any case that is more than three years old. I can not see why it is not a change of existing law.

Mr. PETTUS. I asked a question of the Senator from Montana, but he did not answer it. Who is to decide who shall have the medals?

Mr. CARTER. This amendment has nothing whatever to do with the designation of the person who is to decide. The act of 1863 in specific terms prescribes that the Secretary of War shall award the medals.

Mr. HAWLEY. I want to ask my friend whether he thinks three years is a reasonable limitation?

Mr. CARTER. I submit the mattter as submitted by the War Department. If it appears to the Senator that five years would be a more reasonable time, that might be substituted for three.

Mr. HAWLEY. I should say ten or twenty.

Mr. PETTIGREW. If the friends of this bill have more controverted questions and new legislation to put upon it, it seems to me we had better adjourn and take another day for it. I supposed, of course, they had perfected their bill and were ready to vote upon it, but if not, I shall very soon make a motion to adjourn.

Mr. CARTER. This is the last amendment.

Mr. HOAR. I move to lay the amendment on the table.

Mr. THURSTON. I second the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment proposed by the Senator from Montana.

Mr. CARTER. Rather than have any controversy about the matter I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PENROSE. I offer the amendment which I send to the desk, to be inserted as an additional section.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

That the Secretary of War is hereby authorized and directed to have suitable medals of honor struck, to be presented to the volunteers, regulars sailors, and marines who voluntarily remained on duty in the Philippines after their terms of service had expired, and that for the purpose of this section a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PETTIGREW. That is a controverted question. None of those men stayed there voluntarily. The amendment would be a lie. They were forced to stay there. They were compelled to stay there, engaged in an unwilling service. With the word "voluntarily" stricken out I am willing that the amendment shall be adopted. It ought to read "conscripted and forced to stay there by the Administration," as they were. The testimony is abundant to that effect, and if the amendment is to be adopted I will put in that evidence.

Mr. CARTER. I understand the fact to be that the Senator from Pennsylvania does not insist upon his amendment.

Mr. PENROSE. I understand the Senator from South Dakota will not object to the amendment if the word "voluntarily" is stricken out.

Mr. PETTIGREW. No.

Mr. PENROSE. All right. I accept the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 1, page 2, of the amendment, it is proposed to strike out the word "voluntarily."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania as amended.

The amendment as amended was rejected.

Mr. CHANDLER. I offer an amendment to come in on page 9, after line 14.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, after line 14, add:

and any original vacancy in the grade of major, not filled by the promotion of officers of said department, may be filled by any volunteer officer now in service in said department.

Mr. PETTIGREW. It seems remarkable to me that new amendments entirely foreign to the bill should be insisted upon at this hour, and it did not come from the Committee on Military Affairs at that.

The PRESIDING OFFICER. The Secretary has not yet concluded the reading of the amendment. The text will be read as it will read if amended.

The Secretary read as follows:

Provided, That upon the occurrence of a vacancy in the grade of colonel in the Inspector-General's Department after the present lieutenant-colonels therein shall have been promoted or retired, such vacancy shall not be filled, and thereafter the number of officers authorized for that department shall be as follows: one inspector-general with the rank of brigadier general; 3 inspectors-general with the rank of colonel; 4 inspectors-general with the rank of lieutenant-colonel, and 9 inspectors-general with the rank of major; and any original vacancy in the grade of major not filled by the promotion of officers of said department may be filled by any volunteer officer now in service in said department.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. PETTIGREW. I should like to know what particular persons this is intended to take care of.

Mr. CHANDLER. It is intended to take care of all persons now in the service in that department.

Mr. PETTIGREW. I make the point of order against the amendment.

Mr. CHANDLER. There is no point of order on this amendment.

Mr. PETTIGREW. No; the Chair will rule that there is not, if you tell him to do so.

The PRESIDING OFFICER. The Chair begs the Senator's pardon, and will suggest to the Senator that he ought to observe the rules of the Senate.

Mr. CHANDLER. I will undertake to satisfy the Senator from South Dakota. The committee put in a ten-line amendment to the bill, and this is an addition to that and clearly in order if the original amendment is adopted.

The PRESIDING OFFICER. Does the Senator from South Dakota make a point of order against it?

Mr. PETTIGREW. I did make a point of order upon the amendment, but I do not insist upon it.

The PRESIDING OFFICER. Then the question is upon agreeing to the amendment.

Mr. HAWLEY. There are changes made there that I never heard anything of, either in the Committee on Military Affairs or elsewhere. I do not know where the creature was born.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was rejected.

Mr. SHOUP. I have an amendment to propose.

Mr. TILLMAN. I hope we will quit amending the bill and pass it. It is getting to be time to go to bed, after as much deviltment as we have done to-day.

Mr. SHOUP. On page 36, line 12, after the word "clerks," I move to insert:

and other civilian assistants.

So that if amended it will read:

For services of surveyors, draftsmen, photographers, master laborers, clerks, and other civilian assistants to engineer officers of the staff or division corps and department commanders, $25,000.

Mr. PETTIGREW. I move to lay that amendment on the table.

The motion to lay on the table was agreed to.

Mr. MASON. I desire to offer an amendment, and I ask to have it read for information.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. On page 27, line 1, after the word "employees," insert the following proviso:

Provided, That one of the above-mentioned employees shall be an expert embalmer and undertaker of at least ten years' practical experience and understand every detail of this profession and also disinfecting, and be required to pass an examination as to his fitness to examine and instruct. His duties shall be to examine and instruct all those employed by the Government for this purpose in the proper sanitary manner of caring for the dead. Also to examine and report on all articles and supplies used for this purpose and such other duties as the Secretary of War may from time to time direct. He is to be appointed by the Secretary of War and is to have the pay and allowance of an examining dental surgeon.

Mr. TILLMAN. I move to lay that amendment under the table. [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois. [Putting the question.] The noes seem to have it; the noes have it, and the amendment is disagreed to.

Mr. MASON. Mr. President, I did not understand that we were voting upon the amendment, and at this hour of the morning I have no disposition to take the time of the Senate, but the Senate voted upon it apparently without any true conception of the matter.

The PRESIDING OFFICER. The question will still be open

if the Senator desires to address himself to it. The question is upon agreeing to the amendment of the Senator from Illinois [Mr. MASON].

Mr. MASON. Mr. President, this is a simple proposition. A very large amount of money has been spent by inexperienced persons in the matter of embalming the dead that are conveyed from Manila and the islands here.

The work has been performed by inexperienced persons, not having the fluids and other things necessary for the preservation of the dead. It may strike some Senators as something remarkably funny, but it is a matter of fact. It is one of the duties we owe. If we attempt to bring back to the mothers and friends the remains of the dead who die across the water, the bodies should be treated scientifically and properly, so that all that is common and usual and decent in Christian treatment of the bodies of the dead should be had.

There is no such provision now, and I believe that there ought to be. The amendment provides that a man shall be appointed who shall have a certain number of years of experience and is competent to prepare the bodies. The expense will be slight, and it will put intelligence in the charge of the care of our dead, where we now have nothing but ignorance.

The evidence which has been brought to my attention of the lack of care of the dead soldiers of our country whose bodies have been brought is something appalling and shocking even to think about, to read about, and to speak about. This is a simple plan whereby a scientific man, a man who understands his business, shall be selected by the Secretary of War who will be competent to teach others and to pass upon the material used. Large sums of money are being wasted, if not improperly wasted and squandered, whereas this would not be the case if there was a man who understood the business to properly prepare the materials and educate other people in the use of them.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois [Mr. MASON].

The amendment was rejected.

Mr. MORGAN. I offer the following as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. The Constitution of the United States is the supreme law of the land in force in the Philippine Islands to control the official conduct of every officer or agent of the Government of the United States who now holds or shall be appointed to any legislative, or executive, or judicial office or function in the civil government of said islands under the provisions of this act, and it shall be so respected and obeyed by such persons in their official conduct relating to the government of the people of said islands.

Mr. MORGAN. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MASON (when his name was called). I announce a pair between myself and the Senator from Mississippi [Mr. SULLIVAN].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. HANNA (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. RAWLINS], and owing to his absence I withdraw my vote.

Mr. MCMILLAN (after having voted in the negative). I see that the Senator from Kentucky [Mr. LINDSAY] is not here, and I withdraw my vote. I am paired with that Senator.

The result was announced—yeas 16, nays 41; as follows:

YEAS—16.

Bacon,	Clay,	Jones, Ark.	Teller,
Bate,	Cockrell,	Mallory,	Tillman,
Berry,	Culberson,	Martin,	Turley,
Butler,	Hoar,	Pettus,	Turner.

NAYS—41.

Aldrich,	Dolliver,	Lodge,	Sewell,
Allison,	Fairbanks,	McComas,	Shoup,
Bard,	Foraker,	McCumber,	Simon,
Beveridge,	Foster,	Nelson,	Spooner,
Burrows,	Gallinger,	Penrose,	Stewart,
Carter,	Hale,	Perkins,	Thurston,
Chandler,	Hansbrough,	Pettigrew,	Warren,
Cullom,	Hawley,	Platt, Conn.	Wetmore.
Deboe,	Jones, Nev.	Pritchard,	
Depew,	Kean,	Proctor,	
Dillingham,	Kearns,	Quarles,	

NOT VOTING—31.

Allen,	Frye,	McEnery,	Rawlins,
Baker,	Hanna,	McLaurin,	Scott,
Caffery,	Harris,	McMillan,	Sullivan,
Chilton,	Heitfeld,	Mason,	Taliaferro,
Clapp,	Kenney,	Money,	Vest,
Clark,	Kyle,	Morgan,	Wellington,
Daniel,	Lindsay,	Platt, N. Y.	Wolcott.
Elkins,	McBride,	Quay,	

So Mr. MORGAN's amendment was rejected.

Mr. MORGAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add as a new section the following:

SEC. —. No appointment to office in the Philippine Islands shall be made by the President, after the date of the approval of this act, without the advice and consent of the Senate, but the President may issue commissions to persons selected for appointment in the manner provided by the laws of the United States which apply to offices in the States and Territories thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MCCOMAS. Is not that liable to a point of order? I will make the point of order.

The PRESIDING OFFICER. Does the Senator from Maryland make the point of order?

Mr. MCCOMAS. No, I will not insist upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the senior Senator from Texas [Mr. CHILTON]. If he were present, I would vote "nay."

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS], and withhold my vote.

Mr. HEITFELD (when his name was called). I again announce my pair with the Senator from New York [Mr. PLATT]. If he were present, I would vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I would vote "yea."

Mr. PETTIGREW (when his name was called). I should like to know what amendment it is that we are voting upon.

The PRESIDING OFFICER. The amendment submitted by the Senator from Alabama [Mr. MORGAN], which was read.

Mr. PETTIGREW. I did not hear it, and I do not know what the proposition is.

The PRESIDING OFFICER. The Secretary will continue the roll call.

Mr. TALIAFERRO (when his name was called). I announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present I should vote "yea."

The roll call was concluded.

Mr. MCMILLAN (after having voted in the negative). I am paired with the Senator from Kentucky [Mr. LINDSAY], but I will transfer that pair to the Senator from Minnesota [Mr. CLAPP] and allow my vote to stand.

Mr. PETTIGREW. I vote "nay."

The result was announced—yeas 14, nays 41, as follows:

YEAS—14.

Bacon,	Cockrell,	Martin,	Turley,
Bate,	Culberson,	Pettus,	Turner.
Berry,	Jones, Ark.	Teller,	
Butler,	Mallory,	Tillman,	

NAYS—41.

Aldrich,	Dolliver,	McComas,	Sewell,
Allison,	Fairbanks,	McCumber,	Shoup,
Bard,	Foraker,	McMillan,	Simon,
Beveridge,	Foster,	Nelson,	Spooner,
Burrows,	Gallinger,	Penrose,	Stewart,
Carter,	Hale,	Perkins,	Thurston,
Chandler,	Hansbrough,	Pettigrew,	Warren,
Cullom,	Hawley,	Platt, Conn.	Wetmore.
Deboe,	Kean,	Pritchard,	
Depew,	Kearns,	Proctor,	
Dillingham,	Lodge,	Quarles,	

NOT VOTING—33.

Allen,	Frye,	McBride,	Scott,
Baker,	Hanna,	McEnery,	Sullivan,
Caffery,	Harris,	McLaurin,	Taliaferro,
Chilton,	Heitfeld,	Mason,	Vest,
Clapp,	Hoar,	Money,	Wellington,
Clark,	Jones, Nev.	Morgan,	Wolcott.
Clay,	Kenney,	Platt, N. Y.	
Daniel,	Kyle,	Quay,	
Elkins,	Lindsay,	Rawlins,	

So Mr. MORGAN's amendment was rejected.

The PRESIDING OFFICER. If there be no other amendments proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. If there be no objection, the question will be put on concurring in the amendments in gross. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. PETTUS. I ask for a vote by yeas and nays.

The PRESIDING OFFICER. If no amendment be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. COCKRELL. In consequence of the amendments which have been put on the bill in regard to the Philippine Islands and Cuba I shall feel constrained to vote "nay."

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall the bill pass?

Mr. BERRY and Mr. TELLER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]. I transfer my pair to the Senator from Maryland [Mr. WELLINGTON], and vote. I vote "yea."

Mr. HEITFELD (when his name was called). I announce my pair with the Senator from New York [Mr. PLATT]. If he were present, I would vote "nay."

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I would vote "nay."

The roll call was concluded.

Mr. MORGAN. I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Nebraska [Mr. ALLEN] and vote "nay."

Mr. MASON. I am paired with the junior Senator from Mississippi [Mr. SULLIVAN], and therefore withhold my vote.

The result was announced—yeas 43, nays 18; as follows:

YEAS—43.

Aldrich,	Dolliver,	Kean,	Proctor,
Allison,	Elkins,	Kearns,	Quarles,
Bard,	Fairbanks,	Lodge,	Sewell,
Beveridge,	Foraker,	McComas,	Shoup,
Burrows,	Foster,	McCumber,	Simon,
Carter,	Gallinger,	McMillan,	Spooner,
Chandler,	Hale,	Nelson,	Stewart,
Cullom,	Hanna,	Penrose,	Thurston,
Deboe,	Hansbrough,	Perkins,	Warren,
Depew,	Hawley,	Platt, Conn.	Wetmore.
Dillingham,	Jones, Nev.	Pritchard,	

NAYS—18.

Bacon,	Cockrell,	Martin,	Tillman,
Bate,	Culberson,	Morgan,	Turley,
Berry,	Hoar,	Pettigrew,	Turner.
Butler,	Jones, Ark.	Pettus,	
Clay,	Mallory,	Teller,	

NOT VOTING—27.

Allen,	Frye,	McEnery,	Scott,
Baker,	Harris,	McLaurin,	Sullivan,
Caffery,	Heitfeld,	Mason,	Taliaferro,
Chilton,	Kenney,	Money,	Vest,
Clapp,	Kyle,	Platt, N. Y.	Wellington,
Clark,	Lindsay,	Quay,	Wolcott.
Daniel,	McBride,	Rawlins,	

So the bill was passed.

Mr. CARTER and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. NELSON. I desire to give notice that——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. NELSON. To-morrow morning, at the close of the routine business, I shall ask the Senate to proceed to the consideration of the river and harbor bill.

Mr. CARTER. I move that the Senate insist upon its amendments to the Army appropriation bill just passed, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

Mr. PETTIGREW. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Montana moves that the Senate request a conference with the House of Representatives on the bill and amendments.

Mr. MORGAN. That never has been done on an appropriation bill.

Mr. BERRY. It has been done on specific bills. It has not been the custom to do it on a general appropriation bill, as I have understood the Senator from Iowa to say.

Mr. JONES of Arkansas. This bill ought to take the regular course and it should go to the House for action upon the amendments.

Mr. CARTER. At this late hour in the session I believe it is important to expedite the public business as rapidly as possible.

Mr. PETTIGREW. The Senator will expedite the bill faster if he will pursue the usual course.

Mr. ALLISON. I do not believe we shall advance rapidly the progress of the bill by requesting a conference now.

Mr. PETTIGREW. It will not advance the progress of the bill; that is sure.

Mr. CARTER. Then I withdraw the motion.

Mr. PETTIGREW. I move that the Senate adjourn.

Mr. ALLISON. I ask the Senator to withdraw that motion for a moment.

The PRESIDING OFFICER. Does the Senator from South Dakota withdraw his motion temporarily?

Mr. PETTIGREW. I move that the Senate do now adjourn.

Mr. ALLISON. I ask the Senator from South Dakota to withdraw that motion until I can make a report.

Mr. PETTIGREW. I shall insist upon my motion.

Mr. ALLISON. I hope that will not be done until I have had an opportunity of reporting the sundry civil appropriation bill with amendments in order that it may be printed.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota to adjourn.

The motion was not agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, to report it with amendments and to submit a report thereon. I ask that it may be placed upon the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar and the report will be printed, under the rule.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock a. m. Thursday, February 28, 1901) the Senate adjourned until Thursday, February 28, 1901, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 27, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DAILY HOUR OF MEETING.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that during the remainder of this session the daily hour of meeting be 11 o'clock in the morning instead of 12.

The SPEAKER. The gentleman from New York asks unanimous consent that during the remainder of the session the hour of meeting be 11 o'clock instead of 12. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CLAIM OF GUISEPPE DEFINA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to be printed, and referred to the Committee on Claims:

To the Congress:

I transmit herewith, for the consideration of Congress, in connection with my message of January 29, 1901, relative to the lynching of certain Italian subjects at Tallulah, La., a report by the Secretary of State touching a claim for $5,000 presented by the Italian ambassador at Washington on behalf of Guiseppe Defina on account of his being obliged to abandon his home and business.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 26, 1901.

RETURN OF BILL TO SENATE.

By unanimous consent, the following resolution of the Senate was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the Senate 2471, for the relief of Olivia M. Clifford.

PROPERTY TAKEN BY MILITARY FORCES.

The SPEAKER laid before the House the bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States, with Senate amendment.

The Senate amendment was read.

Mr. COX. Mr. Speaker, perhaps it would be well to make a brief statement as to what this is. At the last session of Congress this bill passed the House, I believe unanimously. This is the basis of the bill: Under the terms of surrender of the Confederates to the Union troops——

Mr. PAYNE. Mr. Speaker, it is impossible to hear, there is so much confusion.

The SPEAKER. What is the motion of the gentleman?

Mr. COX. I move to concur in the Senate amendment.

The question was taken, and the motion was agreed to.

FRANK B. CASE.

The SPEAKER laid before the House the bill (H. R. 11598) for the relief of Frank B. Case, with Senate amendment.

The Senate amendment was read.

Mr. MUDD. Mr. Speaker, I move to nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following managers on the part of the House: Mr. METCALF of California, Mr. WATSON of Indiana, and Mr. MEYER of Louisiana.

WILLIAM E. WOODBRIDGE.

The SPEAKER laid before the House the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852, with Senate amendment.

The Senate amendment was read.

Mr. MAHON. Mr. Speaker, I move to nonconcur in the Senate amendment.

The motion was agreed to.

RETURN OF BILL FROM THE PRESIDENT.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 9303) granting an increase of pension to Henry B. Shell.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit the following conference report. I ask unanimous consent that the report be not read, but that the statement be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent to dispense with the reading of the report, and that the statement only be read.

Mr. RICHARDSON of Tennessee. We want to be able to learn what this is first.

Mr. HULL. It is the Military Academy bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902.

Mr. RICHARDSON of Tennessee. Before consent is given, I ask that the report itself be ordered printed in the RECORD.

Mr. HULL. Mr. Speaker, I will state to the gentleman——

Mr. SULZER. I would like to inquire how long this report is?

The SPEAKER. The gentleman from Tennessee was asking the gentleman a question.

Mr. RICHARDSON of Tennessee. I ask that the report be printed, although not read.

Mr. HULL. I want to say to the gentleman from Tennessee this is the same report as was submitted before and rejected by the Senate on account of a code of laws being inserted on hazing.

Mr. RICHARDSON of Tennessee. Does the gentleman say it has been printed?

Mr. HULL. It has been printed a week ago.

Mr. RICHARDSON of Tennessee. I do not ask to have it reprinted if it has been printed.

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee ask that it be reprinted?

Mr. RICHARDSON of Tennessee. No, not if it has been printed.

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from New York.

Mr. HAY. Mr. Speaker, I understand the bill is still open to objection. I rose for the purpose of objecting.

Mr. HULL. I do not understand it can be.

The SPEAKER. That is not the question now. The first question is upon the dispensing with the reading of the report, and upon that the gentleman from New York wants to ask a question.

Mr. SULZER. I would like to ask the gentleman from Iowa how long this report is?

Mr. HULL. Very short.

Mr. SULZER. Then, Mr. Speaker, I ask that the report be read.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: After the word "Navy," at the end of line 17, page 1 of the amendment, add: "or Marine Corps, until two years after the graduation of the class of which he was a member;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: On page 2 of the amendment, lines 17 and 18, strike out "allowance and emoluments;" and on page 3, line 6, strike out "officers and;" and the Senate agree to the same.

J. A. T. HULL,
CHAS. DICK,
JAMES L. SLAYDEN,
Managers on the part of the House.

W. J. SEWELL,
F. E. WARREN,
W. A. HARRIS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Amendment No. 1 relates to examinations for admission of cadets to the Military Academy and to hazing. The House recedes from its disagreement to the amendment and agrees to the same with an amendment limiting penalty to two years after graduation of class, and making it apply to Marine Corps.

Amendments Nos. 2, 3, and 4 are corrections of errors only, and House recedes.

Amendment No. 5 relates to military band at the Academy and establishes by law the band as now organized. The House recedes and agrees to the same with an amendment which gives the teacher of music the pay of a second lieutenant, but refuses him the right to be retired as an officer.

Amendments Nos. 6, 7, and 8 are corrections, and House recedes.

Amendment No. 9 simply specifies number of paragraphs.

Amendment No. 10 simply transposes words.

Amendment No. 11 relates to pay of master of swords, and Senate recedes.

Amendment No. 12 gives the master of swords the rank of first lieutenant, and provides that when a vacancy occurs in the office an officer of the Army should be detailed. The House recedes.

Amendment No. 13 relates to totals, and Senate recedes.

Amendment No. 14 relates to additional facilities for lecture rooms.

Amendment No. 15 makes an $80 appropriation immediately available.

Amendment No. 16 relates only to the total.

Amendment No. 17 increases the appropriation for the cemetery.

Amendment No. 18 appropriates for two double sets of officers' quarters, and House recedes.

Amendment No. 19 inserts appropriation for roads left out by mistake.

Amendment No. 20 makes an additional appropriation for officers' quarters and mess.

Amendment No. 21 relates only to total appropriation.

J. A. T. HULL,
CHAS. DICK,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. SULZER. Mr. Speaker, I desire to inquire——

Mr. HULL. Mr. Speaker, I have the floor. What does the gentleman wish?

Mr. SULZER. I desire to inquire of the gentleman from Iowa if this report is unanimous?

Mr. HULL. Absolutely unanimous; signed by all the members of the committee of the Senate and the House, on both sides.

Mr. LIVINGSTON. May I ask the gentleman to explain that amendment with an amendment touching hazing?

The SPEAKER. The Chair must ask the House to be in order. Gentlemen actively trying to discharge their duties can not hear for the conversation on the floor of the House.

Mr. LIVINGSTON. I should like to hear the gentleman make an explanation of the amendment as amended.

Mr. HULL. Mr. Speaker, I will say that the amendment in regard to hazing was the only objection encountered in the former conference report. At that time the committee of conference inserted in lieu of the provision of the Senate the bill as prepared and introduced by the special committee of the House, giving a full code of laws on hazing. The Senate refused to accept the report, and the Senate conferees notified the House conferees that the Senate would rather see the bill fail than to have an entire code of laws provided on an appropriation bill; that they believed it ought to be taken up as a separate measure, where amendments could be made and a full discussion had in the House and Senate upon it as an independent measure. I am satisfied, as one of the conferees, and so are my colleagues, one of whom was the chairman of the special committee, that the best thing to be done in this bill was to accept the Senate amendment as originally put in, with a little additional amendment. The Senate amendment is as follows:

That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing, and any cadet found guilty of participating in or encouraging or countenancing such a practice shall be summarily expelled from the Academy, and shall not thereafter be appointed to the Corps of Cadets or be eligible as a commissioned officer in the Army or Navy.

That is the Senate provision in the bill. The committee amended it by striking out the word "or" after the word "Army" and making it read, shall not "be eligible as a commissioned officer in the Army, Navy, or Marine Corps for at least two years after the graduation of the class of which he was a member."

That addition was made by reason of the fact that evidence was given by one of my colleagues [Mr. DICK] that a man who had

been dismissed from the Academy heretofore had been commissioned in the Marine Corps, and had a higher rank than he would have had if he had gone on and graduated with his class. This amendment was put in so that any cadet expelled from the Academy could not go to another corps and be commissioned in it and thus really benefit by the act of expulsion. I think that is the only question involved here that there is any trouble whatever about: and it seems to me, Mr. Speaker, in the closing days of the session, with as drastic a measure as this inserted, that it will utterly destroy hazing at West Point; and the best thing the House can do is to adopt the conference report and take it out of further discussion. I want to say further that in my judgment, after conference with Senators and reading the debate, if we send this back to the Senate with a disagreement they will at once recede from their amendment.

Mr. VANDIVER. Mr. Speaker, I desire to ask the gentleman a question.

Mr. HULL. I will yield to the gentleman from Missouri.

Mr. VANDIVER. As I understand, and I agree with what the gentleman has said, but I would like to have a little more information on this point——

Mr. SLAYDEN. Mr. Speaker, I ask for order.

The SPEAKER. Order is demanded by the gentleman from Texas. The point of order is well taken. All gentlemen are requested to be seated, and to cease conversation.

Mr. VANDIVER. As I understand it, one of the greatest difficulties in the way of enforcing any regulation against hazing at West Point has been found to be this: That after the officers in charge have done their duty and investigated cases of hazing and expelled the cadets the cadets still have recourse to the influence of Senators and Members of Congress by which they have been enabled to be reinstated.

Mr. HULL. In answer to the gentleman, I will say that this provision, if enacted, deprives a cadet of being reappointed to the Academy at any time, and provides against his being commissioned in the Army or the Navy or Marine Corps until two years after the graduation of the class to which he belonged.

Mr. VANDIVER. I heartily indorse that provision because the weakness of the administration largely is due to the fact I have stated.

Mr. HULL. I want to say that in the past, no matter what Administration it is under, any cadet who was expelled went to the delegation and Senators from his State, who would go to the War Department and assume the responsibility and get him put back or commissioned in some other arm of the service. Congress is more to blame than the Department.

Mr. VANDIVER. I hope the gentleman will allow me to say that I think he is mistaken in the interpretation or meaning of my use of the word "administration." I referred to the administration at West Point.

Mr. HULL. I beg the gentleman's pardon.

Mr. McCALL. Will the gentleman from Iowa yield to me three or four minutes?

Mr. HULL. I yield to the gentleman from Massachusetts.

Mr. McCALL. Mr. Speaker, rather than have the provision with reference to hazing fail entirely, I think it would be better to accept the conference report. But I feel it my duty to call the attention of the House briefly to the case of a cadet appointed by me, which I have learned about since the investigation was held by the committee appointed by the House. Two years ago I nominated as cadet to West Point a young man named Frederick Kensel. He got that appointment not through any favor from me, but as a result of a competitive examination. It happened that his father had been in the Regular Army, was a graduate of West Point, had been an instructor at West Point, and that the boy himself enlisted the day after the Spanish war broke out, and served honorably until November of that year, when he was discharged. He had in him qualities to make an excellent soldier.

He entered West Point on the 13th of June. Very early in July the report shows that he was in the hospital on account of trouble with his eyes. It was not the season of study at West Point and he never had had any difficulty with his eyes before entering the Academy. What happened was that while standing on his head in a tent, which was the rule for the plebes whenever an upper class man entered, he was kicked in the right eye, possibly accidentally, by an upper class man, and he was sent to the hospital. He got out in a few days and while attempting to swallow a teaspoonful of Tabasco sauce, another delicate little pleasantry, he choked and it went over his handkerchief. He was blindfolded with this handkerchief afterwards and that sauce got in his eye. He had to go back again to the hospital on account of trouble with his eye.

The report shows that about the 12th of August he was taken off the sick list and his eyes had so far recovered that he could resume his duties. Three days afterwards he was again in the hospital, as the report shows, with "stomach trouble."

Now, what happened to him during these three days might have been a coincidence simply, without effect upon his health, but this is what happened: He had to eat a great quantity of rice, a couple of boiled cabbages, some 63 prunes, and was compelled to attempt to do 150 eagles, and went into convulsions, and a pillow or blanket was placed over his face, so that his cries could not be heard. As a result, I believe beyond question, of this treatment the physical condition of that boy has been much impaired. On account of this injury and the trouble with his eyes, which necessitated an operation, he was never again able to really do work at the Academy, and had to resign.

Now, I do not wish to call the young gentlemen who indulge in practices of that kind brutes. That epithet has been resented by the defenders of the fine sense of honor at the Academy. I fear also that I might be thought unfair to the brutes if I made such a comparison. But I want to say here, with regard to statements that have been made on this floor, that no such system of hazing exists in any reputable college in this country. While there may be occasionally men who ought never to be anywhere except in a penal institution who get into educational institutions, I believe the sentiment of the college faculties and of the students in all colleges above the fifth grade in this country is overwhelmingly against any such brutal practice. There is no doubt that such practices exist, that they are organized into a system at West Point, and I am glad the conference committee has brought in here a proposition which it seems to me will go a long way toward repressing this practice.

Mr. BURKE of Texas. Will the gentleman yield to me for a question?

Mr. McCALL. Yes.

Mr. BURKE of Texas. After the statement the gentleman has made to the House, I want him to say whether he believes these young men guilty of such outrages toward this cadet ought to hold a commission in the United States Army two years after their class graduates, or at any time.

Mr. McCALL. I think those particular young men ought to be in the penitentiary.

Mr. BURKE of Texas. I agree with the gentleman.

Mr. HEPBURN. Will the gentleman from Iowa yield to me for a question?

Mr. HULL. Yes.

Mr. HEPBURN. I would like to know whether it is customary to have the modification that is recommended by the committee? The Senate expressed its views upon this subject in the language of this amendment. In it there was a provision for all time that cadets deporting themselves as described herein should never be in the Army. This House passed, I think, a drastic measure, quite as drastic as this. I would like to know how this modification came about—whether it came from the conferees on our side. Certainly it could not, it seems to me, come from the conferees of the Senate, for they had declared themselves the other way.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 89.

Resolved by the House of Representatives (the Senate concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia.

S. R. 163. Joint resolution regulating licenses to proprietors of theaters in the District of Columbia.

The message also announced that the Senate had passed, without amendment, the following resolution:

House concurrent resolution 81.

Resolved by the House of Representative (the Senate concurring), That there be printed and substantially bound 2,000 copies of "A digest of all the contested-election cases in the House of Representatives of the United States from the First to the Fifty-sixth Congress, inclusive," compiled by Chester H. Rowell, 1,500 for the use of the House and 500 for the use of the Senate, and that in addition to said number there be printed and substantially bound 500 copies, the same to be deposited in the office of the Clerk of the House and distributed from time to time on his order, and that there be further printed and substantially bound the additional number of 50 copies, 10 each to be deposited in the Library of the House of Representatives and in the rooms of the Committees on Elections, and 10 to be delivered to the compiler.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do take its recess until 8 o'clock this evening.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am perfectly willing to give the House all the information I can on that subject. When we went into conference the conferees of the Senate wanted to withdraw their amendment entirely; they were in favor of eliminating the entire provision on the ground that the Senate had radically changed its views, and if we went back with no modification the chances are that the Senate would refuse to accept this.

One of our conferees on the part of the House, a member of the Committee on Accounts, after thorough examination into the matter, was anxious to have inserted in the bill a proviso which would prevent the issuing of a commission in any other corps than the Army or the Navy to a man who had been expelled. I believe I am correct in that. He brought to our attention the fact that cadets who had been expelled for hazing had come to the Department here, backed by their Congressmen or their Senators, and had received commissions in the Marine Corps, placing them in rank above those of their own classes; so that instead of their expulsion being a punishment to these boys it was a benefit, because it gave them higher rank than they would otherwise have held.

The provision which we propose in the report says, virtually, that no cadet expelled for hazing shall ever afterwards be a graduate of the Military Academy. It provides that he can not be commissioned in the Army, the Navy, or the Marine Corps for two years after the graduation of the class of which he was a member. And we believe—I think all of us—that by getting in the additional words "the Marine Corps" we get that which more than counterbalances what we give up in regard to the other matter.

I think my colleague will agree with me on another point, that where a boy who has been expelled for hazing becomes a reputable citizen and wants to go into the Army in case of war, his Representative will introduce here a bill and will insist that the education that the young man had must make him useful in the service, and that he ought not be forever barred because of his action as a youth. We believe that under such circumstances a bill of that character would pass this House and the Senate, just as we have been passing bills in the House restoring men to the ranks in every case of that kind.

To my mind this provision will absolutely kill hazing in the Military Academy. And if it does not, we have before us a bill, drawn by the able members of the special committee, which can be taken up at the next session of Congress, and if we get the necessary votes in the Senate and House can be passed, which will establish a full code of laws on the subject of hazing. But this provision, as it stands, will at least protect the students of the Academy from hazing for the next two years, and, in my judgment, for all time.

I yield two minutes to my colleague [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, it seems to me that while this amendment is desirable, it does not meet one of the serious difficulties in this case. I am informed that there has been issued by the War Department an order giving to every cadet in the examination of matters of discipline at the Military Academy the right to say that he can not answer a given query because it will tend to convict him of a crime. I understand that this order is one of those most vigorously enforced at the Academy. It seems to me that that order is a mistake; that it is not in support of a constitutional provision; that it does not guarantee a constitutional right. The gentleman who has such an idea fails, I think, to appreciate properly that provision of the Constitution which enables anyone to refuse self-conviction. That provision was never intended to apply to the schoolmaster—to him who stands in the place of the parent, and who, in the school, is but carrying out the discipline of the family.

Otherwise, before a father can "spank" a child the younster must have a trial by jury and be convicted of the offense for which the parent proposes to punish him. These officers at the Academy, while they are there in charge of those youth, are standing in the place of the parents of those boys; and that constitutional provision, in my judgment, no more applies to them than it would apply to any parent in maintaining the discipline of his household.

Mr. TALBERT. Does not the constitutional provision have only this effect, that it provides a man can not be put upon the witness stand for the purpose of convicting himself; but after going upon the witness stand is he not obliged to answer any question, even though it may criminate him?

Several MEMBERS. Oh, no.

Mr. HEPBURN. Well, it is not necessary for me to decide that proposition in order to maintain the one I am urging.

But I understand there are in all these cases of fights 18 persons who know the facts. But under this order the seal of silence is placed upon the lips of those 18 witnesses; any one of them may decline to testify because of that order. If this matter should be sent back to the conference, can not the gentleman do something to remove that sort of trouble in ascertaining and punishing cases of this kind?

Mr. HULL. I do not believe that we could secure the passage of additional legislation beyond what we have submitted to this House if we should go into conference and remain in conference. In my judgment the discussion that has been had on this question in this House and the Senate, and the investigation made by the special committee of this House, has of itself killed hazing at the Military Academy for the next ten years, even if there were not a line of legislation adopted upon the subject.

But, Mr. Speaker, our provision does disgrace the boy who engages in hazing, does make it impossible for his Representative and Senators to secure his reinstatement, does deprive him of a commission in the Army under any circumstances for at least two years after the graduation of his class.

If my colleague on the committee, the gentleman from Ohio [Mr. DICK], desires to speak on this subject, I yield him five minutes.

Mr. DICK. Mr. Speaker, this amendment as reported by the conference committee is, in my judgment, the only legislation that can be passed in this Congress upon the question of hazing. I am of the belief that the bill presented by the special committee, if adopted, would have been much better than the alternative which we must now choose. But rather than go without any legislation whatever I favor the amendment reported by the conferees.

It is only fair to say that all six of the managers at the conference—representing both bodies—were thoroughly in favor of the bill prepared by the special committee, but the Senate conferees assured us at the last conference that under no circumstances could they hope to have the Senate adopt this bill as presented.

Mr. TALBERT. As I understand, the special committee of which the gentleman was chairman has introduced a bill touching this subject of hazing?

Mr. DICK. Yes, sir.

Mr. TALBERT. And that bill, I believe, is now before the House.

Mr. DICK. It is on the Calendar of the House.

Mr. TALBERT. Do I understand the gentleman to say that he accepts this amendment in lieu of that bill and will not push the bill?

Mr. DICK. What we aimed to do was to get our bill adopted in place of the Senate amendment to the Academy appropriation bill. Failing in that I believe in the adoption of this amendment, trusting to the adoption of such further legislation as may be necessary to a future Congress. It seems to me that we can well afford to adopt this amendment for the purpose of giving it a fair trial. I believe that with the adoption of this amendment and the voluntary resolutions adopted at West Point by the cadets themselves, hazing will be eventually abolished at the Academy. I am of the opinion that when once the matter has had a fair trial the resolutions which the cadets voluntarily adopted on the night that we closed our examination at the Military Academy will be among the traditions of which the cadets and the institution will be most proud.

Mr. COOPER of Wisconsin. The gentleman said, as I understood, that in his opinion, if this legislation should be adopted, hazing would "eventually" cease. Does he mean that it would continue for a time and would by and by be stopped?

Mr. DICK. No.

Mr. COOPER of Wisconsin. What did the gentleman mean by the word "eventually?"

Mr. DICK. Perhaps I ought to have omitted that word entirely. I say that hazing has ceased at West Point, and I am inclined to believe that it has permanently ceased.

A MEMBER. And voluntarily?

Mr. DICK. Yes, voluntarily. I wish that the bill recommended by the special committee might have been adopted; for I believe that had it been the voluntary resolutions of the West Point cadets would have been enacted into permanent law, and would forever shut out the possibility of the recurrence of hazing at the United States Military Academy. But I urge this House to adopt the amendment reported by the conferees as the only legislation on this subject possible in this Congress.

Mr. DRIGGS. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL. I am very desirous of bringing this matter to a conclusion. We have already had a full discussion on both sides.

Mr. DRIGGS. I wish to make only a brief statement. I ask the gentleman to allow me three minutes.

Mr. HULL. How much time does the gentleman want?

Mr. DRIGGS. Only three minutes.

Mr. HULL. I will yield the gentleman three minutes, after which I shall ask a vote.

Mr. DRIGGS. Mr. Speaker, as I have the honor of being one of the subcommittee for the investigation of hazing at West Point, I desire simply to state at the very outset of my remarks that the question has been asked me many times by members of this House as to the responsibility of Colonel Mills, the Superintendent of

West Point Military Academy, for the bad condition of discipline at the institution. I believe he should receive the highest commendation for the suppression of hazing as much as it has been suppressed in the last two years. The regulations seem to have been so drawn at West Point as to admit of all kinds and sorts of hazing. Since the administration of Colonel Mills a new regulation has been adopted by the War Department, at the suggestion of Colonel Mills, that makes hazing now almost an impossibility. So far as hazing is concerned, I am heartily in favor of adopting at the present time the amendment, or rather the conference report, that has come in this morning. I believe the Senate amendment will to a certain extent stop hazing, and when you couple with it the resolutions adopted by the cadets themselves the joint result will be most beneficial.

I do not believe the people of the United States have backed down one iota from their proposition and desire for the suppression of hazing. I believe this is also the unanimous sentiment of all who served on the West Point committee. We have been assured that the bill reported by the House committee will be brought up and considered at the next session of Congress, and then, when it is adopted, you never again, in the history of the country, will hear of any hazing at West Point. I do not intend to go into a discussion of the various types of hazing at West Point. My views on that subject are far too well known to every member of this House, and I am satisfied that in these closing hours of this present Congress the best legislation that we can possibly produce or secure is that suggested by the conferees of the House on the Military Academy bill. I trust it may be accepted and adopted.

Mr. HULL. Mr. Speaker, I agreed to give three minutes to my colleague, Mr. SMITH of Iowa.

Mr. SMITH of Iowa. Mr. Speaker, the resolutions adopted by the cadets the night your special committee left West Point distinctly state that they are adopted out of regard to the public sentiment of the country as evidenced to them. It is therefore of the utmost importance that some legislation be passed by this Congress signifying to them that they have not misapprehended the genuine public sentiment of our people.

This being the best legislation we can obtain, I think it should be adopted by the House; but I do not think it ought to be adopted until some of its fundamental defects are in a measure pointed out. At the Academy a system of challenge fighting exists. Cadets are ordered to fight by fighting committees of 6, so that we have these 6 committeemen, 2 combatants, 4 seconds, 1 referee, 1 timekeeper, and 4 sentinels, making 18 persons in all who are familiar with the facts concerning every fight. Prior to June, 1879, the cadets at the Academy were required to answer all questions propounded to them, and failure to do so was punishable as disobedience of orders. But at that time an amendment to the regulation was adopted which provides that no cadet shall be compelled to answer any question if the answer will tend to criminate him.

This has been construed by the cadets and officers of the Academy to mean that no cadet need answer any question that tends to subject him to discipline. The result is that it is impossible, by reason of the sentinels posted at these fights, for the tactical officers to ever discover the persons in the act of fighting, and as every one of the 18 persons is cognizant of the fact that he is, under the rule of the War Department, exempt from answering, no Superintendent can enforce the law at the Academy. It is absolutely essential for the maintenance of discipline that the law require that these cadets shall answer such questions as touch on infractions of discipline.

I understand it is claimed such a law would be a violation of the Constitution of the United States. But the distinguished gentleman from Iowa [Mr. HEPBURN] has shown the fallacy of this proposition by showing that the schoolmaster is, under all the decisions in England and this country, in loco parentis and has exactly the same right, in the enforcement of discipline, to ask questions and administer punishment as the head of the family. But there is another reason why they can be compelled to answer, and that is that the great provisions of the Constitution with reference to the rights of persons prosecuted in the criminal courts are not applicable in the discipline of the Army of the United States. The right which a man in the Army has to refuse to answer a question which tends to criminate him is derived from one of the articles of war and not from the Constitution. [Loud applause.]

Mr. HULL. I demand the previous question.

The SPEAKER. The gentleman from Iowa demands the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

LEAVE TO PRINT.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent to print some remarks on the bill just passed.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print remarks on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. STEELE. I want it understood that under this leave remarks are to be confined to the bill.

Mr. OTJEN. They will be entirely.

The SPEAKER. The gentleman from Indiana objects unless those remarks are confined to the matters involved in the bill. Without objection that condition will be added. The Chair hears none.

Mr. HULL. Mr. Speaker, I ask unanimous consent for general leave to print for five days. Three or four gentlemen on each side want to print remarks on this question, their remarks to be confined to this question.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general leave to print be given for five days, to be confined to the discussion of the bill.

Mr. SLAYDEN. And the conference report.

The SPEAKER. On the passage of this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. OTJEN. Mr. Speaker, the testimony taken by the select committee of this House in the investigation of hazing at the United States Military Academy at West Point discloses a surprising state of affairs. I am glad to note that the committee have found that a very large number of the upper class men have always been opposed to the more serious and brutal forms of hazing. I will add as a part of my remarks some of the testimony given in this investigation by Frederick H. Cunningham, a former cadet and classmate of Cadet Douglas MacArthur, and a part of the testimony given by Cadet Albert R. Dockery, showing the brutal hazing of Cadet MacArthur by Cadets Dockery and Barry.

It was my privilege to recommend the appointment of Cadet Douglas MacArthur to the Military Academy. I have personal knowledge of this young man. I know that he is a young man of gentlemanly and soldierly bearing, an industrious and painstaking student, of exemplary habits, and modest in his demeanor. There is nothing in his conduct or bearing that would warrant visiting upon him such cruel and inhuman treatment as this testimony discloses. It can only be charged to the wicked and vicious system that has grown up at the Academy. Any cadet guilty of such brutality as is shown by this testimony is, I believe, at heart a coward and will prove to be a skulking coward in the face of a real enemy. Brave men do not derive gratification or satisfaction from visiting upon their victims indignity and cruelty. It is a trait of real bravery to treat even a foe with consideration and kindness. It is only a brutal and cowardly savage who delights in such practices as have taken place at this Academy and such as was visited upon this cadet.

I have been inclined to place the blame and responsibility upon those in authority for the condition of affairs existing at the Academy, not being aware of the rule or regulation of the War Department relieving a cadet from answering any question which would tend to criminate him, a rule which has always been construed by the cadets to mean that no cadet need answer any question if the answer would tend to subject him to discipline. It is this vicious rule, or the misconstruction of it, that has been the breeder of the very state of affairs now existing there. If it is a matter of honor and a correct rule or principle to relieve a cadet from answering any question relating to his misconduct, then it is a correct rule or principle worthy to be applied to all schools throughout the country. It is not difficult to see that soon all order and discipline would be destroyed. Code of honor; yes, cadets should have a code of honor, a code of honor which is based upon strict honesty and integrity, upon absolute truthfulness, upon manly and soldierly conduct.

A code of honor that shields a cowardly ruffian who is guilty of acts scarcely less than crime is not worthy of the name. I would now wipe out these evil and disgraceful practices once for all. I would dismiss every officer, professor, and instructor at the Academy who in the least sympathizes with hazing and will not in good faith do everything in his power to stop this evil practice. I would stop it if I had to dismiss individual members of classes or to dismiss a whole class or classes. Let there be such action taken and such legislation enacted that never again will disgrace be brought upon the fair name and honor of the Academy.

[Extracts from testimony of Frederick H. Cunningham.]

By Mr. WANGER:

Q. Do you remember an occasion when MacArthur had been in a tent being exercised, and on returning to your tent was overcome?
A. I do.
Q. About when was that?
A. It was about the 13th or 14th of July.
Q. At what time in the evening?
A. It was probably about half past 7 or 8 o'clock.
Q. Did you remain at the tent?
A. I did.
Q. And when did you see him?
A. I saw him reel into the tent about an hour later.
Q. Then what took place?
A. I got up and caught him as he fell.
Q. And what did you do to him?
A. I laid him gently on the floor of the tent.
Q. Was he in violent convulsions?

A. He classed them as cramps.
Q. I am asking you to tell us what you thought.
A. I think if you saw him in the same condition on the street you would call them convulsions.
Q. Was his body writhing?
A. Yes, sir; he showed the most activity, however, in his limbs.
Q. To what extent were his limbs in motion?
A. To such an extent I had to hold them to keep them still; and finally he asked me to throw a blanket under them in order that the company officers could not hear his feet strike the floor. He had no control over them.
Q. Did you put a blanket under them?
A. I did.
Q. Was there anybody else in the tent besides yourself and MacArthur?
A. I am not sure, but I know as soon as MacArthur returned his inquisitors came around back of the tent and were very much concerned over what they had done.
Q. Who were recognized as the worst hazers of that camp?
A. I can speak only definitely connected with A Company, and the tents nearly around him—that is, one side of the A Company tent looked in the B Company tent. Barry, Dockery, and Duvall were unquestionably considered in that part of the camp the worst hazers.
Q. What time did he, MacArthur, come into your tent?
A. I think it must have been quarter to 10 or half past 9 o'clock.
Q. Then for about an hour he required considerable attention?
A. He was rather ill for an hour; yes.
Q. He was not able to undress himself, of course?
A. He was certainly helped. We thought it necessary to do so.
Q. Did he also lose control of his arms?
A. His arms and legs were in convulsion more than any other part of the body, and during the convulsion he had no control over his arms.
Q. Did MacArthur state to you at any time which one of the two cadets, Dockery or Barry, gave the last order to him?
A. I do not know.
Q. Did he state to you which one of the two men were in his tent at the last?
A. You mean during the soiree?
Q. During the soiree?
A. I do not remember whether he did or not.
Q. You have no recollection whether Dockery was in the tent, according to MacArthur's statements, up to within a few minutes of the close of the soiree?
A. No, I can not say that I have. It is my impression that—I think I have a dim impression that Barry was in the tent some time during the soiree. As a rule, they were just outside of the tent. That is the way it generally is in those soirees.
Q. Did Mr. Dockery ever apologize to Mr. MacArthur, so far as you know?
A. Not that I know of.
Q. And the only statement that Barry made is the one that you have given in your testimony?
A. That is the only one I have heard.

[Extracts from testimony of Cadet Albert R. Dockery.]

By Mr. DRIGGS:
Q. You are satisfied that you hazed Mr. MacArthur?
A. Yes, sir.
Q. You are also satisfied that he was sick after you got through hazing him?
A. Yes, sir.
Q. You heard that he had convulsions more or less?
A. Yes, sir.
By Mr. SMITH:
Q. When did you first hear that MacArthur had gone into convulsions or into an hysterical state or anything of the kind?
A. It was probably an hour and a half or two hours after.
Q. Didn't that frighten you when you heard that he was in that state, for fear that his condition would result in revealing what you had been doing and subject you to severe punishment?
A. Yes, sir; I was very sorry that I had any hand in causing a cadet to be in that condition.
By the CHAIRMAN:
Q. When you fight, you fight until the man is unconscious, do you not, or it isn't a fight?
A. Not always, sir.
Q. Well, if it isn't, then it is decreed a draw; is that right?
A. Yes, sir; or something may stop them before that.
Q. But if it is a finished fight, it is a fight where in the end one or the other is knocked unconscious or insensible?
A. Yes, sir.
Q. Well, now, because MacArthur didn't fight wasn't the reason why you exercised him into a state of convulsions, was it?
A. No, sir.
Q. Were you there when he was making the outcries?
A. No, sir.
Q. Do you remember their speaking to you about his condition?
A. All I know is that somebody told me that he was sick.
Q. You heard that he was having convulsions?
A. Yes, sir; or had had them.
Q. Had any medical aid been summoned in his case?
A. Not that I know of, sir.
Q. Are not matters of that sort promptly reported to the officers in charge?
A. Which sort?
Q. When a man goes into convulsions.
A. That is the only case that I knew of and that was not reported.
Q. Well, when a man is taken violently ill in camp it is usually reported promptly by someone, isn't it?
A. Yes, sir; he generally goes to the hospital.
Q. But in this case it was not reported?
A. No, sir.
Q. Why not?
A. Well, one thing, I suppose the reason it wasn't, they knew the men would be dismissed that did it.
By Mr. SMITH:
Q. And if he refused to subject himself to liability under the rules of the Academy at your unlawful behest, then he had no alternative but to be hazed into convulsions or go into the fight where he had to stay in the fight until he was knocked into insensibility; that is correct?
A. He was not intended to be hazed into convulsions.
Q. Well, that was all the alternative he had. You did haze him into convulsions?
A. Yes, sir.
Q. And the only way that he could escape was to go into a fight where he would be knocked into insensibility?
A. Yes, sir.

[From report of select committee.]

It is, of course, impossible to determine with mathematical accuracy just what has been the effect of this long course of cruel and annoying treatment upon fourth class men. We do know that several, notably Cadets MacArthur, Breth, and Burton, were hazed into convulsions; that many more, including Cadets Hascall, Kensel, McGinnis, and Pegram, were hazed until they fainted. Cadet Van Natta, and perhaps others, have been hazed until sick. Cadets Booz and Breth were both treated with great severity, and were never well after they left the Academy, and each died in his young manhood before the graduation of his class; but we can not affirmatively find that their death was caused by their treatment.

Mr. COWHERD. Mr. Speaker, while discussion is being had upon the subject of hazing in the Military Academy, and while the attention of the country is directed to that subject, I desire to have printed in the RECORD an article recently clipped from the Washington Post, written by Dr. S. S. Laws, a gentleman whose great learning and wide experience in educational matters entitles his views on this subject to the most serious consideration.

EDITOR POST:

Will you allow me to call attention to what I conceive to be the true and rational remedy for the irrational and worse than useless practice in our United States Military Academy, which has been attracting so much attention and comment lately? That remedy is to reduce the course to two years and make the Academy a strictly professional school.

Under the appointment of President Garfield I served on the Board of Visitors, and availed myself of the opportunity to look carefully into the interior workings of West Point. At that time the question of extending the course from four to five years was still agitated. I believe that when Jefferson Davis was Secretary of War he recommended five years, and that for a short time the five year term was tried. My point of view was strictly that of an educator, with a somewhat mature experience in college and university work. I attended the examinations and canvassed the entire course of instruction; and finding that the faculty was loaded with a mass of elementary subjects in the physical sciences, in mathematics, and even in language, which could now be taught as well or better in the private and State schools of the country, I proposed that the course should be reduced to two years—i. e., to one-half the time—instead of increasing it.

Educators will understand and appreciate my idea when I state that the principle underlying it was that of checking out all subjects and studies of general culture, and leaving only the technical studies. The result of this elimination would reduce the time to two instead of four years and actually improve the service; in a word, make West Point a professional school instead of an omnibus concern, where academic studies of general culture and technical studies of special or professional culture are commingled to the disadvantage of both.

As I stated, my standpoint was and is that of a professional educator, and I still affirm and am prepared to show—unless a transformation has occurred of which I am not informed—that the change suggested would be of advantage to the Academy as a school for the soldier and also to the educational institutions of the entire country. Let the ridiculously elementary entrance examination be dispensed with, and admit only graduates from approved colleges, attested by diplomas or examinations. Every West Point appointment is a scholarship of over $500 a year, and the stimulus of keeping these scholarships filled, of furnishing candidates for these three or four hundred prizes within every two years, would be a powerful uplift to educational work all over the land when it is considered how the patronage is distributed.

The notion that poor boys would thereby be left and overslaughed is utterly fallacious, for the greater part of our college graduates are poor in purse but rich in brain.

When West Point was founded our educational work was undeveloped, and there was then some reason for taking on these elementary studies, but now every State has not only its common schools and academies, but its university or universities.

The present practical bearing of this view is that if the entrants were properly educated and matured young gentlemen they could not be led out like lambs to the hazing slaughter by the advanced class contingent of vulgar, unmanly ruffians. Look on the scenes of warfare in the present and in the past, and how common is it for honorable and self-respecting soldiers to be disgraced by the unsoldierly conduct of men who do not deserve to be named the comrades of decent men who are worthy of the uniform they wear and of the flag they bear.

My experience of more than a quarter of a century in association with youth in their college and university life tells me that the raising of the standard of admission and the conversion of the Academy into a strictly professional military school would not only expunge the idiotic impositions of hazing, but also extinguish the ugly class antipathies. The efficiency of the school in the entire range of its influence would be raised, and the effect on the educational institutions of the entire country would be favorable. Who ever heard of hazing in our strictly professional or technical schools? At present West Point can not claim to be such a school. I have had an exceptionally extended and varied personal experience in such schools as pupil and officer, and I never knew or heard of a case of hazing in such a school.

Judged by its theory, design, and history, West Point is simply an educational institution, under the patronage and control of the General Government, for the specific purpose of educating officers for the Army. The law school does not aim at educating its pupils simply as men or as citizens, but as lawyers to practice law. The medical school also sloughs off all extraneous matters, however important in other connections, and educates its pupils to practice medicine. And so West Point, I respectfully submit, should confine itself to the specialties of the soldier's vocation.

S. S. LAWS.

WASHINGTON, D. C., *December 28, 1900.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I submit the conference report on the District of Columbia appropriation bill. The report is quite lengthy, dealing with 166 items, and I ask that the reading of it be omitted and that the statement be read, which fully explains what our conference committee has done.

The SPEAKER. The gentleman from Vermont asks unanimous consent to dispense with the reading of the report and that the statement be read.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from Vermont if this is the final report.

Mr. GROUT. It is.

Mr. RICHARDSON of Tennessee. On all controverted and disputed subjects and items? I think the report might be printed in the RECORD, in order to get the benefit of it, and then let the statement be read.

The SPEAKER. Coupled with the request of the gentleman

from Vermont is the request of the gentleman from Tennessee that the report be printed in the RECORD. Is there objection to these requests? The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 9, 10, 51, 62, 64, 67, 68, 72, 74, 87, 88, 98, 117, 123, 124, 125, 126, 127, 130, 136, 144, 154, 156, 157, and 158.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 11, 16, 20, 21, 31, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 58, 60, 61, 65, 66, 78, 79, 80, 81, 82, 83, 84, 85, 86, 90, 93, 94, 95, 96, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 118, 119, 120, 121, 122, 131, 133, 137, 138, 139, 141, 148, 150, 155, 159, 161, 162, 163, and 164; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$63,988;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the assessor of the District of Columbia to complete the card records of his office by placing thereon, in addition to charges for general taxes already listed, all assessments for special improvements, these additions being rendered necessary by the recent consolidation of the special assessment office with the assessor's office, and also to prepare for the United States Treasury a list of balances of all general tax levies, $4,000, to be immediately available: *Provided*, That out of said amount such employees in the assessor's office as may be required for its successful prosecution may be paid for overtime work."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following; "stenographer, $720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 22 and 23, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For preparation of a plan or plans, specifications, and estimates of cost for a municipal hospital, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,450;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,050;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out of the matter inserted by said amendment the following: ", and from Pennsylvania avenue south the name of said street shall be Fourth street SW;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum first named in said amendment insert "$375,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$146,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$185,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That the electric and gas light companies of the District of Columbia shall file with the Commissioners of the District of Columbia, on the 1st day of August, 1902, and annually thereafter, a statement showing their receipts and expenditures for the previous fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: On page 23 of the bill, in line 2, after the word "therewith," insert the following: "including the preparation of plans, and for the purchase of such scientific books and periodicals as may be approved by the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the number proposed insert "1,256;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the number proposed insert "91;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$881,375;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$540;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$78,120;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with amendments as follows: In line 4 of the matter inserted by said amendment, after the word "any," insert the word "number," and after the word "for" insert the words "not exceeding three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "draftsman, $1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,220;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stenographer, $720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one inspector, $720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,993;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: On page 46 of the bill, in line 14, strike out the word "continuing" and insert in lieu thereof the words "completing the;" in line 7 of said amendment strike out the word "twenty" and insert in lieu thereof the word "ten;" and in line 8 of said amendment, after the word "sum," insert the words "herein and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": *Provided*, That, if acceptable to the Commissioners of the District of Columbia, the Secretary of the Interior is hereby authorized to transfer to them for a site for said almshouse the tract of land, containing about 60 acres, belonging to the United States lying south of Congress Heights and east of Nichols avenue and detached from the present site of the Government Hospital for the Insane; and

in the event of this acceptance and transfer the said sum of $25,000 shall be available for construction of the buildings for the said almshouse;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$47,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,666;" and the Senate agree to the same.

WILLIAM W. GROUT,
HENRY H. BINGHAM,
JOHN M. ALLEN,
Managers on the part of the House.

W. B. ALLISON,
W. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the government of the District of Columbia for the fiscal year 1902, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, and 5, relating to the executive office, makes the salaries of the assistant secretaries to the Commissioners $1,200 each, as proposed by the Senate, instead of $1,000 each; fixes the salary of the janitor at $1,000, as proposed by the Senate, instead of $900; strikes out provision for an additional fireman at $480, proposed by the Senate, and leaves the salary of the harbor master at $1,200 instead of $1,400, as proposed by the Senate.

On Nos. 6, 7, and 8, relating to the office of the assessor, provides for an additional clerk at $1,400 and appropriates $4,000 to enable the assessor to complete the card records of his office, as proposed by the Senate.

On Nos. 9, 10, and 11, relating to the collector's office, strikes out provision for assistant cashier at $1,400, proposed by the Senate, and appropriates $600, as proposed by the Senate, for preparation of tax-sale certificates.

On Nos. 12 and 13 appropriates for chief clerk in the auditor's office $2,100 instead of $1,900, as proposed by the House and $2,200 as proposed by the Senate.

On Nos. 14 and 15, provides for a stenographer at $720 in the attorney's office.

On Nos. 16, 17, and 18, makes a verbal correction in the text of the bill and appropriates $2,000 instead of $2,500, as proposed by the Senate, for the resurvey of the Barry Farm subdivision.

On No. 19, appropriates $24,250 instead of $23,500, as proposed by the House, and $25,000, as proposed by the Senate, for contingent expenses of the District of Columbia.

On Nos. 20 and 21, requires that the $15,000 appropriated for the erection of a morgue shall complete the same.

On Nos. 22 and 23, appropriates $5,000, as proposed by the House, instead of $3,000, as proposed by the Senate, for preparation of plans for the municipal hospital and strikes out limitation on cost of said hospital proposed by the Senate.

On Nos. 24, 25, 26, 27, 28, and 29, appropriates $150,000 instead of $100,000, as proposed by the House, and $160,000, as proposed by the Senate, for work on streets and avenues of the city.

On No. 30, changes the name of that portion of Fourth street from D street to Pennsylvania avenue to John Marshall place.

On Nos. 31, 32, 33, 34, 35, and 36, relating to sewers, appropriates $58,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for cleaning and repairing sewers and basins; appropriates $55,000 instead of $50,000, as proposed by the House, and $75,000, as proposed by the Senate, for work on Arizona avenue sewer; appropriates $25,000, as proposed by the Senate, for main sewer from Third and Cincinnati streets northeast to Michigan avenue; appropriates $375,000 instead of $400,000 as proposed by the Senate, for sewage disposal system pumping station, and authorizes a contract, not to exceed $750,000, therefor; appropriates $20,000 instead of $120,000 for low-area trunk sewer, and reappropriates balances of former appropriations for the sewage-disposal system.

On Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59: Appropriates $146,800, instead of $84,300 as proposed by the House and $176,800 as proposed by the Senate, for construction of county roads and suburban streets; the appropriation of $15,000 for Wisconsin avenue is stricken out, and the appropriation of $25,000 for paving Connecticut avenue extended, proposed by the Senate, is reduced to $10,000.

On Nos. 61 and 62: Makes appropriation for paving sidewalks around public reservations applicable to Government buildings as well as municipal buildings, and strikes out the appropriation of $7,000 proposed by the Senate for a sidewalk around the Treasury building.

On No. 63: Appropriates $80,000, instead of $60,000 as proposed by the House and $100,000 as proposed by the Senate, for repairs of county roads.

On Nos. 64 and 65: Strikes out provision making the appropriation for sprinkling, sweeping, and cleaning streets available for contingent expenses, and limits the cost of work of sweeping streets that may be done by the Commissioners without contract to 19 cents per thousand yards, as proposed by the Senate, instead of 18 cents, as proposed by the House.

On Nos. 66 and 67: Makes a verbal correction, and appropriates $1,000, as proposed by the House, instead of $2,500, as proposed by the Senate, for cleaning snow and ice from cross walks and gutters.

On No. 68: Strikes out the provision making the appropriation for disposal of city refuse available for contingent expenses.

On No. 69: Appropriates $25,000, instead of $22,500 as proposed by the House and $30,000 as proposed by the Senate, for the parking commission.

On No 70: Appropriates $185,000, instead of $178,000 as proposed by the House and $190,000 as proposed by the Senate, for gas lighting.

On Nos. 71, 72, and 73: Appropriates $65,000, instead of $63,000 as proposed by the House and $70,000 as proposed by the Senate, for electric arc lighting; strikes out the increase proposed by the Senate from $72 to $80 per annum for each electric arc light, and in lieu of the provision proposed by the Senate inserts one requiring electric and gas light companies hereafter to file with the Commissioners a statement showing their receipts and expenditures for each fiscal year

On No. 74: Strikes out the appropriation of $4,000 proposed by the Senate for a night crew for harbor boat.

On No. 75: Appropriates $75,000, instead of $50,000 as proposed by the House and $100,000 as proposed by the Senate, for the Connecticut avenue bridge.

On No. 76: Provides for the filtration plant to be of the slow sand kind, as proposed by the Senate.

On Nos. 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91, relating to the teachers of the public schools: Provides for two teachers at $1,000 each and one teacher at $800, additional to those provided for by the House, and makes sundry verbal corrections in the text of the bill relating to the designations of said teachers.

On Nos. 92, 93, 94, 95, 96, and 97, relating to janitors for public-school buildings: Fixes the compensation of janitors of 8-room buildings at $540 instead of $500, as proposed by the House, and $600, as proposed by the Senate; fixes the compensation of janitors of 6-room buildings at $360, as proposed by the Senate, instead of $250, as proposed by the House, and of janitors of 4-room buildings at $240 instead of $165, as proposed by the House.

On No. 98, strikes out the appropriation of $30,000, proposed by the Senate, for replacing old boilers in school buildings, the same being provided for in the general deficiency bill.

On Nos. 99, 100, 101, and 102, appropriates $25,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for furnishing the manual-training school No. 1, and $37,800 instead of $30,000 for furnishing manual-training school No. 2, and $825, as proposed by the Senate, for furnishing the Twining City School.

On No. 103, appropriates $32,600 instead of $30,600, as proposed by the House, and $34,500, as proposed by the Senate, for contingent expenses of public schools.

On No. 104, authorizes the exchange of books and educational publications now on hand.

On Nos. 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114, strikes out the appropriation of $20,000, proposed by the House, for an addition to the Taylor School; appropriates additional sums, as proposed by the Senate, for the following school buildings: Good Hope, $6,000; Brookland, colored, $6,000; Grant Road, $10,000; Petworth, $5,000; building in Eighth division, $6,000, and Kenilworth, $8,000; gives the Commissioners discretion to construct not exceeding three new school buildings by day labor and the purchase of material in open market, and strikes out a provision requiring the submission of plans for school buildings to the board of education.

On Nos. 115 and 116: Provides as proposed by the Senate for an additional lieutenant of police at $1,500.

On No. 117: Appropriates $8,000 as proposed by the House, instead of $10,000 as proposed by the Senate, for the house of detention.

On Nos. 118, 119, 120, 121, 122, 123, 124, 125, 126, and 127, relating to the fire department, provides as proposed by the Senate for an additional assistant chief engineer at $1,200; increases the pay of 14 firemen, 6 tillermen, and 25 drivers from $840 to $900 each; appropriates $4,500 as proposed by the House, instead of $5,000 as proposed by the Senate, for repairs to apparatus, and $9,000 as proposed by the House, nstead of $11,000 as proposed by the Senate, for purchase of hose, and strikes out the appropriation of $20,000 proposed by the Senate for house, lot, and furniture for a truck company in southeast Washington.

On Nos. 128, 129, 130, and 131, relating to the electrical department, appropriates for a draftsman at $1,000 instead of $1,200 as proposed by the Senate, and $12,000 as proposed by the House, instead of $14,000 as proposed by the Senate, for general supplies.

On Nos. 132, 133, 134, 135, 136, and 137, relating to the health department, appropriates for one additional sanitary food inspector, instead of for two, at $900 as proposed by the Senate; $20,000, instead of $10,000 as proposed by the House and $30,000 as proposed by the Senate, for prevention of contagious diseases, and $5,000 as proposed by the Senate, instead of $4,000 as proposed by the House, for maintaining the disinfecting service.

On Nos. 138 and 139: Appropriates for two deputy clerks of the police court at $1,200 each as proposed by the Senate, instead of $1,000 each as proposed by the House.

On No. 140: Appropriates $37,500, instead of $25,000 as proposed by the House and $50,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 141, 142, 143, 144, and 145, relating to the board of charities: Appropriates for a stenographer at $720, instead of at $900, as proposed by the Senate; 1 inspector instead of 2 inspectors at $720 each, as proposed by the Senate, and strikes out the appropriation of $500 for contingent expenses proposed by the Senate.

On Nos. 146 and 147: Appropriates for 1 instead of 2 additional overseers at $600 each, as proposed by the Senate, for the Washington Asylum.

On No. 148: Authorizes the expenditure of $900 for kitchen utensils and diet for hospital at the Washington Almshouse.

On Nos. 149 and 150: Limits the total cost of the new workhouse to $150,000, and authorizes the use of not exceeding $10,000, appropriated therefor, in the erection of temporary structures, and makes available immediately the sum appropriated for bathrooms and closets.

On No. 151: Provides for the erection of a municipal almshouse, to cost not exceeding $125,000, including a site to cost not exceeding $25,000, and authorizes the Commissioners to accept and the Secretary of the Interior to transfer, as a site for said almshouse, a detached tract of 60 acres of land belonging to the Government, adjacent to the present site of the Government Hospital for the Insane.

On Nos. 152 and 153: Appropriates $4,000, instead of $3,000 as proposed by the House and $5,000 as proposed by the Senate, for each of the isolating wards connected with the Garfield and Providence hospitals.

On No. 154: Strikes out appropriation of $1,750 for work on isolating ward at the Garfield Hospital.

On No. 155: Appropriates $1,400, as proposed by the Senate, for completing retaining wall on Sherman avenue, near Garfield Hospital.

On No. 156: Strikes out appropriation of $50,000, proposed by the Senate for a power house and nurses' home at Providence Hospital.

On Nos. 157, 158, 159, and 160: Strikes out the appropriation of $1,500 proposed by the Senate for the superintendent and disbursing officer of the Board of Children's Guardians, and appropriates $900, as proposed by the Senate, for burial of children who die while wards of the Board of Children's Guardians.

On No. 161: Authorizes, as proposed by the Senate, the payment to the Columbia Polytechnic Institute for the Blind the sum of $5,000 heretofore appropriated for the instruction and employment of the blind of the District of Columbia.

On No. 162: Provides, as proposed by the Senate, for the admission to the Columbia Institution for the Deaf and Dumb of deaf-mutes of the District of Columbia on the approval of the superintendent of public schools.

On Nos. 163 and 164: Makes immediately available the sum appropriated for refitting the *Oneida* for the District Naval Militia, and provides, as proposed by the Senate, for the disposition of deductions made from the pay of officers and enlisted men of the National Guard of the District of Columbia.

On Nos. 165 and 166: Appropriates for a foreman in the water department at $1,400, instead of $1,200 as proposed by the House and $1,500 as proposed by the Senate.

The bill as finally agreed upon appropriates $8,504,960.94, being $763,305 more than as it passed the House, $364,060 less than as it passed the Senate,

$575,734 less than the estimates, and $927,600.63 in excess of the appropriations for the current fiscal year.

WILLIAM W. GROUT,
JOHN M. ALLEN,
Managers on the part of the House.

Mr. GROUT. Mr. Speaker——

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. GROUT. Certainly, for a question, but not the floor.

Mr. ROBINSON of Indiana. I am not in any particular hurry, but I will ask the gentleman to make a statement in reference to amendment 151.

Mr. GROUT. I will explain amendment 151 in a moment, but I would like first to have the House understand the reasons for the increase of this bill over the bill of last year. That increase is $927,600.63 over the appropriations for the current year, as was just read in the report.

The items that go to make that sum are as follows: First, for sewers, $331,000 more than last year. This provides for the pumping plant, a large item of cost in the general sewer plan for the city. This plan is already largely executed, at an outlay of nearly $2,000,000, and will call for as much more. There is $20,000 more for the repair of county roads in this bill than in the last one. There is $25,000 more for Connecticut avenue bridge. There is $300,000 more for the filtration plant than last year. There was $200,000 appropriated last year and $500,000 this year. There is $188,960 more for public schools than last year, principally in building new schoolhouses and providing additional teachers, and in necessary repairs of school buildings.

There is $28,140 more for the Metropolitan police, and for the fire department $19,700 more, part of which, you will remember, is to meet the increased pay of the firemen. It has been long thought that the pay of the fireman was not large enough.

There is $22,500 more for Rock Creek Park and $27,500 more for the municipal almshouse, making a total of $962,800 that this bill carries more than the last one for these particular objects. This, you will notice, considerably more then accounts for the excess of this bill over the last. Sewers, schools, and the filtration plant account for $819,960 of the increase, leaving but $107,680 increase in all other departments of the District government. I wanted the House to understand the branches of the public service which called for these additional allowances, that it might see that the money will go to the betterment of the sanitary conditions of the city and for the enlargement of the public-school system.

Now I will be glad to yield to the gentleman from Indiana.

Mr. ROBINSON of Indiana. I noticed by amendment No. 151, which comes to the House as an original proposition from the Senate, the Senate amendment provided for the appropriation of $25,000 for the purchase of a site on which to build an almshouse. The conferees have attached an amendment to that providing for the donation by the United States Government of 59 acres in a tract of land near the Government Insane Asylum upon which an almshouse is to be built. I first desire to ask the gentleman whether he does not think that provision is exceeding the authority of the conferees and is subject to a point of order?

Mr. GROUT. I can not see why it is outside of the matter properly submitted to the conferees. It all relates to procuring a site for an almshouse. The Senate amendment was agreed to with this proviso added, which is simply permissive, not in any way directory; but supposing it were directory, I think the subject was fully within the scope of the conference.

Mr. ROBINSON of Indiana. It is in the general line of the object, but it is a change of the scheme. The Senate bill provided such an amount for the purchase of a site. Under the law the District of Columbia would pay one half and the United States Treasury the other half. Now, you make a donation of 59 acres of land for this building.

Mr. GROUT. Well, Mr. Speaker, I hope the gentleman will not dwell upon this, because it has passed the point where a point of order would lie; besides, I insist it is subject to no point of order.

Mr. ROBINSON of Indiana. Well, Mr. Speaker, after conference with the gentleman, who is seeing that there is no excessive appropriation, I make the point of order now.

Mr. GROUT. The point comes too late. We have entered upon the discussion of the report.

The SPEAKER. What is the point of order made by the gentleman from Vermont?

Mr. GROUT. That the point of order made by the gentleman from Indiana comes too late.

Mr. ROBINSON of Indiana. I just learned it from the statement which has been read.

The SPEAKER. The Chair did not understand the point of order made by the gentleman from Vermont.

Mr. GROUT. It is that it comes too late, and besides it is not subject to a point of order. The action of the conferees is strictly within the subject-matter submitted on the disagreeing votes of the two Houses——

Mr. ROBINSON of Indiana. The point I make is that the conferees exceeded their authority by ingrafting new legislation and that it was unascertainable on my part until now.

The SPEAKER. So many gentlemen come and talk to the presiding officer that it is impossible for the Chair to keep run of the business. The Chair is of the opinion that when discussion has been entered upon and no reservation has been made as to a point of order it comes too late afterwards to make the point, and the Chair will sustain the point of order made by the gentleman from Vermont.

Mr. ROBINSON of Indiana. Now, Mr. Speaker, I desire to have some arrangement with the gentleman as to discussion of this as an original proposition. I think the conference report ought to be voted down.

Mr. GROUT. How much time does the gentleman want?

Mr. ROBINSON of Indiana. I think thirty minutes.

Mr. GROUT. I do not feel that I ought to yield the gentleman thirty minutes. Can he not present his reasons in less time?

Mr. ROBINSON of Indiana. Oh, well, if the gentleman will be generous with other members who want to speak upon this matter, very well. I only want ten minutes.

Mr. GROUT. We will be reasonable; but the gentleman must remember that the gentleman in charge of the bill only has one hour.

Mr. LOUD. I hope the gentleman from Vermont will explain about this provision.

The SPEAKER. Does the gentleman from Vermont yield to the gentleman from Indiana?

Mr. GROUT. I yield, Mr. Speaker, to the gentleman from Indiana ten minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, this is an aggravated instance of how measures will come before the House without the consideration of the House, presented as it is in conference, and without any opportunity on the part of the House members as a legislative body to fairly consider it. It is clearly legislation in conference. This measure slips into the House silently and furtively. It does not come through the open door. Measures such as this is will never come into the House of Representatives through the open door. The bill went to the Senate without any provision for building the almshouse, and there was amended by a provision appropriating $25,000 for the purchase of a site. Under that law the District of Columbia would pay one-half the sum, and the other half would come from the Treasury of the United States.

This District of Columbia appropriation bill provides, for the purchase of sites for schoolhouses in the District of Columbia, something like $557,000, one-half of which is to be paid by taxation of the District and the other half by the United States Treasury. But now, by a provision passed by a Senate amendment as an original proposition when the bill went there from the House, and unheard of in this House before, it provides for the appropriation of $25,000 for the purchase of a site for the District almshouse. That was regular. It goes to conference, however, and the conferees insert in the bill this new provision:

> Providing, if acceptable to the Commissioners of the District of Columbia, the Secretary of the Interior is hereby authorized to transfer to them for the site for such almshouse the tract of land containing about 60 acres belonging to the United States, lying south of Congress Heights, east of Nichols avenue, and detached from the present site of the Government Insane Hospital.

This provision is a reecho of the measure we had on the floor of the House the other day for the purchase of more land for the District insane asylum, and we then defeated the scheme for the purchase of more land for the insane asylum. This 60 acres of land, according to different estimates, is worth from $30,000 to $60,000; according to the estimates of the Appropriation Committee, recommending the purchase of more land a few days ago, it is worth $60,000. That is the land now owned by the United States Government within one-quarter of a mile of the District of Columbia asylum, and useful for purposes of farming, as it was stated on the floor. It was further stated then that adjoining land was needed by the asylum for farming purposes. But now it is proposed that the United States shall give 60 acres of its land to the District of Columbia without a dollar of compensation—donating it; and that is the provision inserted by the conferees and is not the Senate amendment, and it is not a House provision, but it comes here now for the first time.

It was said upon the floor of the House before that we did not have land enough at the asylum for the useful purpose of farming. Not only is this a measure slipped in by the conferees; not only is it a donation of land worth from thirty to sixty thousand dollars belonging to the United States, but it is sought to place the almshouse of the District of Columbia in the most unhealthy locality in the District. You have at the asylum over there 2,100 inmates, whom it is claimed are soldiers and sailors. Eleven hundred of them are from the District of Columbia, and you have already donated a site for that, and to take care of the District insane out of the United States Treasury in making appropriations to build an asylum under the guise of the Army and Navy insane asylum, but it is really for the District of Columbia.

Of this 2,100 people insane over there, one-half of whom, only, are from the Army and Navy, 10 per cent die every year. The autopsies in 1,400 cases show that 23 per cent die from pulmonary diseases aggravated by the malaria from the Potomac Flats. These are conditions within the knowledge of all who have investigated the records or observed the physical conditions. It is claimed by the surveyors and engineers of the District that by a proper construction of dikes and embankments 130 acres of land contiguous to the 189 acres now used by the asylum can be reclaimed for the Government use. The Potomac River flowing over it has produced a degree of malaria unheard of, in my judgment, anywhere else in the District and anywhere else in the country.

Now, it is proposed over there not only to put the poor soldiers and sailors where they die at the rate of 10 per cent every year, but also the poor of the District; and in order to secure on the part of the United States Government a part of this land, it is provided that this almshouse shall be built there without a cent being paid for the purchase of a site; and this is done in contravention of the safe and useful rules of the House. Under the law of 1878 the District pays one-half of the expense for school sites and school buildings; it pays one-half of the expense for the building of bridges in this District; it pays one-half of the expense for the maintenance of the waterworks plant.

And now the United States Government is asked to yield 60 acres of land for the purpose of acquiring a site for the erection of an asylum for the poor of this District in the most unhealthy locality known. The death rate in this District already is high enough; and when you inquire of the man who for many years has been in the wash room of the House of Representatives [Charles Carter], when you inquire of another of the House employees who has been in the barber shop here for years [John Williams], when they tell you what they know about the conditions in that part of this District you will find that they, with their families, were driven out, to protect themselves against the malaria of the Potomac Heights. It is far from charity to locate the unfortunate poor over there.

It may be that it is useful to pass this kind of legislation in this way, but I appeal to those who are in favor of economy; I appeal to those who are interested in charity. I ask members of this House not to sanction a species of legislation which would never receive their approval had it been presented otherwise than in a conference report. How long shall we abdicate our powers as members of the House and yield legislative powers to our conferees? It is not often that we have measures slipped in in this sly way, but you find here, covered over with a veil of charity, an ingenious project. I might add that this is coupled with another proposition that will come up later on in the sundry civil bill that will affect the insane asylum across the river.

You find here a veiled attempt to get for the District of Columbia land in a neighborhood which gives it such a value, and which was stated to be so valuable only a few days ago, when we refused to purchase additional land for the insane asylum. This is the same plan, the same plot, the same scheme; and it justifies every lover of economy, every lover of the human race, in voting against this conference report and teaching conferees, as was well said by the distinguished gentleman from New York [Mr. SHERMAN] on yesterday, to go out and do their duty under the rules of the House.

The gentleman from Vermont [Mr. GROUT] admits that if this point of order had been made in time it would have been fatal. Therefore let us preserve our prerogatives——

Mr. GROUT. "The gentleman from Vermont" does not admit that if the point of order had been made in time it would have been good.

Mr. ROBINSON of Indiana. I do not want to misstate the gentleman's position; but I understood him to say that the point of order, if raised in time, would have been well taken.

Mr. GROUT. Oh, no.

Mr. ROBINSON of Indiana. But however that may be, here we are in the closing days of this session, with every possible scheme that can be devised by man, and especially schemes relating to the District of Columbia, coming here to confront us; and now is a good chance to assert our prerogative as legislators in this House.

Mr. GROUT. Mr. Speaker, the gentleman from California [Mr. LOUD] asks that the Chair may determine this point of order on its merits. I am willing that it should be so determined. I stated both grounds to the Chair.

Mr. LOUD. One of which evidently the Chair listened to.

Mr. GROUT. The Chair could not have failed to hear both grounds. I am perfectly willing to submit the point of order on its merits.

Mr. LOUD. I hope the gentleman will do so.

Mr. GROUT. I do it. I will take the decision of the Chair now on that question. I am perfectly willing to do it.

The SPEAKER pro tempore (Mr. HEPBURN). The present occupant of the chair is unwilling to overrule his predecessor, but will say that if this were an original proposition he would hold that the point of order did not come too late.

Mr. ROBINSON of Indiana. I appeal to the generosity of the gentleman from Vermont to allow this matter to come before the Chair as an original proposition.

Mr. GROUT. Why, Mr. Speaker, I do not think the Chair understood the point I presented. When this point of order was made it was insisted by myself that the matter was not subject to a point of order for two reasons, first, because it was entirely within the scope of the subject submitted to conference—was not outside of the matters submitted—and, second, that it was not made in season.

The SPEAKER pro tempore. The Chair will say that this question can only come up now by unanimous consent, and there is one member objecting.

Mr. GROUT. Very well. Now, then, as to why this was done, I will tell all about it. Here was a proposition to purchase a site for a municipal almshouse, the necessity for which we need not consider for a moment. It is conceded by all. The House conferees were inclined to agree to the amendment of the Senate; but the question arose with us—wholly within the walls of the room where the conference was in progress—whether we might not utilize some of the ground which the Government owned, instead of purchasing other land. We realized how excited our friends on the other side become when a question about the purchase of land arises. They get just wild on that subject.

In view of that fact, and it being within the knowledge of the committee that this tract of land which the superintendent of the asylum, Dr. Richardson, had stated was of no practical use to the asylum, we thought it might be well to put the almshouse there.

Instead of buying land, knowing that Dr. Richardson had recommended that this 59-acre piece be disposed of, and knowing, also, that steps were being taken to dispose of it, the conferees thought that this land, which was of no account for asylum purposes, might well enough be utilized for the purpose of an almshouse site, hoping and expecting (incorrectly as it turns out) that in this way we would avoid opening the subject of the purchase of land, which was proposed by the amendment of the Senate, and which, every time it comes up in the House, makes certain gentlemen frantic.

Mr. LOUD. The District should have paid the half of this expense, but you propose that the United States Government pay the whole.

Mr. GROUT. I will say to my friend from California that we agreed on this proposition for the purpose of avoiding the purchase of this land—for the purpose of utilizing land which everybody who knows anything about the subject knows is not used by the asylum, and which the superintendent was recommending should be disposed of; and if I may be allowed to refer to it, I may say that a proposition is pending in another place to dispose of this land.

Mr. SHAFROTH. Why should not the District of Columbia pay one-half of the cost of this land?

Mr. GROUT. That question is a fair one, and I will answer it. This land cost the Government $6,000 for the 59 acres. That is all. The Senate amendment proposed to tax the General Government $12,500 for this site, when, if this land were taken, it would cost the Government less than one-half as much.

Mr. SHAFROTH. What is the value of the site selected at present?

Mr. GROUT. It is undoubtedly worth more now than $6,000.

Mr. SHAFROTH. Ought not the District to pay half the appraised value?

Mr. GROUT. Possibly. I was going to speak about that.

Mr. SHAFROTH. Is it not the general agreement that the District shall pay half of these expenses?

Mr. GROUT. Certainly; and to be frank with the gentleman, speaking for myself alone, the thought of dividing the cost of this land never occurred to me at the time this matter was under consideration in conference, or I, standing constantly as I always have for the half and half division between the District and the General Government, might have stipulated for a provision of that kind. That can be done at any time, however, in the future. We have corrected in the present bill the appropriation of $10,000, which was inadvertently put upon the General Government in excess of its share last session. These matters are always under the control of Congress; are always in our own hands.

Mr. CANNON. Mr. Speaker——

Mr. SHAFROTH. After the grant is given, will it?

The SPEAKER pro tempore. The gentleman from Colorado must first address the Chair.

Mr. SHAFROTH. Mr. Speaker, would it not be too late to attempt to impose upon the District any part of the cost of this site?

Mr. GROUT. Mr. Speaker, it would not. This whole business of District expenditures is inquired into at every session of Congress, and whatever is not right is always open to correction. I just stated to you that we brought into the House in this bill an item of $10,000. It was not properly divided last year. But the money has been expended.

Mr. SHAFROTH. Why can not it be corrected now?

Mr. GROUT. It can not without voting down the report and going back into conference, if it was thought desirable to do so; but I do not. Now I will yield to the gentleman from Illinois.

Mr. CANNON. The gentleman from Colorado asked the question I was going to ask. As I understood the gentleman, if under this permission to use these lands the District Commissioners should locate the almshouse upon it, instead of buying land somewhere else, that it is quite competent for Congress at the next session, or at any other time, to care for the half that the District ought to pay out of the District funds.

Mr. GROUT. Precisely so, Mr. Speaker. The gentleman from Illinois makes that very plain. Should we come to the actual appropriation of this land, we can then adjust the cost of it between the Government and the District of Columbia.

Mr. LOUD. Why did not you incorporate it?

Mr. GROUT. I have already fully explained how there is no necessity that it be done in this bill. I am wondering why the gentleman is so swift to-day with questions and so full of the subject.

Mr. LOUD. I am swift in trying to get information.

Mr. GROUT. I am glad to know the gentleman wants information and will willingly tell him all I know about it. Remember this provision for the transfer of that land does not make it obligatory; it is simply permissive so far as the Secretary of the Interior and the Commissioners are concerned.

Mr. LOUD. But this makes it final.

Mr. GROUT. Power is conferred on the Commissioners and the Secretary of the Interior, and if they do appropriate for the almshouse the land, that will settle the question, and in another session Congress can rightfully settle the question of cost. But now——

Mr. LOUD. Would it not be legislation, if you want to correct it; and any one member of the House on an appropriation bill on a point of order would be able to throw it out, and you would have to do it on a separate bill or by unanimous consent?

Mr. GROUT. It would not be legislation, because under the act of 1878 the District and General Government must bear equally all the municipal expenses. This almshouse is an item of municipal expense and there is full authority under the organic act to deal with it in an appropriation bill.

Mr. LOUD. But——

Mr. GROUT. Wait a moment. This is a municipal expense; and if in our transactions, in our bookkeeping, we happen to make an error when we make the footings at one time, can there be any question but that it is always open for us to correct it at another?

Mr. LOUD. Does the gentleman assume that if the United States Government deeds to the District of Columbia a piece of property, they will have the right to correct the deed hereafter as an error and charge the District of Columbia something for that property for which it has got a deed?

Mr. GROUT. There is no deed authorized. It is simply a transfer of property——

Mr. LOUD. What is a deed but a transfer? They would evidently have a title.

Mr. GROUT. Mr. Speaker, to state it exactly, this is a transfer of the use of this property from one Government purpose to another; that is all. It is already owned by the Government and supposed to be used for a certain purpose. But it turns out that it does not suit that purpose, and so is turned to use for one for which it is suited. Now, to put my friends at rest, I will state that I have just received a dispatch from the Secretary of the Interior that he does not approve this proposition to turn this land over for an almshouse site; that he has other use for the land; and as the amendment only authorizes him, but does not direct him, that ends the matter.

Mr. LOUD. Why do you put it in here, then?

Mr. GROUT. I did not know of this view of the Secretary till just now. We put it into the bill to close the conference. The gentleman asks every imaginable question, and I will tell him everything I know about it. We thought it a prudent step and likely to save the expenditure of money for land and avoid a discussion, if possible, in the House about the purchase of land; but we find our mistake in this. We have evidently got into a deeper wrangle than if we had proposed to buy the land. The Secretary of the Interior has been communicated with to-day, and he is putting this land to another purpose, he says. I do not know certainly what it is, but suppose I do.

Mr. SHAFROTH. Well, what is the purpose?

Mr. GROUT. Well, I am willing to give the gentleman all the information I have, and will do so by reading the Secretary's dispatch:

DEPARTMENT OF THE INTERIOR, *February 27, 1901.*

Hon. WM. W. GROUT:

Replying to your telephonic inquiry of this morning, I have to state that a tract of 59½ acres of land, known as Stevens's farm, and lying immediately south of what is now known as Congress Heights and east of Nichols avenue, was purchased by this Department for use of the Government Hospital for the Insane in 1867 for the sum of $6,000 under an appropriation made therefor by Congress.

A proposition has recently been made by owners of land abutting the present hospital site to exchange 59½ acres thereof for the above-described lot purchased by the Government in 1867. This proposition was called to the attention of the Senate Committee on Appropriations under date of the 23d instant with favorable commendation.

E. A. HITCHCOCK,
Secretary.

From this, gentlemen will see that the Secretary has another purpose for this land, and that probably nothing will ever come of the proposition which so disturbs you.

Mr. LOUD. Does that plan involve the giving of some of the land on the asylum site in exchange?

Mr. GROUT. As I understand it, it is a proposition to exchange that 59 acres of land owned by the asylum across Nichols avenue, which the asylum does not want, for 59 acres on the same side of the avenue with the asylum buildings, and which the asylum does want, on which to erect new buildings.

Mr. ROBINSON of Indiana. I understand the proposition to be that this land that the House rejected the other day is to be brought about in this way.

Mr. GROUT. I do not say that this will be so, but I expect that proposition will come before the House on the sundry civil bill when it comes back from the other end of the Capitol, and then the gentleman will have an opportunity to try this question with the gentleman from Illinois, the chairman of the Committee on Appropriations, who will have charge of that bill. Then the gentleman can perform on this question again. Mr. Speaker, now, there are other reasons why we put this proposition in the bill and which I have not had an opportunity to state yet. We put this amendment in the bill thinking it would enable the Commissioners to buy land to better advantage by making them independent of those who had land to sell by thus having a chance to provide a site on land already owned by the Government. Keep in mind this is a permissive proposition—simply a permissive proposition—and enables the Secretary and the Commissioners, in their discretion, to deal with this subject as they may think best. Now, those who have had anything to do with buying land in Washington or elsewhere will understand the advantage of not being entirely dependent on those who wish to sell. This provision gives the Commissioners another string to their bow, another alternative to fall back on; and this is another reason why this provision was put into the report——

Mr. LOUD. You have had hold of the string, but the string was in the air.

Mr. GROUT. It is only in the air in the mind of the gentleman. I think everybody else understands it, and has hold of the string with me.

Mr. LOUD. It is admitted by the gentleman.

Mr. GROUT. How much time have I left, Mr. Speaker?

The SPEAKER. Twenty-seven minutes.

Mr. GROUT. I yield twenty minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN of Mississippi. Mr. Speaker, I shall not take twenty minutes, I hope, but some things have been said about this conference report to which I desire to make reply, and I hope I do not violate any of the secrets of the conference when I say that the conference was over before I knew this proposition was in the bill.

Mr. LOUD. Evidently the gentleman from Vermont did not know it was there, either.

Mr. ALLEN of Mississippi. Yes; the gentleman from Vermont [Mr. GROUT] knew it was there. The superintendent of the asylum told somebody connected with this conference that this land disconnected from the asylum was of no good to the asylum. It is not good farming land, but it does raise some grass, so he says. This is not the first time we have dedicated land belonging to the Government for the purposes of the city. Gentlemen are very much mistaken about this fact. A year or two ago we dedicated Mount Vernon Park over here, that belongs to the Government, for a site to build a library for the city. Did you hear any talk about schemes then, and an attempt to rob the Government? This thing has been done time and again here in the past, where sites were needed for public buildings, where the Government has given these sites rather than to appropriate the money to pay for them, and this is one of those same schemes.

I want to say to the gentleman from Indiana that while I had no sort of responsibility in originating this proposition, when he talks about schemes and the covering up in this sort of way of transactions in order to delude the House, if he is as far above schemes as I have found my colleague, the gentleman from Vermont, on this committee on the other side in the last four years I have served with him on this committee, when he goes out of Congress he will go out with a very fair record on that proposition.

Mr. ROBINSON of Indiana. Mr. Speaker, I meant no reflection on any member of the committee, but upon this species of legislating in conference.

Mr. ALLEN of Mississippi. Mr. Speaker, I was absent a part of the time when the conference committee was in session, but reposing in him the confidence which I know he deserves, I authorized my colleague to act for me. But I went over these different

things. This was a Senate amendment which we agreed to with an amendment. I agree with the Secretary of the Interior that if this land can be exchanged for land contiguous to the asylum, where these buildings ought to be built, it is a better use to put it to than to use it for the purposes of an almshouse. I have been an advocate of that proposition, but the gentleman from Indiana seems to think that this is a part of a scheme to make the Government purchase more land, when in fact, as you have just been informed by the dispatch from the Secretary of the Interior, he opposes the dedication of this to the use of an almshouse, and it is in his discretion to do it or not.

He virtually says that his discretion will not be to use it in that way, because this land, not being valuable to the asylum, he prefers to exchange it for some adjoining the asylum that he does need. Now, a great many bugaboos have sprung up here. I had supposed and hoped that so far as I was concerned I was about out of the land business in the District of Columbia. If any of you ever have any experience in it you will find that you are between those who want to sell to the Government—and there is not one of them in the District but that would get from the Government the best price he could—and those on the other hand who want to blackmail those who want to sell, and want to keep them from selling unless they give them a part of the purchase price; that is the trouble you are up against when you undertake to purchase land for the Government in this District.

Now, the gentleman from Missouri [Mr. DE ARMOND] the other day in closing his speech connected my name and a number of others with the proposition to appropriate money for this asylum to buy land over there. He intimated that I favored buying it at $2,300 an acre, which was never true. I did say here, and I say it again, that if as a business proposition I were going to spend a million dollars for erecting buildings, one hundred and forty-five thousand or two hundred thousand dollars would not be an inducement to me to erect buildings where everybody connected with the institution said they ought not to be. I have been in favor, on that proposition, of getting this land for the Government just as cheap as we could. There are three processes by which we can get it; you may swap for it, buy it, or you can condemn it.

The combination against the Government in the District of Columbia on the subject of the purchase and sale of land has induced those gentlemen, who have had more experience on that subject than I have, to believe that it is better to buy on very liberal terms than to risk the process of condemnation. When the Government attempts to buy land anywhere it has this same trouble. The gentleman from Missouri talked about it as a steal. Well, the subject of larceny, I believe, embraces pretty much everybody who has anything to do with it. There are a great many members of the Appropriations Committee, and that proposition came before them. There was not a dissenting voice to the proposition to report that measure to the House. So you have 17 thieves there. The proposition was recommended by the Secretary of the Interior, a gentleman I do not know personally, but who, I understand, has always stood well with his neighbors, and so you have another man added to the number.

Mr. BENTON. Will the gentleman permit me a question?

Mr. ALLEN of Mississippi. Yes.

Mr. BENTON. I will ask the gentleman if I did not, in the presence of the committee, serve notice on the chairman that I would not vote for that proposition?

Mr. ALLEN of Mississippi. I did not hear it.

Mr. BENTON. I did.

Mr. ALLEN of Mississippi. I did not hear it in the presence of the committee. I did not hear a dissenting vote. When the motion was made to report this bill, including this purchase, to the House, I did not hear a dissenting voice.

Mr. LOUD. Well, that only cuts off one. [Laughter.]

Mr. ALLEN of Mississippi. Now, we have a board of visitors in the city, made up of such men as Mr. Samuel Kauffman, Dr. Wyman, Chief Justic Fuller, and men like that, and this proposition was recommended by them. I suppose they are a part of the scheme to steal. The superintendent of the asylum, the architect who has been selected to put up these buildings, the landscape gardener who approved of it, they are all in this scheme to steal.

Gentlemen, it is very easy to talk about "stealing" schemes. I remember that a year ago, when we had under consideration a proposition to appropriate $100,000 to buy a site for a municipal hospital in the District, the gentleman from New York, I think it was, or somebody right over there, got up and talked about that "steal," and it was stated that particular land was already laid out in view of the proposed purchase. What was the result? We made the appropriation. The land which gentlemen supposed had been selected was never bought. Thirty-six acres of land were afterwards bought—a good deal farther out, however, than the tract which was supposed to have been in contemplation. The District Commissioners advertised for bids or suggestions about land. They rejected them all, and finally bought 36 acres, 2 or 3 miles out, at $2,000 an acre—land never in contemplation when the bill was passed. So you see the scare about that proposed steal was unnecessary. And yet we had to confront these charges that there was some "steal."

Mr. GROUT. And the money was paid out of the unexpended balance of an appropriation.

Mr. ALLEN of Mississippi. Now, I want to say a word for the gentleman in charge of this bill, a man with whom I have served on this District Committee for four years. He has sometimes been denominated a regular David Harum on account of his trading capacity with the Senate. He jews them down. He attempts to hold them down on every appropriation. Again and again he has caught me by the shoulder and said: "My God, ALLEN, we must hold these fellows down." I think that when our reports or agreements are denominated "schemes"—efforts to "cover up" something—it is proper the House should know my estimate of the gentleman who, as the majority leader on the part of the House on this conference, has been conducting these transactions. There are some things which he and I have not agreed about; but representing the majority as he does and I the minority on the conference, I did not feel it proper for me to attempt to override him.

I have promised to say one other thing. An amendment was put on this bill by the Senate appropriating $50,000 for Providence Hospital. I know something of the Providence Hospital. I do not think there is a more beautiful or well-conducted charity in the United States than the Providence Hospital—not one that appeals more to me. And when the Government is distributing its bounty I am as ready to do something for the Providence Hospital as for any other institution in the country. But the Providence Hospital is cared for on the sundry civil bill. The point was made that the $50,000 for this institution ought to have gone on that bill, and so this appropriation went out, not on account of any objection to the proposition on its merits, but because it was claimed it did not belong on this bill. This is another of these "schemes" which we may expect to come back here on the sundry civil bill. I rather hope it will, and shall take pleasure in voting for it when it comes here.

Mr. Speaker, this is about all I care to say. Summing up this matter, about the only objection to this report is this, that in the conference report we give the Secretary of the Interior authority to allow the District Commissioners, if they wish, to use these 60 acres of land, which are of no use now to the Government, for the purposes of an almshouse. The Secretary of the Interior, informed of this, informed this House that as a matter of discretion it did not meet his approval; and therefore it does not "go." I do not see why the report should not be adopted. If the Secretary of the Interior, in the exercise of his discretion, should refuse to do this thing, we are right where we were before, so far as this proposition is concerned. There is nothing in it, so far as I can see, that is in the interest of purchasing any other land. I can not for the life of me see how any other land "scheme" can come in, unless the objection is pressed that the land be used for the purpose of this other trade. That is the whole proposition.

I trust that the House, with this explanation, will adopt the conference report. This is a large bill, it is true, but it is a very good bill; and while our Democratic friends get up here and twit our Republican brethren about these large appropriations, there are not many things reported by the Appropriations Committee of the House when the bills come to the House that do not go in with the concurrence of the Democrats who are placed on the Appropriations Committee to look after the interests of the country and the Democratic party.

I yield back the balance of the time.

Mr. GROUT. Now, Mr. Speaker, if there are no other questions to be asked, I call for a vote on the report.

The question being taken, the conference report was agreed to.

On motion of Mr. GROUT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. I desire to call up the report of the committee of conference on the bill (H. R. 13822) making appropriations for fortifications and other works of defense. I ask unanimous consent that the statement of the House conferees be read in lieu of the House conference report.

Mr. RICHARDSON of Tennessee. Is this a final report?

Mr. HEMENWAY. It is.

Mr. RICHARDSON of Tennessee. Is there a unanimous agreement?

Mr. HEMENWAY. Yes, sir.

Mr. RICHARDSON of Tennessee. I hope the report will be printed in the RECORD.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] requests that the reading of the conference report be dispensed with, and the gentleman from Tennessee asks that the report be printed in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement of the House conferees.

Mr. HEPBURN. I desire to make a parliamentary inquiry. Is it competent now, before the debate begins upon any question connected with this matter, to reserve points of order? If so, I want to make that reservation. I do not know that I shall take advantage of it.

The SPEAKER. The gentleman from Iowa reserves all points of order upon the report.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 8, 9, and 10 and agree to the same.

Amendment No. 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the board itself, as the Secretary of War may direct, and one additional member shall be added to the said Board of Ordnance and Fortifications, who shall be an artillery officer of technical ability and experience, to be selected by the Secretary of War;" and the Senate agree to the same.

J. A. HEMENWAY,
SAMUEL J. PUGH,
Managers on the part of the House.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13822) making appropriations for fortifications and other works of defense, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying report, namely:

On amendment No. 1: Strikes out the appropriation of $225,000 proposed by the Senate for the purchase of land on Cushing's Island, Maine.

On amendment No. 2: Requires, as proposed by the House, that certain tools, electrical and engine supplies shall be furnished by the Engineer Department.

On amendment No. 3: Limits the price to be paid for gun forgings to 21 cents per pound, as proposed by the Senate, instead of 20 cents as proposed by the House.

On amendment No. 4: Appropriates $71,000, as proposed by the Senate, for carriages for 12-inch mortars.

On amendment No. 5: Appropriates specifically, as proposed by the House, $25,000 for care, repair, and preservation of fortifications in the harbor at Galveston.

On amendment No. 6: Appropriates $15,000, as proposed by the Senate, for erecting and equipping a chemical laboratory at Sandy Hook proving ground.

On amendment No. 7: Provides, as proposed by the Senate, that the expenditure of the appropriation for the Board of Ordnance and Fortification shall be made by the several bureaus of the War Department or by the board itself, as the Secretary of War may direct, and provides for the addition of one artillery officer, instead of two as proposed by the Senate, to the Board of Ordnance and Fortification.

On amendment No. 8: Appropriates $50,550 for the test of the Gathmann torpedo gun.

On amendments Nos. 9 and 10: Places the proposed purchase of the Isham shell and Tuttle thorite in the discretion of the Secretary of War and provides that no money shall be paid for said patent until the Secretary of War shall be satisfied that the Government shall have a lawful right to use the same.

The bill as finally agreed upon appropriates $7,364,011, being $225,000 less than as it passed the Senate, $136,550 more than as it passed the House, $19,617 less than the current law, and $5,097,182 less than the estimates.

J. A. HEMENWAY,
SAMUEL J. PUGH,
Managers on the part of the House.

Mr. HEMENWAY. I yield to the gentleman from Arkansas [Mr. McRAE] as much time as he may desire.

Mr. McRAE. Mr. Speaker, I was not present when this agreement was reached in conference, but I have since examined the bill and the report. And with one exception I have no objection to the report. I think that the Senate amendment No. 3, which increases the price of steel gun forgings from 20 to 21 cents a pound, ought not to have been agreed to; yet I assume that my colleagues on the committee did the best they could. I want to say that we pay more for these forgings than they are worth. We have been paying 22 cents a pound. That is $492.80 a ton. We now buy armor plate at $400 a ton, plus the royalty. On these steel forgings we pay no royalty, and therefore we have been paying $92 more for these forgings than we now pay for armor plate. Under the proposition now agreed to by the committee we shall pay $470.40 per ton.

I think it was unfortunate that we could not have secured in conference the reduction agreed to in the House of 2 cents per pound. Even at that rate we would have paid $48 more for this material than we do for armor plate. And, from all the information we can get, it costs little, if any, more to manufacture these than it does to manufacture armor plate. I do not propose to insist that the report at this time ought to be rejected, but I want it known that it is not a unanimous agreement on this item, but only the best that can be done now.

Mr. HEMENWAY. The gentleman from Arkansas [Mr. McRAE] was sick at the time of our conference and could not be present. The conferees on the part of the House stood by the House provision until we thought it necessary to yield.

The House will observe that we have decreased the amount of the bill as passed by the Senate to the extent of $225,000, so that the bill as now agreed upon appropriates $136,550 more than the bill as passed by the House.

On the question of gun forgings we had but little evidence. The House proposed to reduce the price from 22 cents to 20 cents per pound. The Senate fixed 21 cents a pound as the price, the result of which is that we make a net saving of about $100,000 to $150,000 a year over the amount paid under the current law. The bill as now agreed upon carries $19,617 less than the current law.

I move the adoption of the report.

The report was adopted.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the report was adopted was laid on the table.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 12396, reported from the Committee on Insular Affairs.

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to inquire about that.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to call up the following bill, and to move nonconcurrence in the amendments of the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 12396. To amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act.

The Senate amendments were read at length.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to consider the bill just read, and moves to nonconcur in the amendments of the Senate, and ask for a conference thereon. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair announces the following managers on the part of the House: Mr. COOPER of Wisconsin, Mr. HITT, and Mr. JONES of Virginia.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 23, 1901:

H. R. 6240. An act for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C.;

H. R. 11786. An act to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel;

H. R. 5874. An act to pay H. P. Dyer for carrying mail;

H. R. 13731. An act to provide an American register for the steamer *Enterprise;*

H. R. 13193. An act to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes;

H. R. 13782. An act to amend section 4427, Title LII, of the Revised Statutes, relating to inspectors of hulls and boilers;

H. R. 7840. An act for the establishment of a light-house and fog signal at Point No Point, in Chesapeake Bay, between Cove Point and Smiths Point;

H. J. Res. 285. Joint resolution providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture; and

H. J. Res. 292. Joint resolution providing for reprint of Bulletin No. 80, entitled "The Agricultural Experiment Stations of the United States."

On February 25, 1901:

H. R. 11111. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Tombigbee River between the counties of Marengo and Choctaw, below Demopolis, Ala.;

H. R. 11110. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama;

H. R. 9154. An act granting authority to Alafia, Manatee and

Gulf Coast Railroad Company to build railroad bridges across the Manatee River and Gasparilla Sound and to lay railroad tracks thereon;

H. R. 13335. An act to authorize the construction of a bridge across Little River, at or near mouth of Big Lake, State of Arkansas;

H. R. 10869. An act for the relief of the Medawakanton Band of Sioux Indians, residing in Redwood County, Minn.;

H. R. 8067. An act to incorporate the National Society of United States Daughters of 1812;

H. R. 13802. An act supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888;

H. R. 365. An act granting a pension to Aries Butcher;

H. R. 2623. An act granting a pension to Melville Oliphant;

H. R. 3466. An act granting a pension to Hiram Stimple;

H. R. 3546. An act granting a pension to Caroline M. H. Searing;

H. R. 3871. An act granting a pension to William J. Worthington;

H. R. 3949. An act granting a pension to Minnie Gray;

H. R. 4357. An act granting a pension to Jakobina Halbertsma;

H. R. 4672. An act granting a pension to James W. Boden;

H. R. 4813. An act granting a pension to Taylor Hux;

H. R. 4906. An act granting a pension to Ellen Quinn;

H. R. 5303. An act granting a pension to Julia A. Prouty;

H. R. 5614. An act granting a pension to Virginia R. Friedeborn;

H. R. 6145. An act granting a pension to Benoni A. McConnell;

H. R. 8001. An act granting a pension to Sampson D. Bridgman;

H. R. 8106. An act granting a pension to Olivia Donathy;

H. R. 9182. An act granting a pension to Eva K. Nyberg;

H. R. 9235. An act granting a pension to Peter Lundberg;

H. R. 9269. An act granting a pension to Olie Heaton;

H. R. 9370. An act granting a pension to Louis M. Starring;

H. R. 9536. An act granting a pension to Sarah Hastings, formerly Sarah Carter;

H. R. 9787. An act granting a pension to Marion M. Stone;

H. R. 9914. An act granting a pension to Almira A. Scott;

H. R. 10358. An act granting a pension to Elizabeth J. Jones;

H. R. 10706. An act granting a pension to Flora Moore;

H. R. 11145. An act granting a pension to William C. Chandler;

H. R. 11158. An act granting a pension to Daniel Palmatary;

H. R. 11187. An act granting a pension to James W. Russell;

H. R. 11395. An act granting a pension to Sarah J. Binnix;

H. R. 11452. An act granting a pension to Nettie L. Bliss;

H. R. 12294. An act granting a pension to Lottie M. Rankins;

H. R. 12411. An act granting a pension to Catherine T. Howell;

H. R. 12566. An act granting a pension to George M. Walker;

H. R. 12577. An act granting a pension to Sarah B. Schaeffer;

H. R. 12778. An act granting a pension to Adoniram J. Holmes;

H. R. 13133. An act granting a pension to Joseph V. Hoffecker;

H. R. 13237. An act granting a pension to Jacob Hoerr;

H. R. 429. An act granting an increase of pension to John R. Joy;

H. R. 551. An act granting an increase of pension to Frank F. Carnduff;

H. R. 601. An act granting an increase of pension to Daniel W. Shaw;

H. R. 633. An act granting an increase of pension to Vianna Mallard;

H. R. 1148. An act granting an increase of pension to Isaac D. Toll;

H. R. 1235. An act granting an increase of pension to Chamness S. Burks;

H. R. 2396. An act granting an increase of pension to Francis H. Pike;

H. R. 2595. An act granting an increase of pension to William C. Griffin;

H. R. 2692. An act granting an increase of pension to Louisa N. Godfrey;

H. R. 3078. An act granting an increase of pension to Amanda W. Clancy;

H. R. 3232. An act granting an increase of pension to David Flinn;

H. R. 3247. An act granting an increase of pension to George Mowry;

H. R. 3945. An act granting an increase of pension to Burdette N. Cleaveland;

H. R. 4068. An act granting an increase of pension to Maria N. Flint;

H. R. 4078. An act granting an increase of pension to John D. Allen;

H. R. 5195. An act granting an increase of pension to Jacob W. Kouts;

H. R. 5198. An act granting an increase of pension to Samuel S. Stafford;

H. R. 5224. An act granting an increase of pension to Daniel Smith;

H. R. 5336. An act granting an increase of pension to William S. Swaney;

H. R. 5441. An act granting an increase of pension to Hugh Thompson;

H. R. 5524. An act granting an increase of pension to Richard P. Mitchell;

H. R. 5613. An act granting an increase of pension to Louis Nessell;

H. R. 6148. An act granting an increase of pension to William M. Tom;

H. R. 6319. An act granting an increase of pension to George W. Cox;

H. R. 6407. An act granting an increase of pension to Michael S. Brockett;

H. R. 6552. An act granting an increase of pension to Abram P. Pew;

H. R. 6787. An act granting an increase of pension to Edwin A. Wilson;

H. R. 6914. An act granting an increase of pension to Elliott Loomis;

H. R. 6921. An act granting an increase of pension to Gustav Rienecker;

H. R. 6997. An act granting an increase of pension to Josephine H. Whitehead;

H. R. 7315. An act granting an increase of pension to William W. King;

H. R. 7617. An act granting an increase of pension to Rebecca Tolson;

H. R. 7810. An act granting an increase of pension to Robert P. Currin;

H. R. 8297. An act granting an increase of pension to Albert Buck;

H. R. 8525. An act granting an increase of pension to Maurice Fitzgerald;

H. R. 8658. An act granting an increase of pension to Edwin G. Fay;

H. R. 9005. An act granting an increase of pension to William W. Schooley;

H. R. 9023. An act granting an increase of pension to Mary E. Dobyns;

H. R. 9066. An act granting an increase of pension to Joseph N. Loving;

H. R. 9218. An act granting an increase of pension to George W. Hissey;

H. R. 9672. An act granting an increase of pension to Mary J. D. McGlensey;

H. R. 9874. An act granting an increase of pension to Anna F. Johnson;

H. R. 10021. An act granting an increase of pension to John R. Robinson;

H. R. 10055. An act granting an increase of pension to Frederick G. McDowell;

H. R. 10118. An act granting an increase of pension to Mary Flynn;

H. R. 10480. An act granting an increase of pension to George P. Overton;

H. R. 10564. An act granting an increase of pension to James R. Husted;

H. R. 10792. An act granting an increase of pension to John T. Knox;

H. R. 10871. An act granting an increase of pension to Mary A. Brown;

H. R. 11277. An act granting an increase of pension to Thomas A. Cord;

H. R. 11312. An act granting an increase of pension to Johnson H. Fitzpatrick;

H. R. 11335. An act granting an increase of pension to Silas Howard;

H. R. 11507. An act granting an increase of pension to Perry C. Jeffrey;

H. R. 11583. An act granting an increase of pension to Jerome R. Rowley;

H. R. 11603. An act granting an increase of pension to Sarah A. Dininny;

H. R. 11658. An act granting an increase of pension to Mary J. Nelson;

H. R. 11806. An act granting an increase of pension to Edward Hause;

H. R. 11812. An act granting an increase of pension to Daniel E. Turner;

H. R. 11836. An act granting an increase of pension to Bela Sawyer;

H. R. 12079. An act granting an increase of pension to Benjamin T. Thomas;
H. R. 12142. An act granting an increase of pension to William B. Wright;
H. R. 12184. An act granting an increase of pension to Thomas Jefferson Holmes;
H. R. 12190. An act granting an increase of pension to Patrick Connelly;
H. R. 12241. An act granting an increase of pension to Franklin Warren;
H. R. 12249. An act granting an increase of pension to Gideon Johnson;
H. R. 12250. An act granting an increase of pension to Patrick Brennan;
H. R. 12297. An act granting an increase of pension to Andrew J. Harbison;
H. R. 12301. An act granting an increase of pension to Jacob E. Swap;
H. R. 12350. An act granting an increase of pension to James Paul;
H. R. 12391. An act granting an increase of pension to James M. Campbell;
H. R. 12415. An act granting an increase of pension to Carrie Otis Wallace;
H. R. 12433. An act granting an increase of pension to Ferdinand Wagner;
H. R. 12441. An act granting an increase of pension to Aaron R. Rohrbach;
H. R. 12444. An act granting an increase of pension to John D. Cohler;
H. R. 12473. An act granting an increase of pension to E. Bradford Gay;
H. R. 12476. An act granting an increase of pension to Samuel Minnich;
H. R. 12490. An act granting an increase of pension to Andrew J. West;
H. R. 12491. An act granting an increase of pension to Robert H. Metcalf;
H. R. 12516. An act granting an increase of pension to Edward Warner;
H. R. 12526. An act granting an increase of pension to Alexander C. Scott;
H. R. 12606. An act granting an increase of pension to Marcellus A. Lothrop;
H. R. 12616. An act granting an increase of pension to Nancy T. Hardy;
H. R. 12710. An act granting an increase of pension to William H. Simmonds;
H. R. 12826. An act granting an increase of pension to Charles H. Knapp;
H. R. 13120. An act granting an increase of pension to Albert L. Duddleson;
H. R. 13123. An act granting an increase of pension to Charles Hawkins;
H. R. 13134. An act granting an increase of pension to William P. Rucker;
H. R. 13204. An act granting an increase of pension to Henry H. Brown;
H. R. 13236. An act granting an increase of pension to James Barton;
H. R. 13312. An act granting an increase of pension to Albert Foster; and
H. R. 13593. An act granting an increase of pension to Lewis W. Phillips.

On February 26, 1901:
H. R. 3599. An act for the relief of Lewis M. Millard;
H. R. 2085. An act granting a pension to Jane A. E. Womack;
H. R. 8190. An act granting a pension to Henry Miller;
H. R. 12696. An act granting a pension to John B. Frisbee;
H. R. 4742. An act to amend section 1225 of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools; and
H. R. 5056. An act to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C.

On February 27, 1901:
H. R. 11789. An act amending an act entitled "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," approved March 3, A. D. 1897; and
H. R. 12327. An act to amend an act granting to railroads the right of way through the public lands of the United States, approved March 3, 1875.

RETURN OF BILLS FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

In compliance with resolution of the House of Representatives on the 20th instant (the Senate concurring), I return herewith bills of the House (H. R. 4963 and H. R. 8998) entitled, respectively, "An act granting an increase of pension to Charles E. Churchill" and "An act granting an increase of pension to Alexander F. Hartford."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 27, 1901.*

AUTHORITY TO PIMA COUNTY, ARIZ., TO EXECUTE AND ISSUE BONDS.

Mr. KNOX. Mr. Speaker, I present a conference report which I think will not lead to any discussion, and I ask that the statement may be read.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8068) to authorize the board of supervisors of Pima County, Ariz., to execute and issue fifty-year 5 per cent bonds upon Pima County to redeem certain funded indebtedness of said county.

The SPEAKER. The gentleman asks unanimous consent that the statement may be read and the report omitted. Is there objection? [After a pause.] The Chair hears none.

The statement was read, as follows:

Statement of the conferees to the Senate and House of Representatives as to amendments, etc., to H. R. 8068, upon which the conference committee is agreed.

First. The House agrees to the amendment of the Senate on page 3, line 9, of the original bill. The effect of this amendment is to reduce the interest upon the authorized bonds from 5 per cent to 4 per cent maximum.

On the second amendment the Senate receded from its amendment on page 3, lines 12 to 14, the effect of which is that the Senate amendment eliminated the denomination of the bonds specified to be funded and the specific amount of the same, to wit, $147,000, bonds as authorized by the original bill, and amended so as to specify legal bonded indebtedness. The Senate receding from that renders the bonds authorized by the original bill, as specified in its preamble, intact, and specifies the bonds authorized to be funded and specifies the amount.

Third. The Senate in receding from its amendment on page 3, lines 15-16, yields their amendment which destroyed the number and amount of the bonds authorized to be funded and left it as originally provided for in the House.

Fourth. The Senate receding from its amendment on page 3, line 18, wherein this amendment struck out the language denominating the bonds authorized to be funded, restores it to the number and kind authorized in the original bill.

Fifth. The House agrees to the Senate amendment striking out the preamble, with the following amendment to which the Senate agrees; that is, they strike out the words "the aforesaid," being the qualifying words referring to the denomination and kind of bonds in the preamble of the bill, and they insert in lieu of it the following, in line 12 after the word "of:" "The 147 negotiable coupon bonds, each in the sum of $1,000, and dated June 30, 1887, issued by the board of supervisors of Pima County, Ariz., and numbered 104 to 250 inclusive." The effect of this is to knock out the preamble specifying the bonds and the history of the legislation on them, and incorporating the number and kind of bonds and the amount of the same authorized to be funded in the body of the bill, which in reality makes the bill as agreed upon by the conference committee, with the exception that it reduces the maximum interest authorized from 5 per cent to 4 per cent.

The bill as amended and agreed upon by the conference committee strips the original bill of its preamble, which specifies the bonds authorized to be funded and the legislative action leading up to them, and incorporates them in the body of the bill, which makes the bill in effect just as it was intended to be by the House, with the exception of interest as aforesaid, being 4 per cent instead of 5 per cent.

All of which is respectfully submitted to the House, and the House is respectfully asked to concur in and indorse this report.

W. S. KNOX,
L. FLETCHER,
D. E. FINLEY,
Managers on the part of the House.

Mr. KNOX. Mr. Speaker, I move the adoption of the report.

The report was agreed to.

On motion of Mr. KNOX, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. DAYTON. Mr. Speaker, I now desire to call up and have the House resume further consideration of the naval appropriation bill.

The SPEAKER. The unfinished work on this bill is the disposition of a motion with respect to the last Senate amendment. The gentleman from Texas [Mr. HAWLEY] has fifteen minutes remaining on his motion to recede and agree to the amendment of the Senate. The gentleman from West Virginia has thirty minutes remaining.

Mr. DAYTON. I now desire, Mr. Speaker, to yield ten minutes to my colleague on the committee [Mr. WATSON].

Mr. WATSON. Mr. Speaker, I shall not ask the indulgence of the House for any great period on this proposition, because I do not believe that any extended discussion of the matter involved in this controversy is essential. It will be remembered that the naval bill as it passed the House omitted any reference whatever to submarine boats. In the Senate the House bill was amended so as to provide for three submarine boats of the *Holland* type; and the question under consideration at this time is, shall we concur in the Senate amendment and authorize the construction of three submarine boats, or shall we reaffirm the former action of the House?

Mr. Speaker, I am opposed to the Senate amendment. I am opposed to any further authorization of submarine boats at this

time; and I desire the House to understand the situation in order that it may vote intelligently upon the question which confronts it. The Committee on Naval Affairs of the House had frequent hearings upon the question involved in this contest. The members of the various boards who are familiar with submarine boats were frequently before this committee. Testimony was taken upon every point involved in this controversy, and after careful consideration of the measure in all its details the Committee on Naval Affairs decided not to authorize the construction of any further submarine boats at this time. The reasons which impelled the committee to this action are many and obvious. In the first place, Mr. Speaker, the price is not one which warrants this House at this time in authorizing the construction of these boats.

The Senate placed the maximum limit of $170,000, but we have very reliable testimony before us of men who are conversant with the construction of ships and whose sole duty is to deal with matters of this character that they ought not to cost more than from fifty to seventy-five thousand dollars, and until this matter can be definitely determined it is not wise on the part of this House to authorize the further construction at the price of $170,000 for each ship.

In the second place, Mr. Speaker, the committee decided, and I think wisely, not to authorize the further construction of submarine boats at this time because of the fact that the Holland boat was the one that they sought to insert in the Navy bill as it left the hands of our committee, and the Senate has placed the Holland boat alone in the Senate amendment; so that if this amendment is concurred in it will authorize the Secretary of the Navy to construct the Holland boat, and it alone.

In other words, the Senate amendment precludes competition. It shuts out all opposition. It restricts the Department to the construction of the Holland submarine boat alone. There are various submarine boats in existence. There are various patents and various appliances of that kind and character now. There are many submarine boats in actual operation and actual use in this country. Why then shall we authorize the construction of boats of the *Holland* type alone? Why not throw it open to competition if we must have them? Why not give other patentees and other systems and other inventions an opportunity, and then determine what is best? Let them contend with other constructions and other inventions and let the Secretary of the Navy test them all and try them all before authorizing the construction of any.

In the next place, we authorized, at the last session of Congress, seven submarine boats of the *Holland* type. Before that time we owned one. We have seven more under construction at this time. The entire matter is now in an experimental stage, and there only. Therefore is it wise that we should now authorize more submarine boats before those we have already authorized have been constructed, before they have been completed, while the whole matter is yet in an experimental stage, before we know the utility and practical value of ships of this character? Would it not be much wiser on the part of this House to wait until we have constructed, completed, and tested the seven boats we have already authorized before we vote for authorization along this line?

Mr. Speaker, I undertake to say that there are other submarine boats that should be tested; but whether that be true or not, I believe it to be the part of wisdom on the part of this House to wait until the seven boats which have already been authorized shall have been completed and tested before there is any further authorization of vessels of this character.

The French alone have been experimenting with submarine boats. Practically all the other nations of the world have abandoned experimenting with them. The French alone have been testing submarine boats, and the French nation has abandoned the Holland boat and is to-day experimenting with ships of a different character and designed by different inventors altogether. Therefore I do not deem it wise, and the Naval Committee of the House did not deem it wise, and I do not now, even after the Senate's action, deem it wise that we should construct these boats alone, authorize boats of this type alone, to the exclusion of all others that may be superior in merit and have greater demands on the intelligence of the House.

In the next place, Mr. Speaker, this House at this session refused to authorize the construction of battle ships and cruisers. We overturned the former action of the House and concurred in the Senate amendment. We refused to authorize battle ships and cruisers, and why then should we authorize submarine boats? We know what battle ships will do; they have been tested. We know what cruisers can do; they have been tried. If, then, we refuse to authorize the construction of ships of this character, that constitute the very bone and sinew of our Navy, why should we go to something that is yet in the experimental stage, that has not been tested or tried, and the value of which is denied by the Navy Department? Why should we fly from the real in order to embrace the imaginary? Under all these circumstances I deem it wise, and the committee deems it wise, that we should not concur in the Senate amendment, and we ask the House to sustain us in this contention.

I do not intend at this time, Mr. Speaker, to enter upon any discussion as to the defects of the Holland invention—as to the defects of any of its devices or its mechanical appliances. I do not think it essential at this time that the House should enter upon the technical question in order to determine whether it shall stand by its committee or stand by the Senate committee. I believe all we need to know is that this thing has never been tested, that it is in an experimental stage, and that in all the trials that have been given it it has failed in every instance to measure up to the required standard. It has not met its promises in all regards and has only fulfilled them to the extent of 75 per cent of what was originally alleged. [Applause.]

Mr. HAWLEY. Mr. Speaker, I have listened with great interest to the gentleman from Indiana [Mr. WATSON], and I wish to say at the outset that every word which he has spoken with respect to the experimental stage of these boats and with respect to the competition which he invites has not only been denied upon the highest authority, but, in my judgment, has been absolutely disproven. There is a true economy which I think this House intends to practice, and there is an economy that will cause great waste in the increase in the Navy. We will build these boats now or we will build them hereafter under stress. The time is at hand when the immense coast of this country from Maine to Texas must be defended by these boats or we must mobilize our battle ships for that purpose.

I wish to say with respect to the gentleman's contention that we are in the experimental stage with these boats, and that he wants a universal competition, that thus far this proposition has been exploited and settled many years ago. In 1888, under Secretary Whitney, that splendid Secretary of the Navy who first inaugurated the development of the American Navy on its present lines had this action before him, and at that time invited propositions for submarine boats, and two designs were submitted, one the Holland boat and one for the Nordenfeldt, the latter boat of highest development of any submarine boat in Europe at that time. Both designs were carefully considered by the board of naval officers, and this board were unanimous in recommending the American Holland boat.

In 1889 proposals were again invited and three competitors entered, and the board again accepted the Holland boat.

In 1893, Congress having made an appropriation March 3 for the purchase of a submarine boat, this time the designs were submitted by Marcus Ruttenburg, Simon Lake, Cowles Engineering Company, Clarence C. Schmedz, Jon Ambrose, Albert Bosshard, O. Brubaker, John R. Forbes, George C. Baker, and the *Holland* design. Again the Holland boat received the favorable verdict of the board over all her competitors, and a contract was entered into with the Holland Company.

It might be said here that every crank in this country has undertaken to build a submarine boat who has any tendency in that direction. Shall we wait for the gentleman from Connecticut, who proposed the *Argonaut*, for his firm to perfect a design to be presented in competition with the *Holland*, when it was tried and rejected twelve years ago, and repeatedly since?

The question is whether we shall accept now that which has been indorsed by a large number of the ablest men in the United States Navy, or shall we accept the ipse dixit of a divided construction board? Mr. Speaker, the question in contention here is one between members of that board and the ablest men on the fighting line of the United States Navy.

Mr. STEELE. Why does the gentleman say that in view of the fact that we have already two and have contracted for six more? How does the question arise in this case? Where would you limit it? Would you buy 40 on the same ground?

Mr. HAWLEY. This only provides for three.

Mr. STEELE. There is a provision in the bill for six more.

Mr. HAWLEY. No; there is no provision in the bill of that kind.

Mr. STEELE. We have contracted for seven already.

Mr. HAWLEY. Very well, the time will come when we shall contract for 60.

Mr. STEELE. Why not make it 60 now?

Mr. HAWLEY. Mr. Speaker, the men who approve of the submarine boats represent the foremost figures in the American Navy, Admiral Dewey, Commander Folger, Chief Constructor of the Navy Hichborn, Commander Wainwright, Commander Mason, and Commander Kimball and Lieutenant Caldwell, and one of the great naval architects of the world, Lewis Nixon, give their unreserved indorsement of this boat. And in this able company I am entirely willing to be judged.

Mr. VANDIVER. Let me make this suggestion. This is the only one of the many submarine boats that has so fully demonstrated its usefulness as to receive the approval of the Navy Department of any government on earth.

Mr. HAWLEY. Yes; not only is that so, but to-day I am

reliably informed that the English Government is having this boat built at a higher price than this company proposes to charge the American Government. Mr. Speaker, as there are a number of gentlemen who want to talk on this subject, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. BOUTELL of Illinois). The gentleman has three minutes remaining.

Mr. HAWLEY. Does the Chair mean that I have occupied twelve minutes?

The SPEAKER pro tempore. No; but the gentleman has three minutes of his own time and the gentleman from New York [Mr. CUMMINGS] has the remainder of the time, which is six minutes; there are nine minutes altogether.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 164. Joint resolution giving the Commissioners of the District of Columbia authority to provide for the public comfort.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House was requested:

H. R. 13865. An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

NAVAL APPROPRIATION BILL.

Mr. DAYTON. Mr. Speaker, I do not know whether I shall want to occupy the full amount of my time, but I want to yield now eight minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, the gentleman from Texas argued that we ought not to throw this contract open to public competition because every "crank" in the United States is making an effort to meet the requirements of the Government in this matter. The gentlemen whom I represent are constituents of mine. I do not know Mr. Lake, the president of this company, except as I have spoken to him probably for five or six minutes. I do know some of the other gentlemen who constitute this company and who ask the privilege of making an American bid for American ships. The proposition of the gentleman from Texas is that this matter be closed up, and that in violation of the wish of the Secretary of the Navy, in violation of the recommendation of the board which has had this matter under consideration, this contract be arbitrarily awarded to a specified company. The gentleman speaks of "cranks." It may be that the gentlemen who constitute this company are "cranks," but they certainly are more expert in building ships than in building lobbies. They come here asking only the privilege——

Mr. WM. ALDEN SMITH. I think the gentleman from Connecticut [Mr. HILL] misunderstands the situation. The Navy Department in 1889 advertised for bids for the construction of submarine boats, believing these to be an effective implement of naval warfare. A number of bids were made. Again in 1894 the Department advertised for bids, and very few were submitted. Finally, against competition, and because this seemed to be the best weapon, the Department ordered this boat. That is all there is about the matter.

Mr. HILL. I do not think I misunderstand this situation; and in order that the House may not misunderstand it I will read the conclusion of the board of construction.

Mr. WM. ALDEN SMITH. What is the date?

Mr. HILL. It is from the New York Sun, under the date of January 5, 1901.

In conclusion, the board has this to say: Should Congress see fit to authorize any more submarine boats, the board is of the opinion that no special type should be specified, but that the Secretary of the Navy should have discretion to contract for such boats as are in his judgment most likely to prove most efficient and the best suited for naval purposes, thus opening up competition and giving other inventors a chance.

Mr. DAYTON. The gentleman will allow me to say that that is the recommendation of the Board of Construction for the present year.

Mr. HILL. Certainly. That is the latest and the official statement of the Navy Department upon this question.

I have further reports, copied from the New York Tribune, criticising the various vessels. I have here a statement of the competitive trials made by foreign nations, as well as the United States, showing the speed of these vessels on the surface, as well as their submarine speed.

I am not presenting any new proposition. The gentlemen who constitute the Lake Submarine Company are gentlemen of respectability—Mr. Skidmore, of the Skidmore Iron Works, of Bridgeport, Conn.; Mr. Ferris, himself a large shipowner of my State, and other gentlemen of like character, who have put their money into this company; who are not carrying on an experiment, but are actually building the boats to-day for commercial use—boats that will go to the bottom of the ocean; that will traverse the bottom of the ocean; that will open at the side and allow men to go out and dismantle wrecks and secure the valuables therein and bring them in, not boats that are being simply submitted to Congress under the influence and strength of a strong lobby to secure $70,000 apiece for ships when they can be built for $50,000 to $75,000.

That is the character of the proposition I am bringing before the House. I am not asking that these gentlemen have any favors shown to them, but only that when this Government is in need of supplies the matter shall be thrown open to public competition. If these gentlemen can not meet the requirements, they will simply withdraw; if they can meet the requirements, they will put in their bid.

Mr. HAWLEY. They have been before the board three times.

Mr. HILL. I decline to yield. I have but a few moments. I ask the privilege of printing in the RECORD two documents, one submitted to the Committee on Naval Affairs by the Lake Submarine Company and the other from that company calling attention to the various styles of architecture for submarine boats.

This is a plain proposition. The gentlemen who desire the contract for the *Holland* type of submarine boats come here asking that, in violation of the request of the Secretary of the Navy, in violation of the report of the Construction Bureau, we arbitrarily compel the Department to buy something which the Department says it does not want, and which, as the amendment admits, has not yet been tested. The proposition is based on only one condition—if one boat should be satisfactory, then the Government is to buy more.

A MEMBER. Buy all.

Mr. HILL. Yes, buy all; and bar out every other party that may wish to come in and make a bid. If I had time I would read these letters. I ask to insert them in the RECORD as part of my remarks.

The SPEAKER pro tempore submitted the request, and there was no objection.

The letters are as follows:

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS.

DEAR SIR: I understand there is a bill before the House to build additional submarine boats, in which a special type is named, notwithstanding that the Board on Construction and the Secretary of the Navy recommend that "if additional submarine boats are to be built no particular type be designated," thus opening up competition, in which the Government may obtain the best type obtainable.

As a builder of these submarine boats, and one who has spent many years in the study and development of submarine boats, the company which I represent would like to have the privilege of bidding on such craft, believing it would accrue to the great advantage of the Government if we were allowed to do so, and from which at present we are debarred by legislation in favor of one company.

The following letter from the Secretary of the Navy will explain itself:

NAVY DEPARTMENT,
Washington, January 28, 1901.

SIR: Replying to your letter of the 22d instant, stating that you understand there is a proposition before Congress to build additional submarine torpedo boats, and asking to be informed as to the proper method to get the merits of your type of vessel considered, I have to inform you that the board of construction, to which your letter was referred, reports as follows:

"So far as known to the board of construction there is no proposition before Congress to build additional submarine torpedo boats, nor is there now any appropriation for conducting experiments with such boats.

"The board has not sufficient data concerning the Lake submarine boat to express an intelligent opinion as to its probable efficiency.

"Should there be an appropriation for submarine boats, in which no special type is designated, the question of the Lake submarine boat could then be considered."

In view of the foregoing report the Department is unable to give consideration at the present time to the question of experiments with your boat. However, should Congress make an appropriation for submarine boats in which no special type is designated, the availability of your type of submarine boat will be given consideration.

Very respectfully,

JNO. D. LONG,
Secretary.

Mr. SIMON LAKE,
President the Lake Submarine Company,
Bowling Green Building, No. 11 Broadway, New York.

From the above letter it will be observed that the Navy Department is not sufficiently familiar with my type of vessel "to enable it to express an intelligent opinion as to its probable efficiency;" and also that if an appropriation is made in which no special type is designated the availability of my type will be given consideration. On behalf of the company which I represent I will say: We are not asking for an appropriation at this time to build these boats. All we want is an investigation of the merits of our type of vessel, and for which our company is willing to provide the boat and all expenses connected with our end of the necessary experiments. But it appears from the Secretary's letter that the Government can not at the present time investigate it, because there is no appropriation that would permit them to do so.

As to the merits of our vessel, will say our boat, the *Argonaut*, has been forty-eight hours on one continuous voyage at sea, part of that time during a storm. Ours is the only submarine vessel that has ever traveled on the bottom of the ocean. During the Spanish-American war the *Argonaut* entered Hampton Roads in the night when the Road was patrolled. During this time the country was in dread of the Spanish fleet, and, notwithstanding the fact that the searchlights on Fortress Monroe were playing all night, we were not discovered, although we finally anchored within one-eighth of a mile of the mines and remained there in a partly submerged condition all night. We have the capacity (not possessed by other types) of destroying cables and submarine mines, and have actually picked them up from the bottom. We claim for our type greater speed and seaworthiness, and greater stability and efficiency in every respect, than that obtainable by any other type of submarine vessel. We have made long, continuous voyages under

water; we have had 28 people submerged in our vessel for a period of four hours at one time, during which time a meal was prepared and served, two hours of which time we had no communication with the surface. Our type of vessel is also capable of making sea voyages to foreign countries.

We claim the ability to remain submerged for weeks at a time, if necessary, and to travel accurate courses while submerged.

I am aware that some of above claims will probably be denied by people who know nothing of what our years of experiments have developed, but all we ask is an investigation, and for which we are willing to bear our portion of the expense.

Yours, very respectfully, ——— ———.

NEW YORK, *January 21, 1901.*

DEAR SIR: It is reported that there is to be a bill presented before Congress authorizing the purchase of additional submarine boats for the United States Navy. If this is true I would like to have an opportunity of submitting plans for supplying some of such craft. I have been in the submarine boat business for a number of years, and the *Argonaut* is well known as being one of the most successful submarine boats ever built. Of course she is not a submarine torpedo boat; she has been built for commercial purposes; but vessels of her type are equally well adapted for torpedo boats. They would only need to be fitted with torpedo tubes and storage batteries to make them independent of surface connections. I submitted plans to the Secretary of the Navy in 1893 for such a vessel, but as I was not familiar with the proper methods of presenting a bid for naval work I was disqualified, although afterwards I was informed by some high authorities in Washington that my plans were considered the most practical of any presented.

I finally received a letter from the Secretary of the Navy, returning my plans and stating that as my plans were not in accordance with the regulations they could not be considered in the competition, this notwithstanding the fact that the circular requesting inventors to submit proposals distinctly stated that even if the plans submitted were informal they would be taken into consideration. Fortunately my type of vessel was equally as well adapted for commercial purpose as for war. I therefore devoted my attention to that branch of the business. As you are aware, Congress in 1893 appropriated $200,000 for the purpose of developing the ideas of another inventor, and a contract was made for building a vessel of that type, which vessel is still uncompleted. Since that time the Government has purchased another vessel of the same type, and has authorized the building of six more.

In 1897 the *Argonaut* was completed and experimented with in the Chesapeake Bay and on the Atlantic coast, and was the first entirely successful boat ever built. At that time she was only 36 feet long, yet some naval officers who were on board while she was at Hampton Roads, Virginia, during the Spanish-American war, said she would have proven invaluable in cutting cables and destroying the mine defenses along the coast and at Santiago, even in her condition at that time. At that time I again tried to interest the Government in my type of vessel, but owing to my inexperience in that line, I did not succeed in getting a hearing.

Now, however, in view of the fact that there has already been appropriated over $1,000,000 for experimenting with another type of vessel, I think it will be to the advantage of the Government if the merits of other types should be considered. I send under another cover a pamphlet descriptive of my style of submarine boat, the *Argonaut*, which will give you some information as to what I have accomplished. This pamphlet only relates to the commercial features of her type of vessel, but I have in preparation another pamphlet which relates directly to the use of this type of vessel for naval purposes, which will be ready in a few days.

I read a paper before the Naval Militia in New York some time ago and illustrated the method of defending our coast and harbors by the use of submarine vessels of the *Argonaut* type, and invited criticism; there were also a number of the regular naval officers present; but they all said there was no criticism to make; they believed there was no method known to naval science that could compete with vessels of the *Argonaut* type when fitted with storage batteries and whitehead torpedoes.

Lieutenant Commander Kimball told me when in Baltimore he believed a vessel of the *Argonaut* type could enter any harbor in the world and destroy their mine defenses. Admiral Hichborn, in a recent article in the Engineering Magazine, said: "The Lake boat gives good promise of efficiency." "A boat of her type fitted with a true submarine motor might be very valuable in the attack of a mine field." The *Argonaut* type of vessel has numerous advantages over previous or existing types of submarine vessels, which are protected by numerous fundamental patents and can not be embodied in other vessels without infringement. Its characteristic features are:

First. Automatically maintaining the trim of the vessel while submerged.

Second. Automatically regulating the depth of submergence.

Third. Ability to steer long and correct courses when submerged, without the necessity of frequently coming to the surface to correct the same.

Fourth. Means for communicating with the shore or another submarine or surface vessel while on picket duty.

Fifth. Means whereby divers may readily leave and reenter the boat while submerged, no water entering the boat while the door is open.

Sixth. Ability to guide the vessel toward or away from an enemy while submerged, without exposure of position.

Seventh. Ability to cut and destroy cables and mine defenses.

Eighth. Means for traveling either on the surface, awash, submerged at any predetermined depth, or on the bottom.

Ninth. Means for recharging the batteries while submerged.

Tenth. The ability to travel submerged and at the same time receive an abundance of pure air in its natural condition.

Eleventh. Seaworthiness. Vessels of her type are more seaworthy than purely surface boats and are as capable of making long voyages; the superstructure affords sufficient fuel storage capacity, and also provides a deck, which is a very desirable thing for long cruises.

Twelfth. Her type affords sufficient and comfortable crews' quarters. (See page 15 of pamphlet, when a party of twenty-eight were entertained below the surface.)

Thirteenth. The type is adaptable for being utilized as tenders to cruisers or battle ships, for harbor or coast defense purposes, or for submarine cruisers or gunboats for offensive purposes in foreign waters.

Fourteenth. Provision for the escape of the crew in case of total disablement of the vessel. In addition to the above especial features, the boats have all the advantages possessed by other submarine craft, as all the more important boats of recent years have been simply combinations of old principles, known and described years ago, and are not, as is the *Argonaut* type, protected by broad or basic patents. A list of these patents will be found on page 27 of the pamphlet.

I have at present plans, and in preparation others, for submarine torpedo boats of the *Argonaut* type, which will be ready to submit to the naval authorities at an early day.

I shall be glad to answer any questions that you may desire to ask upon this subject, either by correspondence or by personal interview, as may be your pleasure.

Yours, respectfully,

SIMON LAKE.

Hon. JAMES R. YOUNG, *Washington D. C.*

Mr. HILL. The proposition is that we shall buy these boats whether the Department wants them or not. The Navy Department is against this proposition; the Bureau of Construction is against it, and the Secretary of the Navy has officially declared himself against it in his report. Yet it is proposed to force this contract upon the Government and to limit the work to one party. This is not in accordance with American methods; it is not in accord with our way of doing things.

All I ask in the amendment which I have submitted is that this matter shall be left discretionary with the Secretary of the Navy and that if he should think it wise to purchase any of these boats the matter shall be thrown open to public competition, he himself specifying the design and character of the boats to be built. We ask nothing more; and it seems to me that in sound business judgment we should not be content with anything less.

I yield back the balance of my time. [Applause.]

Mr. DAYTON. Mr. Speaker, I insist that gentlemen on the other side should now exhaust their time, after which I will yield to a gentleman to close the debate.

Mr. CUMMINGS. I insist that if the gentleman is to give out further time on his side before he closes, he should give it out now.

Mr. DAYTON. I do not propose to close the debate, but as soon as you shall exhaust your time, I propose to yield to the gentleman from Illinois [Mr. CANNON] the remainder of the time that he may close the debate. I have already spoken on this question and do not wish to speak further, but I ask unanimous consent to extend my remarks in the RECORD and insert a large amount of material touching this matter that may be of interest to members of the House.

Mr. CUMMINGS. I object to that.

Mr. DAYTON. Very well. I do not care about it particularly.

Mr. HILL. I ask unanimous consent to insert in the RECORD a table of speeds and comparative tests of results with various boats in Europe and America.

Mr. HAWLEY. I object.

Mr. HILL. I should think you would.

The SPEAKER pro tempore (Mr. BOUTELL of Illinois). The gentleman from New York [Mr. CUMMINGS] is recognized for six minutes.

Mr. CUMMINGS. I yield five minutes to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, I have usually—in fact, I might say always—taken pride in following the recommendation of the Committee on Naval Affairs.

Mr. STEELE. Do not break your record now.

Mr. WM. ALDEN SMITH. I would not break my record now, as the gentleman from Indiana [Mr. STEELE] intimates I ought not to do, were it not for the fact that the Committee on Naval Affairs have reversed their own position. In the last Congress they unanimously reported a measure in favor of the purchase of submarine boats.

Mr. DAYTON. I hope the gentleman will permit me to correct that impression in the House. The committee never reported a provision in favor of these boats. The provision came over from the Senate committee just like it has now.

Mr. WM. ALDEN SMITH. And you accepted it.

Mr. DAYTON. The conferees accepted it like they do many other objectionable provisions.

Mr. HAWLEY. Did not you vote for it in conference?

Mr. DAYTON. I voted for it in the final conference because it was insisted on, and not otherwise.

The SPEAKER pro tempore. The gentleman from Michigan is entitled to the floor.

Mr. WM. ALDEN SMITH. I reassert what I stated a moment ago—that the Committee on Naval Affairs have reversed themselves. Now, I am of the opinion that it is wise for this Government to adopt such implements for naval defense as our best authority maintains would be proper and right. I have gone over every line of the testimony taken by the Committee on Naval Affairs, and I find that one of the best men that ever sat at the head of the Bureau of Construction—Admiral Hichborn, who only ceased active duties yesterday and retires on the 4th of March—has commended this submarine boat in the highest terms. Listen to his testimony, and then let the Committee on Naval Affairs criticise this latest and most effective weapon of naval warfare. The 1st of December, 1900, Admiral Hichborn made this statement in a formal report to the Navy Department with reference to the Holland submarine boat:

> The last year has brought to fruition the experimental work, covering a considerable period, and has demonstrated the practicability of the submarine boat. The vessel which the Department recently acquired has shown herself capable of such perfect control in the vertical plane that she may be kept within a few inches of any desired depth while moving, or brought to the surface and taken under again in a very short time; her direction and control in the horizontal plane on the surface is effected with the same facility as any other craft, and submerged is limited only by the difficulties of vision; her crew are provided for on board with reasonable comfort and perfect safety for such periods as she may be in service, and working either upon the surface or submerged; and her armament, consisting entirely of torpedoes, gives her great offensive power.

In spite of the unsuitableness of the forms of power generators at present available for a vessel running both on the surface and submerged, there is attained, under both conditions, a speed which, while not all that is desirable, will make the vessel capable of efficient service as an element for coast defense. Of the possibilities in the application of efficient submarine vessels to coast-defense work it is not necessary to speak; nor is it necessary to do more than mention the economy of men and money in this form of defensive preparation and the moral effect upon an enemy which will come from a knowledge that we possess and are employing for coast and harbor defense vessels of so great possibilities. At least one European nation having a considerable coast line to defend has entered seriously upon the construction of submarine vessels, and has in hand or projected a considerable number of this class of vessel.

Experience has shown that the appearance of any particular type of fighting craft in sufficient numbers to make its possibilities a factor to be considered forces modifications in types previously existing. That this should be particularly the case with submarine vessels there is every reason to believe, and there can be little doubt that to the first nation in the field with the new type will accrue not only the advantages which will come from the possession of efficient vessels of this type, but the additional advantage in saving in cost which will result from an early understanding of the new type and the modifications which its introduction will force in existing types.

What becomes of the statement of the acting chairman of the Committee on Naval Affairs that it is a dangerous boat? It is dangerous to the enemy, but we find Admiral Hichborn says her crew can ride her in perfect safety.

Mr. DAYTON. You quote one; I quote four, O'Neil, Melville, Bradford, and Woodward.

Mr. WM. ALDEN SMITH. Only yesterday Admiral Hichborn received the highest commendatory letter that the Department of the Navy has given to any of its chief naval constructors, and he is commended to-day by the press over the country for his skill in superintending and directing the construction of some of our best and most powerful ships of war. What does he say about the price of this boat? He says it is reasonable considering the delicate character of her mechanism and the work performed. The laborer is worthy of his hire. Admiral Hichborn says: "The *Holland* to-day is an improvement on anything that has ever been built in the history of the world." This is the most formidable naval weapon of which the world has any knowledge. Why not let this Government avail itself of it? The Committee on Naval Affairs authorized the purchase of five or six last year at an expense of $170,000, and yet one of the Committee on Naval Affairs comes here to-day and has the audacity to tell this Congress sitting in solemn session that these boats can be bought for $50,000. The great Naval Constructor Hichborn does not take this view, and the Navy Department does not indorse it.

Mr. BUTLER. Will the gentleman allow me to ask him a question?

Mr. WM. ALDEN SMITH. I can not yield. I have only a few minutes.

The SPEAKER pro tempore. The gentleman from Michigan declines to yield.

Mr. WM. ALDEN SMITH. The Admiral says that this submarine boat is the most effective boat that has been devised, and that one shot from the *Holland* would destroy the most powerful battle ship in the world. What do the Committee on Naval Affairs say to that, and to the following evidence of the efficiency of the *Holland* as a weapon of warfare, contained in Senate Document No. 71:

Lieut. Nathan Sargent, the commanding officer of the U. S. S. *Scorpion*, one of the blockading squadron at Newport, says:

"The moral effect of an anticipated attack from the *Holland* submarine boat was great."

Capt. William M. Folger (formerly Chief of Ordnance of the United States Navy), commanding the U. S. battle ship *Kearsarge*, the flagship of the blockading squadron, says in his report:

"It is clear that the *Holland* type will play a very serious part in future naval warfare. There is no doubt whatever that the vessel at Newport can approach a turret ship unseen, either by night or day. Her only danger is she may be run over herself by picket or large vessel."

Admiral Farquhar, the commander in chief of the North Atlantic Squadron, which was blockading Newport, after witnessing the performances of the *Holland*, states:

"The *Holland* impressed everyone with the idea that under ordinary circumstances she could always get in a torpedo either day or night without being discovered."

The *Holland* arrived at Newport June 24 last, and Lieut. Harry H. Caldwell, of Admiral Dewey's staff, was assigned to command her. The annual report of the commander of the torpedo station says, under date of September 1, 1900:

"Up to the present date the boat has made 10 runs entirely under the control of the Navy crew."

Under date of September 27 last Lieutenant Caldwell makes a lengthy report, and, among other things, says:

"She (the *Holland*) is in excellent condition.

"There have been many minor accidents, but I think fewer than on the ordinary torpedo boats."

Commander N. E. Mason, United States Navy, in charge of the torpedo station at Newport, R. I., makes a lengthy report to the Department on the workings of the *Holland*, under date of October 1 last. He says:

"In my opinion the *Holland* has been a grand success so far, and for some time the naval crew have had entire charge of her, under command of Lieutenant Caldwell, running and working her both night and day without the presence of any of the *Holland* experts.

"Having made several dives in the boat myself with the naval crew alone, I am of the opinion that they are competent in every way to maneuver and manipulate the boat successfully.

"During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla the *Holland* made a successful attack on the fleet at night by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor and with the naval crew alone in her."

Also, letter of Admiral Dewey, Senate Document No. 122:

OFFICE OF THE ADMIRAL, *Washington, D. C., January 28, 1901.*

DEAR SIR: I have the honor to acknowledge the receipt of your communication of even date, with inclosures, relative to the Holland submarine boat, and particularly to an amendment which you propose to offer to the pending naval appropriation bill providing for the construction by contract of 7 additional boats of this type.

Replying to the first of the questions which you propound, viz, whether or not, in view of the favorable reports made by officers of the Navy upon the U. S. S. *Holland* since she has been in possession of the Government, I agree with those officers as to the great value of this type of boat for harbor and coast defense, I have to state that I do, and that my opinion as to its value has not changed since my testimony before the House Committee on Naval Affairs in April last.

Referring to your second question, asking if I entertain the same views with regard to an appropriation for 7 additional submarine boats during this session, as does Rear-Admiral Hichborn, who recommends that the Government shall continue the construction of the Holland boats, I have to state that the Secretary of the Navy having, in a letter to the chairman of the House Committee on Naval Affairs under date of the 9th instant, set forth the policy of the Department concerning the construction of additional submarine boats at this time, it would, in my judgment, be unbecoming in me to express a different opinion.

Very respectfully,

GEORGE DEWEY,
Admiral, United States Navy.

Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.

Statement of Admiral George Dewey, April 3, 1900:

Admiral Dewey said:

"Gentlemen: I saw the operation of the boat down off Mount Vernon the other day. Several members of this committee were there. I think we were all very much impressed with its performance. My aid, Lieutenant Caldwell, was on board. He could tell, if necessary, what was done from the inside. The boat did everything that the owners proposed to do. And I said then, and I have said it since, that if they had had two of those things in Manila I never could have held it with the squadron I had. The moral effect—to my mind it is infinitely superior to mines or torpedoes or anything of the kind. With those craft moving under water it would wear people out. With two of those in Galveston all the navies of the world could not blockade that place."

And the following from Lieutenant Caldwell, commander of the *Holland*, contained in Senate Document No. 115:

Letter from Lieut. Harry H. Caldwell, U. S. N., commanding submarine torpedo boat Holland.

U. S. S. HOLLAND, *Navy-Yard, Norfolk, Va., January 12, 1901.*

DEAR SIR: Replying to your letter of the 11th instant, I take pleasure in answering your questions as follows:

1. Q. How long have you commanded the *Holland?*

A. The *Holland* has been under my charge from June 25, 1900, to the present time. She was formally placed in commission under my command on October 12, 1900.

2. Q. What is the longest submerged run you have made in her?

A. About 1½ miles.

3. Q. Do you consider her durable, habitable, and reliable as a vessel of war for coast and harbor defense?

A. Yes.

4. Q. Commander Mason, of the torpedo station, says in a report to the Secretary: "During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla the *Holland* made a successful attack upon the fleet at night by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor and with the naval crew alone in her." Did you command the *Holland* upon this occasion? If so, describe how you made the attack and whether you considered it a success.

A. The *Holland* was under my command on the occasion mentioned. She left the torpedo station at sundown and was placed in a partially submerged condition, with the turret and about 6 inches of the hull above water, ready to dive at short notice. Cruised in this condition to southward and eastward of Brentons Reef light-ship. Sighted two vessels of blockading fleet and fired torpedo signal at them, but was not answered, and they disappeared before I could ascertain their identity. About 9 p. m., about 7 miles south-southeast from harbor entrance, sighted U. S. S. *Kearsarge* within range and fired torpedo signal. Followed her and, getting within 100 yards without being discovered, showed light, hailed her, and informed her commanding officer that she had been torpedoed. The *Holland* was not seen by any vessel of the blockading fleet or torpedo boat, although she was within torpedo range of three of the former and several of the latter. I consider that the attack was a success, because the *Holland* could, in all probability, have torpedoed three blockading vessels without being discovered.

5. Q. Please give your opinion as to the value of the *Holland* as a coast and harbor defense vessel.

A. I consider her of very great value for that purpose.

6. Q. Would you be willing to command her in case of war with a foreign power that was blockading some of our ports and harbors; and if so, what do you believe you could do with her toward breaking the blockade?

A. Yes. I believe that I could sink one or more vessels of a blockading fleet or else make them keep so far away as to make the blockade ineffective.

7. Q. Do you believe, with six of the Holland boats under your command, having trained crews composed of American men and officered by men of your own selection, that you could break a blockade of New York City made by 15 ships of war? If so, describe how you would do it.

A. Yes. By direct night attacks, approaching the fleet from different directions in partially submerged condition and diving when discovered. If the fleet kept underway, by lying in wait at different points of its course or accompanying a decoy blockade runner.

8. Q. Would it not be a wise provision for the Government to build from five to ten of these Holland boats this year in addition to the seven now under construction, and distribute them among our principal ports and harbors in case of war?

A. In my opinion, decidedly yes.

9. Q. From your experience in command of the *Holland*, can she go 10 miles or more to sea and make a successful attack on the enemy's fleet by day or night?

A. By night, undoubtedly; by day, in all probability.

10 Q. How is it proposed to take the *Holland* back from Norfolk; and, if unable to return under her own power, explain why?

A. I am not officially informed how the Navy Department proposes to return the *Holland* to Annapolis. She could return under her own power,

though I should not consider it advisable, as her main motor is disabled through an armature bar being burned out, so that she can not back. She made the last 60 miles of her voyage from Annapolis under this condition.

Very respectfully,

H. H. CALDWELL,
Lieutenant, U. S. N., Commanding.

Hon. R. B. HAWLEY,
Committee on Naval Affairs, House of Representatives.

What does the committee say of this, as well as the unqualified indorsement of Commander Richard Wainwright, former commander of the U. S. S. *Gloucester*?

I commend to the Naval Committee the letter of the Secretary of the Navy addressed to you January 9, 1901, wherein he says:

The question with the Department is not so much the desirability of submarine boats. This may be regarded as largely settled by the fact that one is now in commission and has given promise of great possible efficiency, and that seven more have been authorized by act of Congress and are now in process of construction, although like many other new inventions they can not be said to have entirely passed the experimental stage in respect to actual service.

The question with the Department is rather whether the construction of an additional number should be authorized until those now under construction are finished and their usefulness further assured. On this ground, there being no pressing exigency for more, and especially in view of the large naval expenditures in hand and estimated for, the Department does not regard further expenditure in this direction essential at this time.

The Senate amendment provides that the present appropriation shall not be available until the first boat now being constructed for the Government shall have been accepted by the Secretary of the Navy.

But, Mr. Speaker, the opponents of the amendment urge that the price is excessive. In answer to this your attention is called to extract from report of board on construction to Chairman FOSS, dated January 2, 1901:

10. As regards the cost of the present boats, namely, $170,000 each, the board is of the opinion that if the cost of construction, with a reasonable profit to the contractors, is alone considered, it is a very high price; but if the expenses of the company in developing the boat are taken into consideration, the price is not excessive.

Also to the fact that the *Dahlgren*, 143 tons, an ordinary type of torpedo boat, cost for hull and machinery $194,000.

When the Secretary of the Navy purchased the *Holland* he compelled the Holland Company to enter into an agreement, which is dated April 11, 1900, and contained in Senate Document No. 321, Fifty-sixth Congress, first session. This agreement provides that the Holland Company should not charge more than $170,000 apiece for these boats, and leaves it to the discretion of the Secretary of the Navy to pay as much less as he sees fit. The fact is that he has already contracted for seven boats at $170,000 each. It would thus appear that he does not agree with Admiral Melville, who says that the boats should cost not more than $50,000 or $60,000.

But the gentleman from Connecticut [Mr. HILL] says competition is denied. He is mistaken. Competition has been allowed and this type selected. It is time to have competition when any new inventor builds a boat and complies with the requirements of the Navy Department. I like competition, but there can be no competition with undeveloped ideas.

In 1889, proposals were invited by the Navy Department for submarine boats, and this time three bids were received—from Geo. C. Baker, of Des Moines, Iowa; M. P. Hayes, of Virginia; and the Columbian Iron Works, of Baltimore, Md. The design submitted by the Columbian Iron Works was the Holland boat. The competition was again decided in favor of the Holland boat, and it was recommended by the Chief of Ordnance that a contract for the boat be entered into with the company.

Designs for submarine boats were again advertised for by the Navy Department in May, 1893, Congress having made an appropriation March 3, 1893, for the purchase of a submarine boat. This time the designs submitted were as follows: Those of Marcus Ruttenburg, Simon Lake, Cowles Engineering Company, Clarence B. Schnetz, Jon. Ambrose, Albert Bosshard, O. Brubaker, John R. Forbes, George C. Baker, and the Holland designs.

Again the Holland boat received the favorable verdict of the board over all her competitors, and upon the recommendation of the board a contract was entered into with the Holland Company for the present submarine boat *Plunger*.

(According to the Report of Bureau of Ordnance for 1894, dated October 1, 1894, contained in Annual Report Secretary of the Navy for 1894–95, pp. 336 to 350.)

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAWLEY. I extend the gentleman the balance of my time.

Mr. WM. ALDEN SMITH. You can buy twenty of these submarine boats of this type for one-half what it will cost to build one battle ship; and I think we have reached that point, Mr. Speaker, when we can afford to forego some of the pride of offensive warfare and buy some implements that will defend our coast against possible danger. I am in favor of availing ourselves of this privilege. I am not one of those who are in favor of driving the inventor, whose genius and skill invented these ships, to European countries to be appreciated, as we have the inventions of Maxim, Hotchkiss, Gatling, and others. I take my information from high officers of the Navy, and not from the promoters of this invention, and feel that we should avail ourselves of this type of ship at the lowest possible cost.

So I say it comes with ill grace from the Committee on Naval Affairs, after urging us to build six of them at an expense of $170,000 apiece, to now walk in here and say they have made a bad bargain, when Admiral Dewey and other naval experts say we have not. For one I decline to follow such leadership. I prefer to follow the advice of Admiral Hichborn, Admiral Farquhar, Admiral Dewey, and Lieutenant Caldwell, who is placed in charge of the *Holland*. He says that with 5 of these ships he could break a blockade of New York Harbor consisting of 15 battle ships of any European government on earth. What has come over the Committee on Naval Affairs?

Are they afraid that if we inaugurate this policy that no more battle ships will be authorized and the opportunity for attractive display will become a thing of the past? Let us avail ourselves of the genius of this American inventor, and carry out the recommendations of our most successful naval constructor. It has been tried. Admiral Hichborn says it has; that he has been in her, knows her mechanism and safety, and I prefer to take his judgment rather than the judgment of men who have never been upon the *Holland* and do not know any of its workings or effectiveness. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from New York has one minute remaining.

Mr. CUMMINGS. Mr. Speaker, in reply to the gentleman from Connecticut, I want to say that in 1888, under Secretary Whitney's administration, the Navy Department invited proposals for submarine boats. Two designs were submitted, one for a Holland boat, and one for the Nordenfeldt boat. The latter was the highest development of the submarine boat at that time. Both designs were carefully considered by a board of naval officers. This board was unanimous in recommending the American, or Holland, boat. In 1889 proposals were again invited by the Navy Department for submarine boats. Three bids were received, one from George C. Baker, of Des Moines; one from M. P. Hayes, of Virginia, and one from the Columbian Iron Works, of Baltimore.

The design submitted by the latter was the Holland boat. The Chief of Ordnance recommended that a contract for the Holland boat be made with the Columbian Iron Works Company. On March 3, 1893, Congress made an appropriation for the purchase of a submarine boat. Designs were again advertised for by the Navy Department in May following. The designs submitted were those of Marcus Ruttenburg, Simon Lake—this was the boat known as the *Argonaut*—the very boat which the gentleman from Connecticut is now advertising—the Cowles Engineering Company, Clarence B. Schnetz, Jon Ambrose, Albert Bosshard, O. Brubaker, John R. Forbes, George C. Baker, and the Holland designs. The Holland boat received the favorable verdict of the board over all her competitors, and upon the recommendation of the board a contract was made with the Holland company.

My friend from Connecticut need not deny this statement, for all the facts are contained in the Report of the Bureau of Ordnance for 1894, and were contained in the Annual Report of the Secretary of the Navy, 1894–95, pages 306 to 350.

Thus there have been three competitions for submarine boats, and all resulted in favor of the *Holland*. Now, Mr. Speaker, this Board of Construction, to which the gentleman from Connecticut has referred, is the same board that drew up the requirements for the present Holland boat. The Board of Inspection and Survey declared that this boat filled every requirement, including an additional requirement made by the Secretary of the Navy. Therefore I say that this Board of Construction has had its day in court and is estopped from coming in here at this time and attempting to reopen the question again.

Now, Mr. Speaker, all that the Senate asks is that in case these additional submarine torpedo boats fulfill the requirements and act to the satisfaction of the Secretary, he shall be authorized and directed to build three more of them.

Mr. OTEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. OTEY. I would like to submit a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. DAYTON. I want to extend all courtesy, but is that relative to this topic?

Mr. OTEY. Yes.

Mr. DAYTON. Is it to have something printed in the RECORD?

Mr. OTEY. Nothing at all. I just want about thirty-three seconds.

Mr. DAYTON. Then go on.

Mr. OTEY. Mr. Speaker, there is no man living who knows the opinion which I entertain on this question, and probably would

not know after I got through; and I ask unanimous consent to address the House for ten minutes.

Mr. DAYTON. I am constrained to object to that.

Mr. OTEY. I will compromise on five minutes.

The SPEAKER pro tempore. The gentleman in charge of the bill is constrained to object.

Mr. DAYTON. I yield twelve minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have listened with attention to the gentlemen who have talked touching this proposition. I have been confused by statements and counter statements. "I told you so," says one naval constructor; "you are mistaken," says another. So that, Mr. Speaker, I have been compelled to resort to the hearings before the Naval Committee and to inquire what is the recommendation of the Secretary of the Navy, and to inquire further, as there is a difference of opinion between the naval constructors and the naval board, where the preponderance is. And also to inquire, in the light of these inquires, what is the necessity for speed in this exact legislation at this time. I have no pride of opinion about it. I would hardly know one of these submarine boats from an elephant if I were to see it. [Laughter.] So that I must resort to the hearings.

Now it seems to me this is the condition: Two days ago the House of Representatives, by a vote of 158 to 80, said the time had come to call a halt, so far as further authorizations are concerned for naval construction, and it did that, too, touching the battle ships and cruisers. It takes from three to four years to build a battle ship or a cruiser. Still, we said we will wait another year before we will authorize the construction of these great marine engines of war. Well, now, from that standpoint let us inquire about these submarine destroyers. Working stress, says this hearing, they can build one of these submarine boats in five months; not four years, not three years, but in five months.

Admiral O'Neil says, in substance, we are about to have six or seven of them completed in April next, and that there is no immediate use for them; and, he says: "As they can be readily constructed I recommend that the further construction of the boats be dispensed with for the present." So says Melville; so say the majority of this board; so says the Secretary of the Navy. So that it is not a case where there is an absolute necessity to have these boats for present use. If we are constructing for a future war, we had better construct the ships that take three or four years and let the five-months' boats wait.

Now, then, so much for that. I am not going to try to discuss the merits, but I want the attention of the House a minute to what this bill does by Senate amendment. It was born in the Senate last year and accepted by the conference committee in the House. Here it comes again, and the Secretary of the Navy is authorized and directed to contract for three additional boats with the highest bidder? No; but at not exceeding $170,000 per boat of the Holland company. All the balance of the world, every shipyard in the United States, is barred out, and there is an absolute contract to give $170,000 a boat to this company.

Mr. VANDIVER. It does not say the "Holland Company," it says the "*Holland* type."

Mr. CANNON. You say the Holland Company owns the Holland patents and nobody else but the Government and the Holland Company could build the boat.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. Wherein does that policy in giving discretion to the Secretary of the Navy, or commanding him to do it, differ from what Congress did in giving him the authority to contract with a monopoly for the supply of armor plate?

Mr. CANNON. Oh, I will not be switched off upon that. If that contract was wrong, two wrongs do not make a right.

Mr. COOPER of Wisconsin. I only wanted to bring the attention of the gentleman to that fact.

Mr. CANNON. Now, how much are these boats worth? Why, read the hearings, and here is Admiral Melville and Admiral O'Neil both agreeing that these boats are worth from fifty to seventy-five thousand dollars.

Mr. WM. ALDEN SMITH. Admiral Hichborn says that they are worth what they cost.

Mr. CANNON. Admiral Hichborn is a good man and I like him, but I am not going to pin my faith to him when a majority of the people, who are equally able, say no. Now, then, this boat costs fifty or seventy-five thousand dollars and this bill proposes to pay $170,000.

Mr. CUMMINGS. Will my friend yield to me? I know he does not wish to misstate the facts.

Mr. CANNON. Let me finish this statement first and then I will do it. Now, then, if this man deserves well of his country, he has already had contracts, at the rate of $170,000 a boat, for his boats. Now, it is alleged that the first one that he built cost more than a hundred and seventy thousand dollars, but it is nowhere alleged—and such, I am informed, is the truth—that the others cost far less, so that he has had six or seven hundred thousand dollars clean profit. That is enough, especially as we do not need the boats, and especially as the Secretary of the Navy says "No."

Now, then, gentlemen may say that the Government can not construct this boat. Yes it can. The Government, when there is an article that it desires to use, whether it is patented or not, goes to work and uses it and constructs it, and the question of payment of damages comes afterwards. The Government is the only entity that can do that. But, they say, keep it from going abroad. Why, the gentleman from New York [Mr. CUMMINGS] informed us the other day that there was a contract by this company for five of them abroad. I do not know whether he was fully informed about it or not, but that was his statement.

I always look with disfavor upon legislation that ties the hands of the Government and says there shall be no competition, but that a contract shall be given to a certain concern to the exclusion of all the balance of the world. I know, then, that you ought to be able to say that was the only thing in the world that could build this best thing in the world, and there was no other way to do it. I know upon the merits you ought to be able to say that, and if you are not able to say that, then I would take it by the throat and say, Halt, there is a cat in the meal or a nigger in the wood pile! [Laughter.]

Now, that is about all I want to say about it. We can halt. We get 6 more of these boats in April, at $170,000 each, under a former contract, that does not cost over fifty or seventy-five thousand dollars a boat to build. That is enough bonus for these people. We better wait until April and try them, and then when we come back next winter, if it is desirable to have more of them, authorize the Government of the United States to go into the markets of the United States and take the boats, and let the contracts to the lowest and the best bidder therefor.

Mr. CUMMINGS. Will the gentleman now yield to me?

Mr. CANNON. Certainly. What is the gentleman's question?

Mr. CUMMINGS. I want to read from the report of the Bureau of Construction from a letter of the chairman, dated January 2. He says:

> As regards the cost of the present boats, namely, $170,000 each, the board is of the opinion that if the cost of construction, with a reasonable profit to the contractors, is alone considered, it is a very high price; but if the expenses of the company in developing the boat are taken into consideration, the price is not excessive.

Mr. CANNON. Now, Mr. Speaker, these people have had the contract for eight boats——

Mr. CUMMINGS. Only six.

Mr. CANNON (continuing). Which do not cost more than $50,000 to $75,000 apiece to build. They have had the contract. The Government is bound. Now, they come and want us to contract for three more. At the hearings, I repeat, it was stated by Admiral Melville, Admiral O'Neil, and a majority of the board that the cost was $50,000 to $75,000 apiece for these boats.

Mr. Speaker, I am ready for a vote.

Mr. DAYTON. I now ask for a vote.

The SPEAKER. The question is first on the motion of the gentleman from Texas [Mr. HAWLEY], that the House recede from amendment numbered 89, and concur in the same.

The question being taken, there were on a division (called for by Mr. HAWLEY and Mr. SULZER)—ayes 74, noes 91.

Mr. SULZER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 132, answered "present" 8, not voting 94; as follows:

YEAS—119.

Acheson,	De Graffenreid,	Lester,	Salmon,
Adamson,	Denny,	Levy,	Sheppard,
Aldrich,	Dougherty,	Livingston,	Showalter,
Allen, Ky.	Dovener,	Lloyd,	Sibley,
Allen, Miss.	Finley,	Loudenslager,	Sims,
Atwater,	Fitzgerald, Mass.	McAleer,	Slayden,
Baker,	Fitzgerald, N. Y.	McCall,	Smith, Wm. Alden
Bankhead,	Foster,	McClellan,	Snodgrass,
Bartholdt,	Gaines,	May,	Sparkman,
Bellamy,	Gaston,	Meekison,	Stark,
Berry,	Gibson,	Moody, Oreg.	Stevens, Minn.
Brosius,	Glynn,	Moon,	Stewart, N. J.
Broussard,	Green, Pa.	Morrell,	Sulzer,
Brownlow,	Griffith,	Morris,	Sutherland,
Bull,	Grosvenor,	Muller,	Swanson,
Burke, Tex.	Grout,	Norton, Ohio	Talbert,
Burleson,	Hawley,	Olmsted,	Tawney,
Butler,	Hay,	Otey,	Terry,
Capron,	Heatwole,	Pierce, Tenn.	Underwood,
Clark,	Howell,	Pearre,	Vandiver,
Clayton, N. Y.	Jett,	Polk,	Wadsworth,
Cochran, Mo.	Kerr, Md.	Quarles,	Weymouth,
Cooney,	Ketcham,	Rhea, Va.	White,
Cooper, Tex.	Kleberg,	Richardson, Tenn.	Williams, J. R.
Cummings,	Kluttz,	Ridgely,	Williams, W. E.
Cushman,	Lamb,	Robb,	Wilson, N. Y.
Davenport, S. W.	Landis,	Robinson, Nebr.	Wright,
Davey,	Lanham,	Rucker,	Young,
Davis,	Latimer,	Ryan, N. Y.	Ziegler.
De Armond,	Lentz,	Ryan, Pa.	

NAYS—132.

Alexander,	Dayton,	Lawrence,	Rhea, Ky.
Allen, Me.	Driscoll,	Lewis,	Rixey,
Bailey, Kans.	Eddy,	Littlefield,	Roberts,
Bailey, Tex.	Esch,	Long,	Robinson, Ind.
Barber,	Fordney,	Loud,	Russell,
Bell,	Gilbert,	Lovering,	Shafroth,
Bishop,	Gillet, N. Y.	Lybrand,	Shattuc,
Boreing,	Gordon,	McCulloch,	Shelden,
Boutell, Ill.	Graff,	McDowell,	Smith, Ill.
Bowersock,	Graham,	McLain,	Smith, Iowa
Brantley,	Greene, Mass.	McRae,	Smith, Ky.
Breazeale,	Griggs,	Maddox,	Smith, H. C.
Brenner,	Grow,	Mann,	Smith, Samuel W.
Brewer,	Hamilton,	Mercer,	Southard,
Bromwell,	Haugen,	Metcalf,	Spalding,
Brown,	Hedge,	Meyer, La.	Spight,
Brundidge,	Hemenway,	Miller,	Sprague,
Burke, S. Dak.	Henry, Conn.	Minor,	Steele,
Burkett,	Henry, Miss.	Mondell,	Stephens, Tex.
Burton,	Henry, Tex.	Morgan,	Stewart, Wis.
Cannon,	Hepburn,	Naphen,	Tate,
Carmack,	Hill,	Needham,	Taylor, Ala.
Clayton, Ala.	Howard,	Newlands,	Thayer,
Cochrane, N. Y.	Hull,	Otjen,	Thomas, Iowa
Connell,	Jack,	Overstreet,	Tompkins,
Conner,	Jenkins,	Payne,	Turner,
Corliss,	Johnston,	Pearce, Mo.	Van Voorhis,
Cromer,	Jones, Va.	Powers,	Wanger,
Crumpacker,	Jones, Wash.	Prince,	Warner,
Cusack,	Kahn,	Pugh,	Watson,
Dahle,	Kitchin,	Ransdell,	Weaver,
Dalzell,	Knox,	Ray, N. Y.	Williams, Miss.
Davenport, S. A.	Lacey,	Reeves,	Wilson, S. C.

ANSWERED "PRESENT"—8.

Cousins,	Driggs,	Riordan,	Stewart, N. Y.
Cowherd,	Elliott,	Ruppert,	Zenor.

NOT VOTING—94.

Adams,	Dick,	Lane,	Robertson, La.
Babcock,	Dinsmore,	Lassiter,	Rodenberg,
Ball,	Emerson,	Linney,	Scudder,
Barham,	Faris,	Littauer,	Shackleford,
Barney,	Fitzpatrick,	Little,	Sherman,
Bartlett,	Fleming,	Lorimer,	Small,
Benton,	Fletcher,	McCleary,	Sperry,
Bingham,	Foss,	McDermott,	Stallings,
Boutelle, Me.	Fowler,	Mahon,	Stokes,
Bradley,	Fox,	Marsh,	Sulloway,
Brick,	Freer,	Mesick,	Tayler, Ohio
Burleigh,	Gamble,	Miers, Ind.	Thomas, N. C.
Burnett,	Gardner, Mich.	Moody, Mass.	Thropp,
Calderhead,	Gardner, N. J.	Mudd,	Tongue,
Caldwell,	Gayle,	Neville,	Underhill,
Campbell,	Gill,	Noonan,	Vreeland,
Catchings,	Gillett, Mass.	Norton, S. C.	Wachter,
Chanler,	Hall,	O'Grady,	Waters,
Cooper, Wis.	Hitt,	Packer, Pa.	Weeks,
Cox,	Hoffecker,	Parker, N. J.	Wheeler,
Crowley,	Hopkins,	Pearson,	Wilson, Idaho
Crump,	Joy,	Phillips,	Woods.
Curtis,	Kerr, Ohio	Reeder,	
Davidson,	King,	Richardson, Ala.	

So the motion was rejected.

The following pairs were announced:

For the 27th and 28th:

Mr. TAYLER of Ohio with Mr. CAMPBELL.

For this day:

Mr. FOSS with Mr. UNDERHILL.

Mr. PARKER of New Jersey with Mr. ELLIOTT.

Mr. CRUMP with Mr. CATCHINGS.

Mr. LORIMER with Mr. BURNETT.

Mr. O'GRADY with Mr. RUPPERT.

Mr. BRICK with Mr. ZENOR.

Mr. LANE with Mr. SHACKLEFORD.

Mr. GILL with Mr. FOX.

Mr. BINGHAM with Mr. RICHARDSON of Alabama.

Mr. MCCLEARY with Mr. COWHERD.

Mr. STEWART of New York with Mr. RIORDAN.

Mr. REEDER with Mr. WILSON of Idaho.

Mr. PHILLIPS with Mr. CHANLER.

Mr. GARDNER of Michigan with Mr. FITZPATRICK.

Mr. DAVIDSON with Mr. LASSITER.

Mr. FARIS with Mr. MCDERMOTT.

Mr. WEEKS with Mr. STALLINGS.

Mr. MOODY of Massachusetts with Mr. STOKES.

Mr. MESICK with Mr. SCUDDER.

Mr. GILLETT of Massachusetts with Mr. NORTON of South Carolina.

For this vote:

Mr. HEMENWAY with Mr. BENTON.

Mr. BABCOCK with Mr. BALL.

Mr. MUDD with Mr. CROWLEY.

Mr. DICK with Mr. HALL.

Mr. MAHON with Mr. NEVILLE.

Mr. HOPKINS with Mr. MIERS of Indiana.

Mr. BURLEIGH with Mr. CALDWELL.

Mr. ADAMS with Mr. FLEMING.

Mr. JOY with Mr. DINSMORE.

Mr. BARNEY with Mr. GAYLE.

Mr. CURTIS with Mr. KING.

Mr. LITTAUER with Mr. ROBERTSON of Louisiana.

Mr. EMERSON with Mr. LITTLE.

Mr. COOPER of Wisconsin with Mr. LITTLE.

Until further notice:

Mr. WATCHER with Mr. SMALL.

Mr. FOWLER with Mr. BARTLETT.

Mr. BOUTELLE of Maine with Mr. BRADLEY.

Mr. LANDIS with Mr. CLARK.

Mr. WOODS with Mr. NOONAN.

Mr. WATERS with Mr. THOMAS of North Carolina.

Mr. SHERMAN with Mr. DRIGGS.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Connecticut [Mr. HILL], that the House recede from its disagreement to amendment 89 and concur in the same with an amendment which will be read.

The Clerk was proceeding to read the proposed amendment of Mr. HILL, when

Mr. HILL said: Mr. Speaker, I ask unanimous consent to withdraw my amendment. In view of the present condition of the question, I do not think it necessary to take up the time of the House by a vote upon it.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER. The question is now on the motion of the gentleman from West Virginia, that the House further insist on its disagreement to the amendments of the Senate——

Mr. DAYTON. And request a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS as conferees on the part of the House.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I desire to call up the conference report on the Post-Office appropriation bill. I ask unanimous consent that the statement of the House conferees be read in lieu of the conference report, and that the latter be printed in the RECORD.

There was no objection.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, and 8; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of amendment numbered 11, lines 19, 20, and 21, page 2, and lines 1, 2, 3, and 4, page 3, of said amendments and insert in lieu thereof:

"When any publication has been accorded second-class mail privileges the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested."

And the Senate agree to the same.

As to amendments numbered 2 and 3 the conferees are unable to agree.

E. F. LOUD,
GEORGE W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

E. O. WOLCOTT,
WILLIAM E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 11 amendments to the bill, involving an increase of $24,400.

By the action of the conferees, submitted in the accompanying report, the House recedes on no amendments involving an increase of appropriation. The Senate recedes on one amendment involving an increase of $4,400.

The effect of the action of the conferees on amendment No. 1 is to permit the purchase of canceling machines as well as their rental.

On amendments Nos. 4, 5, and 6 the House conferees recede. These amendments require the transmission of mail equipment from depositories to the post-offices and depots of distribution by freight.

Amendment No. 7: This amendment provided for the increase of the salaries of assistant superintendents Railway Mail Service from $1,600 to $1,800 per annum, and the Senate receded.

Amendment No. 8 strikes out the words "in charge of lines," and the House recedes.

Amendment No. 9 increased the appropriation for Railway Mail Service in conformity with amendment No. 7, and the Senate receded.

Amendment No. 10 provided that public libraries should be permitted to send books through the mails at third-class rate of postage, bearing library stamp and number, and the Senate receded, the Post-Office Department having already ruled that under existing law they had that privilege.

Amendment numbered 11 provided that when a publication had been accorded second-class mail privileges, the same should not be suspended or annulled except after a report made to the Postmaster-General, and a written decision of the Postmaster-General, after a hearing granted, secured thereon. The House receded with the following amendment: Strike out the paragraph, and in lieu thereof insert the following: "When any publication has

been accorded second-class mail privileges, the same shall not be suspended or annulled until a hearing shall have been granted to the parties interested."

On amendments numbered 2 and 3 the conference committee were unable to agree.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. LOUD. I move the adoption of the report.

The report was adopted.

Mr. LOUD. I now ask that the House insist on its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON as conferees on the part of the House.

ST. LOUIS INTERNATIONAL EXPOSITION.

Mr. TAWNEY. I ask unanimous consent to call up from the Speaker's table House bill No. 9829, with Senate amendments, with the view to nonconcurring in those amendments, and agreeing to the conference asked by the Senate.

The SPEAKER. The Senate amendments will be read.

The Clerk proceeded to read the amendments of the Senate to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri.

Mr. GROUT (before the reading of the amendments was concluded). Mr. Speaker, I believe the amendment now being read proposes to make an appropriation for the exposition at Charleston, S. C.

The SPEAKER. This bill is what is known as the Louisiana purchase bill; and the amendment known as the Charleston amendment is now being read.

Mr. GROUT. That is a quite lengthy amendment, and I believe it is understood by the House generally.

The SPEAKER. It was read once before.

Mr. TAWNEY. Yes, sir.

Mr. GROUT. I ask unanimous consent that the further reading of the amendments of the Senate be dispensed with.

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SIMS. I object.

Mr. TAWNEY. I move to suspend the rules so as to nonconcur in the amendments of the Senate and agree to the conference asked by that body.

The SPEAKER. Is there a second demanded on the motion to suspend the rules?

Mr. GROUT. I call for a second.

Mr. TAWNEY. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Vermont [Mr. GROUT] to control the time allowed by the rules for debate on the motion to suspend the rules.

Mr. TAWNEY. I yield, that the gentleman from Vermont may now proceed in his own time.

The SPEAKER. The gentleman from Minnesota reserves his time. The gentleman from Vermont is entitled to the floor.

Mr. GROUT. Mr. Speaker, my object in demanding a second is to take the sense of the House upon the first amendment of the Senate. I want to submit a motion to concur in that amendment, and thus dispense with sending it to conference. The amendment to which I refer is known as the Sunday-closing amendment. The only way to get at this question under the motion to suspend the rules is to vote down that motion and then take a vote of the House on concurring in that amendment.

Mr. PAYNE. How are you going to get the bill before the House?

Mr. GROUT. It is before the House now.

Mr. PAYNE. No, it is not. The gentleman can not accomplish his object except by unanimous consent.

Mr. GROUT. The object of the motion of the gentleman from Minnesota is to bring the bill before the House, and it does bring it before the House.

Mr. PAYNE. But to get a vote on the proposition of the gentleman from Vermont will require unanimous consent.

Mr. GROUT. I do not expect a vote on this proposition now without unanimous consent. Very soon I will ask such consent, but I expect some one will object. I presume the gentleman himself would object.

Mr. PAYNE. The only way to get the amendment before the House——

Mr. GROUT. I am going to ask the House to refuse to adopt the motion to suspend the rules until the sense of the House can be taken upon my proposition to concur in this Sunday-closing amendment, whatever may be the best way of getting at it.

And upon that question, Mr. Speaker——

The SPEAKER. If the gentleman from Vermont will permit. If this motion to suspend the rules and nonconcur is voted down, the result will be that the bill will go to the Calendar of the Committee of the Whole House on the state of the Union, and not be before the House.

Mr. GROUT. I realize that, but can not help it. I am aware of that result; and if the gentleman in charge of the bill and those interested in this measure will consent to let the House act on this amendment separately, then I am content. I do not care when it is done.

Mr. TAWNEY. Will the gentleman permit me to make a statement? The proposition here is to suspend the rules, to nonconcur, and agree to a conference. Now, you do not propose to let the House agree on this question whether or not this exposition shall be hermetically sealed.

Mr. GROUT. Mr. Speaker, I ask unanimous consent, if it be in order now, to make a motion to concur in this first amendment.

The SPEAKER. The gentleman is on his feet, and he can ask unanimous consent.

Mr. GROUT. Very well, Mr. Speaker, I make that request of the House now.

Mr. TAWNEY. What is the request?

The SPEAKER. The gentleman from Vermont asks unanimous consent for a division of the question, so that the first amendment may be left out from the operation of the motion.

Mr. GROUT. So that a motion may be made to concur in the first amendment.

The SPEAKER. Is there objection?

Mr. TAWNEY. Mr. Speaker, I object to the request of the gentleman.

The SPEAKER. Objection is made.

Mr. GROUT. Very well, then. Mr. Speaker, I am for voting down this motion to suspend the rules and send the bill to conference, because if this motion prevails it will go straight to conference, and the House will have lost control of it for the present. I believe that if the House should be given an opportunity to vote upon the question it would concur in the amendment.

If it goes to conference, we have every reason to expect that a modified proposition will be the result of the conference report, and then we would have to vote down the conference report in order to reach the question at issue. The parliamentary situation is such that if we concur in that amendment we must either vote down this motion to suspend the rules or vote down the conference report, and I propose to force a vote upon it now.

A MEMBER. What is the amendment?

Mr. GROUT. I will ask the Clerk to read the first amendment.

The Clerk read as follows:

Page 15, line 4, insert:

"SEC. 25. That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair."

Mr. GROUT. Now, Mr. Speaker, in support of this proposition I want first to submit the protests of several religious organizations which I have received within the last two days from different parts of the country. Here they are:

The Presbyterian Ministers' Association of Washington and vicinity respectfully and earnestly represent to the Congress of the United States that in conformity with the practically unanimous Christian sentiment of the country, the gates of the coming St. Louis Exposition should be closed on the Lord's Day, commonly called Sunday, which under our laws is a dies non. In evidence that such is the sentiment of the Presbyterian Church in the United States of America, we call attention to the attached resolution, unanimously adopted by our General Assembly at St. Louis in May, 1900:

"*Resolved*, That we respectfully request the United States Congress and all State legislatures to make no more appropriations for expositions to be held in this country without the proviso that such expositions shall be closed on the Lord's Day."

N. H. MILLER, *President.*

Attest:
JAMES T. MARSHALL,
Secretary.

Indorsed by the Washington preachers' meeting of the Methodist Episcopal Church.

CHAS. O. ISAAC, *Secretary.*

FEBRUARY 25, 1901.

The attitude of the general conference of the Methodist Episcopal Church is in harmony with the above resolution.

ALEX. BIELASKI, *President.*
CHAS. O. ISAAC, *Secretary.*

PHILADELPHIA SABBATH ASSOCIATION.
Philadelphia, February 25, 1901.

The HOUSE OF REPRESENTATIVES,
(Care of Hon. W. W. GROUT, M. C.)
Washington, D. C.:

The Philadelphia Sabbath Association earnestly urges the members of the House to concur in Sunday closing of expositions.

J. P. SHARP, *Chairman.*
E. Y. LANDIS, *Secretary.*

THE SUNDAY OBSERVANCE ASSOCIATION,
Brooklyn, N. Y., February 26, 1901.

DEAR SIR: In behalf of the Sabbath-loving people of Kings County, we would respectfully urge that you stand for the Sunday-closing amendments to the exposition appropriation bills.

Very truly, yours, A. A. ROBBINS,
President.

Hon. WILLIAM W. GROUT,
House of Representatives, Washington.

PHILADELPHIA, PA., *February 25, 1901.*

HOUSE OF REPRESENTATIVES,
(Care Hon. W. W. GROUT, M. C.),
Washington, D. C.:

Philadelphia's two successful expositions answered all arguments against Sunday closing. We petition House concur Sunday closing St. Louis and Charleston.

PHILADELPHIA METHODIST PREACHERS' MEETING,
G. W. HENSON, *Secretary.*

CINCINNATI, OHIO, *February 25, 1901.*

Hon. Mr. GROUT, M. C., *Washington:*

Christian Ministers' Association of Greater Cincinnati, 30 members present, request you to use influence to have House close St. Louis exhibit on Sunday.

CHARLES D'ARSIE, *Secretary.*

CINCINNATI, OHIO, *February 25, 1901.*

Congressman GROUT,
House of Representatives, Washington, D. C.:

Presbyterian Ministerial Association ask House to join Senate securing Sabbath closing national exhibit St. Louis.

A. J. REYNOLDS, *Secretary.*

CINCINNATI, OHIO, *February 25, 1901.*

Congressman GROUT, *Washington:*

Cincinnati Baptist Ministers' Conference asks for vote against Sunday opening at St. Louis.

CHARLES STANTON, *Secretary.*

PHILADELPHIA, Pa., *February 25, 1901.*

HOUSE OF REPRESENTATIVES
(Care Hon. W. W. GROUT):

Ask House concur Sunday closing St. Louis and Charleston.

PHILADELPHIA CONFERENCE BAPTIST PREACHERS,
JOSEPH A. BENNETT, *Secretary.*

MILWAUKEE, WIS., *February 26, 1901.*

Congressman GROUT,
House of Representatives, Washington, D. C.:

Approve Sunday-closing amendment to Fair appropriation. See Depew messages.

J. B. DAVISON.

PHILADELPHIA, PA., *February 25, 1901.*

Hon. W. W. GROUT,
House of Representatives, Washington, D. C.:

Celebration Louisiana Purchase should exhibit American Sabbath, not French Sunday.

W. P. FULTON, *President,*
WM. HUTTON, *Secretary,*
Presbyterian Ministers' Association.

Mr. Speaker, this last dispatch strikes the keynote of this whole question and furnishes a text for what I want to say. There is every reason why this celebration of the Louisiana Purchase should exhibit the American Sabbath, which is set apart as a day of rest and for moral and religious instruction, and not the French Sunday, in which the theaters and saloons are wide open and the day one of gaiety and dissipation. The vast territory included in the Louisiana Purchase was brought by that transaction from under the French flag and French civilization into the glorious liberty of American institutions and under the protection of the Stars and Stripes. It finished the work begun by Wolfe on the Plains of Abraham in 1759. It completed the transfer of the American continent from the control of the Latin race to that of the Anglo-Saxon. With that transfer came, instead of the civil code, the common law, with trial by jury, and a free representative government. There came also, with other Anglo-Saxon institutions, instead of the French Sunday the Anglo-Saxon Sabbath, the Sabbath of our English ancestors, the Sabbath that came over in the *Mayflower* and has given character, in varying degree, to be sure, but still character, to the observance of the Lord's day in every quarter of this great Republic.

Then why, Mr. Speaker, in celebrating this great event, for which we are now appropriating $5,000,000, should we reinstate the French Sunday, with its round of frivolous, if not wicked, pleasures, and relegate to the rear the sober Sabbath of our fathers, which is founded on the plain, simple injunction, "Remember the Lord's day to keep it holy."

This would be turning back the hands on the dial of human progress. It would be a surrender of Anglo-Saxon civilization to the notions of the Latin race. It would be a surrender at last of the English to the French—a complete reversal of history for the last five hundred years. The American people, who inherited their Sunday habits from England, may so surrender, but England will not. The fact is, there is no nation in the whole world where Sunday observance is to-day more rigidly maintained than in England. I have no time to dwell upon the influence throughout the earth of this little seagirt isle, "whose morning drumbeat is heard around the world," nor upon the question how much of that influence is due to her careful observance of the Sabbath as a day of rest, in which the moral and spiritual side of man is given a chance for development and strength, and in which the physical man is made strong for every encounter.

The Sabbath is not so well kept in America as in England. In certain portions of this country it has become somewhat demoralized by the influx of large bodies of immigrants from the nations of Continental Europe; nevertheless, it still stands as a day of worship instead of a day of worldly pleasure; still stands as a distinctly Anglo-Saxon institution: and ill fares the day when religious and moral exercises shall give place to theatricals and dances and the midway plaisance of the modern exposition.

In no part of the country would a county fair be tolerated on Sunday, and why any more this great interstate fair? No reason exists for it unless it be found in the fact that its great size so divides and obscures responsibility that no one in particular feels answerable for it. Mr. Speaker, these dispatches which I have just read, from the religious bodies of the country, ask Congress to take the initiative and settle this question in behalf of the American Sabbath by saying to the promoters of this exposition that if this $5,000,000 be paid to them out of the Treasury then the gates shall be kept closed on Sunday.

But we are told that if this be done the laboring man will have no opportunity to attend the fair. If there is anything good in this fair for the laboring man—and there is—I want him to have it, for he certainly has no more than his share of the good things of this life. This fair will last for six months, and it will be strange, indeed, if in that time there will not be some day when he can relieve himself of toil and attend this fair. But our friends who work the workingman in behalf of Sunday opening, but who see it will not quite work to work him on Sunday, propose to have all the machinery shut down on Sunday and to dispense with work of every kind, with an opportunity for visitors to walk through the grounds as through a park. Mr. Speaker, in the name of the workingmen of this country I protest against this scheme. I do not believe the workingman wants anything of this kind.

Mr. GRAHAM. Mr. Speaker, I rise to a point of order. We want to have attention here. We can not hear the gentleman's remarks.

Mr. GROUT. I will try and make myself heard. I say I do not believe the workingman wants to attend the fair unless he can see the whole thing. He is fairly entitled to see it all. He ought to have just as good a chance to see the fair as the rich and the idle. He wants to attend the fair, just as other folks do, and he will find a way to do it.

Not only this, but he knows that more than any other class it is for his interest to keep the Sabbath as a day of rest. He knows that when it is made a working day the result will very soon be as on the Continent of Europe—seven days' work for six days' pay. I repeat, the intelligent workingman is everywhere in favor of keeping the Sabbath day as one of rest.

Mr. Speaker, 25,000 railway telegraphers are on record before a committee of this House asking that Sunday be kept as a day of rest; 31,000 of the Brotherhood of Trainmen make the same request, and 2?000 of the National Order of Railway Conductors ask the same thing. And yet everyone knows that if the St. Louis Exposition be kept open on Sundays excursion trains will be run every Sunday from all points within 100 miles and even more. Who believes the workingmen are in favor of this? They do not want it.

Not only this, but here is another phase of this question worthy of careful consideration by the managers of this fair, viz: Whether it will be for the pecuniary interest of the fair itself to keep it open on Sunday. More than 30,000,000 people in this country do not want it open.

Mr. MANN. Will the gentleman from Vermont yield to me for a suggestion?

Mr. GROUT. Certainly.

Mr. MANN. I want to say, with reference to the Chicago fair, that the experience of the fair managers and the people was that the people did not desire the fair opened on Sundays and that it was not profitable to keep it open on Sundays.

Mr. GROUT. I thank the gentleman for the suggestion. I was just developing that point, and his testimony is important. As I said, there are more than 30,000,000 people in this country to whom the idea of Sunday opening is offensive—almost one-half of our entire population. In the discussion of the subject of Sunday closing of the Columbian Exposition in 1892 the late Representative Dingley estimated—and he was a careful man—that fully one-half of our entire population were members of the families of

professors of religion, who would be under an influence adverse to attending the fair if it were kept open on Sundays; whereas if the sanctity of the Sabbath were not violated, a large portion of this number would be likely to attend. It stands to reason that the managers of this fair can not fly in the face of one-half of the people and yet make the fair a success, and the Chicago fair may well be referred to. They tried it both ways, and finally settled down on the plan that they did not want Sunday opening, but did want Sunday closing.

Mr. TAWNEY. Right there, if the gentleman will pardon me, that was not the fact. The only portion of the exposition that was closed was the machinery and the exhibits. The gates and grounds of the fair were open all day.

Mr. GROUT. I do not understand this matter as the gentleman does. But, on the contrary, as stated a moment ago by the gentleman from Illinois [Mr. MANN]. I have already shown that an arrangement such as the gentleman describes would be satisfactory to no one.

Mr. STEELE. Will the gentleman allow me a question?

Mr. GROUT. Yes, sir.

Mr. STEELE. The gentleman is an old member of the House, and therefore familiar with parliamentary practice. I want to ask him whether he is against the St. Louis Exposition?

Mr. GROUT. I voted against the bill when it passed the House because I sought recognition to introduce this amendment which we are now considering, and I was whistled down, or, rather, silently turned down, with no chance whatever for the presentation of this proposition, and so I voted against the bill. I think it a piece of extravagant folly for the United States to appropriate five millions at intervals, hardly at intervals either, for they come about every year, for these expositions. I think it is an extravagant piece of business, and while I do not want to go on record as fighting this fair by itself alone, I am on record against it without this amendment requiring Sunday closing, and shall so stand to the end.

Mr. STEELE. As an old member of this House, does not the gentleman from Vermont know that the only practical way of getting the very question that he is now arguing before the House is to disagree to the Senate amendments and let it go to conference?

Mr. GROUT. I do not know that. On the contrary, I know it can be settled now and would be if the gentleman in charge of the bill would only consent to let the House vote on this amendment.

Mr. STEELE. Every other member of the House knows it.

Mr. GROUT. I believe every member of the House, or a majority of them, will agree to this proposition when they are given a chance to vote on it, and I want it understood once for all that I am going to make the passage of this bill a rough and rugged one till a chance is given to test the sense of the House on this amendment. I do not, however, want to be understood as opposing the bill beyond the point of a vote on this Sunday-closing proposition. I have not heretofore been opposed to these expositions. I was in favor of the Chicago World's Fair. It was the celebration of the quadricentennial anniversary of the discovery of the new world. There is also good reason for this fair. The transaction it celebrates, as we have seen, brought an empire under the American flag, but when it comes to a restoration of the French Sunday, there I draw the line. If we can have the fair with an Anglo-Saxon Sunday, I am for it. But if the French Sunday is insisted upon, I think we can get along without both.

And here just a word about the Charleston proposition, which the Senate has put on also. Charleston has behaved herself very well lately, and I would like to give her a reward of merit and every other Southern city for good behavior if the Treasury holds out. Indeed, I hardly see how we can reasonably refuse Charleston if we appropriate for St. Louis. I am not certain but it would be a good investment for the good feeling it would establish between the sections. I voted for both the Atlanta and Nashville expositions, and largely on the ground that it would lead to a better acquaintance and better feeling between the South and North, and, upon the whole, think it has proved a good investment.

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. TAWNEY. Mr. Speaker, the question before the House is not whether we are in favor of a French Sunday or an Anglo-Saxon Sunday. The question is whether or not this bill that has passed the House with only 40 votes in the negative, which has been amended in the Senate, shall, with the amendment, go to conference in order that the questions of difference between the two Houses may be considered and a settlement arrived at.

The House does not forfeit its right to future consideration of this question upon its merits by voting to suspend the rules and nonconcur in the amendment. The conference committee will have to report to this House, and that report will be open for consideration, and hence acted upon by a majority of the House. With the few gentlemen in the House, as there has been ever since last Saturday, objecting to the consideration of this measure, there is no other way whereby we can get this matter into conference or finally determine on what kind of a bill we shall enact into law except by the method which we now propose.

The question of whether or not this exposition shall be closed entirely or whether a portion of it shall remain open or all of it remain open on Sunday is not in the least involved in the question of whether or not we should suspend the rule and send this bill to conference for the purpose of settling these matters of difference between the two Houses. I therefore hope that the motion to suspend the rules and nonconcur, which does not finally dispose of the question, will be agreed to and the House will have at some future time an opportunity to discuss and consider and vote on the merits of the proposition which the gentleman from Vermont is now advocating. I now yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am opposed to the expenditure of money from the Federal Treasury for exposition purposes. I therefore voted against this bill for the St. Louis Exposition in the House and shall therefore continue to vote against it. I shall therefore vote against the amendment for the Charleston Exposition, which comes over from the Senate.

I shall vote as a conferee for one of the amendments which the Senate sent over and against the other. But, Mr. Speaker, the question presents itself to my mind here as one of fairness toward the House itself.

I think the House has the right to have a chance to cast a majority vote upon this bill and upon the amendments which have been made to the bill. I shall therefore vote to suspend the rules in order that there may be a conference between the two Houses and in order that the two Houses, after conference, may have the power to exercise their right to vote upon each one of these propositions.

I shall vote for the conference because it is the only possible manner in which the two Houses can arrive at the consummation of their desire, if it is their desire to vote on the bill and on each of the amendments. I thank the gentleman for the time and yield back whatever may be left of it.

Mr. GROUT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROUT. Suppose the motion prevail to suspend the rules and send the bill to conference, would it be competent to instruct the conferees on this first amendment?

The SPEAKER. It would be in order to instruct the conferees providing the motion applies to something germane, but the Chair will state that it is very seldom done, the theory being that the conferees should start in with an opportunity for a full and free conference.

Mr. STEELE. I rise to a parliamentary inquiry. Is not the case presented here exactly the same as that which was presented by the gentleman from Vermont [Mr. GROUT] on the District of Columbia appropriation bill when he asked the House to disagree to amendments of which he was in favor?

The SPEAKER. This motion, if carried, will put this bill exactly where every other bill is placed when sent to conference—with no greater and no less rights or privileges.

Mr. TAWNEY. I ask for a vote.

Mr. ELLIOTT. I ask the gentleman to yield to me for two or three minutes.

Mr. TAWNEY. I am glad to do so.

Mr. ELLIOTT. Mr. Speaker, I sincerely hope that this motion will be adopted. This is not the proper time to discuss the merits of either of these propositions. The question is simply whether the House shall have an opportunity to express its opinion upon both of them. The St. Louis Exposition project has already passed the House and the Charleston project has twice passed the Senate. The only object in this matter of those who support this motion is that the House shall be allowed to give its judgment by a vote in the only possible manner in which the matter can be brought before the House. As I have said, this is not the time to discuss the merits of this question, but I wish to disabuse the minds of some members of the House of a misapprehension as to the object of the appropriation for the exposition at Charleston, S. C. The object is not to defray the expenses of the exposition, but simply and purely to furnish a Government exhibit. I hope that every friend of that measure will vote in support of the motion made by the gentleman from Minnesota.

Mr. GRAHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRAHAM. In order to reach the amendment in which the gentleman from Vermont desires the House to concur, shall we be compelled to vote down the proposition of the gentleman from Minnesota?

The SPEAKER. That does not facilitate the purpose at all.

Mr. GRAHAM. I would like to reach the proposition which the gentleman from Vermont wishes to reach.

The SPEAKER. A vote against the motion of the gentleman

from Minnesota does nothing whatever toward accomplishing the purpose of the gentleman from Vermont.

Mr. GROUT. I want to say——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Vermont?

Mr. TAWNEY. I do.

The SPEAKER. How much time?

Mr. TAWNEY. One minute.

Mr. GROUT. I want to say that I really do not feel like standing in the way of this exposition, and I am inclined to think that it would be best for me to defer asking action upon this question until the conferees have dealt with it. Though it seems that a motion to instruct them would be in order, that proposition might not be understood in the right sense. So I am willing that this question go to conference and that we deal with it later.

Several MEMBERS. That is right.

The SPEAKER (having put the question on the motion of Mr. TAWNEY to suspend the rules). In the opinion of the Chair, two-thirds having voted in favor of the motion——

Mr. SIMS. I call for the yeas and nays.

The yeas and nays were not ordered, only 19 voting in favor thereof.

The SPEAKER. In the opinion of the Chair, two-thirds have voted in favor of the motion to suspend the rules; and it is agreed to. The Chair appoints as conferees on the part of the House the gentleman from Minnesota, Mr. TAWNEY; the gentleman from Indiana, Mr. STEELE, and the gentleman from Mississippi, Mr. WILLIAMS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. GALLINGER, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 11598) for the relief of Frank B. Case, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 90.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill of the House (H. R. 9903) granting an increase of pension to Henry B. Shell.

MONUMENT TO PRISON SHIP MARTYRS AT FORT GREENE, N. Y.

Mr. CUMMINGS. I ask unanimous consent for the consideration of the joint resolution (S. R. 152) in relation to monument to prison ship martyrs at Fort Greene, Brooklyn, N. Y.

The SPEAKER. Is there objection?

Mr. CANNON. I object.

Mr. CUMMINGS. Then I move to suspend the rules and put the joint resolution on its passage.

The joint resolution was read, as follows:

Whereas nearly 20,000 patriot soldiers and sailors of the colonial forces in the war of the Revolution perished upon the English prison ships in New York Harbor from neglect, privation, and disease incident to their imprisonment, as many as 11,000 having died upon a single hulk; and

Whereas their remains were buried in trenches on the Long Island shore, where the tide soon swept the bones of hundreds into the sea, strewing the shore for miles with human bones; and

Whereas in the year 1808 all the bones still remaining were gathered by the Tammany Society, of New York, and interred in a vault on a plot of ground then known as Jackson's farm, now a part of the borough of Brooklyn, in the city of New York; and

Whereas in the year 1873 the authorities of the city of Brooklyn removed the bones to a public park in the then said city, known as Fort Greene Park, which overlooks that portion of the bay in which the ships were anchored whereon they died and that part of the beach wherein they were buried; and

Whereas their heroic martyrdom, running through weary months and years, with liberty constantly offered as the price of dishonor on the one hand, and death as the only reward of fidelity to country on the other, is without a parallel in the world's history; and

Whereas no stone marks their resting place and no inscription commemorates their virtues, their sufferings, or their death throughout the whole land for which they died; and

Whereas a society has been incorporated under the laws of the State of New York, entitled the Prison-Ship Martyrs' Monument Association of the United States, which is organized and conducted by eminent patriotic citizens for the express purpose of building a monument in Fort Greene Park, in the borough of Brooklyn, in the city of New York, to the memory of those patriotic dead; and

Whereas many thousands of dollars have already been collected and are being safely held as a private contribution to said monument fund, and laws have been passed in the legislature of the State of New York for joint aid by the State of New York and the municipality of New York: Therefore, be it

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 as a part contribution to the erection of said monument, payable to said Martyrs Monument Association of the United States: *Provided, however*, That said sum shall not be payable until there has been raised, by private subscription and by public appropriations as aforesaid, sums aggregating an additional $100,000: *And provided further*, That said moneys shall not be paid for the erection of a monument, plans for which shall not have been approved by the Secretary of War of the United States and the governor of the State of New York; and the said moneys shall be expended under the joint supervision of the said Secretary and said governor.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. CUMMINGS. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. CUMMINGS] and the gentleman from Illinois [Mr. CANNON] to control the time on the motion to suspend the rules.

Mr. CUMMINGS. Mr. Speaker, I ask for order.

The SPEAKER. The House will come to order. Members will take their seats and refrain from conversation. The Chair hopes that gentlemen of the House will bear with him if in the closing hours of the session he does not show the patience which he trusts he shows on other occasions—patience in indulging those who are disposed from thoughtlessness to disturb the business of the House.

Mr. CUMMINGS. Mr. Speaker, after the battle of Long Island, where over 2,000 Americans were taken prisoners, and after the evacuation of New York by General Washington, the British authorities filled Wallabout Bay with prison ships. In all there were 20, the most notorious being the old *Jersey*. Seven thousand men died in this prison ship alone by disease and torture, and were buried in the sand at high-water mark on Wallabout Bay.

Mr. Speaker, the rich man who refuses to honor the grave of his father with a tombstone deserves and receives the scorn of mankind. That scorn becomes execration when his wealth was inherited from that father. These martyrs of the British prison ships were the fathers of American freedom—our forefathers. They left us an inheritence priceless in value—the most magnificent on the face of the globe. It has made us the richest and most powerful of all nations.

In resources and influence we are unsurpassed. El Dorado itself bears no comparison to the richness of our domain. The bones of these martyrs are our bones, the bones of our ancestors. They are owned by neither the city nor the State of New York. They are the bones of Revolutionary soldiers—sacred relics of liberty—the exclusive property of the United States. These martyrs suffered a fate far more horrible than those killed and wounded in battle. Their dust is a part of the soil of the 13 colonies. The bones of the Maryland Line were whitened in the sand with the bones of the minutemen of Massachusetts. The soldiers of John Stark and of Light-Horse Harry were thrown into the same trench. The dust of North Carolina and the Palmetto State is commingled with the dust of patriots from New York, Pennsylvania, Rhode Island, and Connecticut. Jersey, Georgia, and Delaware are represented here. These ashes represent the hopes and aspirations of a nation struggling for liberty. They commemorate the prayers and tears of the noble women of the Revolution.

They recall the telling words of Ethan Allen at Ticonderoga, and disclose anew the dead body of Montgomery in the snow at Quebec; they picture the blood of Warren sinking into the sod at Bunker Hill; they call to mind the daring escape of "Old Put" at Horse Neck; they recall the critical hours at Saratoga and Germantown, and the lithe figure of Lafayette at the Brandywine; they paint anew Washington at prayer amid the bloody footprints in the snow at Valley Forge; they emblazon the sterling patriotism of Williams, Paulding, and Van Wert at Tarrytown; they memorialize the glorious triumphs at Trenton and Princeton, the narrow escape of Washington, and the death of brave Hugh Mercer; they point to De Kalb, dead at Camden, and sanctify the glorious death of Pulaski at Savannah; they recall the days of Marion and Sumter, and immortalize the feat of Sergeant Jasper at Fort Moultrie; they render vivid the victory at Kings Mountain and the overthrow of Tarleton at the Cowpens; they proclaim anew Mad Anthony Wayne's storming of Stony Point, the sweeping triumph at Eutaw Springs, and the crowning victory at Yorktown; they recall the sad fate of Isaac Hayne at Charleston, repeat the immortal dying words of Nathan Hale, and enroll themselves among the innumerable heroes who gave up their lives for American freedom in the long ago.

Colleagues, I repeat it, these are bones of our bones. They belong to the American people, whose representatives we are. We are responsible for the neglect of these sacred ashes. We are enjoying the glorious inheritance purchased by the dreadful fate of these martyrs. Is there no sense of gratitude in the American heart? Are we not grateful to these martyrs for the magnificent inheritance which they have left us? Is this nation to imitate the example of the rich man who refuses to place a headstone at the

grave of his father? For sixteen years this bill has appeared upon the Calendar of the House and yet no action has been taken. The ancients paid due regard to the ashes of those who died for their country. Even the red Indian reverences the bones of his fathers.

God has periodically brought these ashes into light as if to shame this nation. The very elements themselves seem to have conspired to rivet the attention of the people upon them. Buried at high-water mark, the tide washed the sand from these skeletons and scattered their bones along the shore of the Wallabout. Still the country neglected them. Then the patriotic Tammany Society gathered the remains and interred them in the terrace near the wall of the Brooklyn Navy-Yard. Its example failed to spur the nation to action. Again the elements wrought to awaken the conscience of the people. Heavy rains and storms finally washed out the terrace, and these sacred but neglected bones were again brought to view. It is to the glory of Brooklyn and her citizens that she removed them to Fort Greene. But still the Congress failed to act. Then Providence again intervened. While the foundation of a building was being laid in the Brooklyn Navy-Yard last summer the uncoffined bones of 250 more prison-ship victims were unearthed. Yet no official action was taken. They were about to be carted off as common clay when the citizens of Brooklyn again interfered. They claimed the right to give them decent burial, and the United States permitted them to inter these relics of the dead with their comrades at Fort Greene.

The citizens now ask Congress to appropriate $100,000 for a monument to the memory of the martyrs. The State of New York has already appropriated $25,000; the city of New York is ready to appropriate $50,000, and the citizens of Brooklyn are adding twenty-five thousand more to the fund, making $100,000 in all. They ask that the Government should now repair its long neglect and make a similar contribution toward a monument to the memory of the prison martyrs.

I think I know what we shall do with this proposition, but I surely know what the Continental Congress would have done if it had had a tithe of our means and our opportunities. We appropriated $250,000 to complete the Washington Monument in this city. We did well. But if Washington himself could have been consulted he would undoubtedly have said: "Care for the mortal remains of these poor victims of British tyranny, these martyrs of American liberty, before you erect a monument to me."

At an expense of millions we have gathered the bones of those who gave their lives to preserve the unity of the nation. We are still gathering the remains of those who fell in Cuba, the Philippines, and China. We consider this a national duty. These were men who died in fair war, on the field of battle or in the hospitals of their country. Why not awaken to our duty toward these victims of British tyranny on prison ships, whose death by starvation and the slow tortures of disease, aggravated by inhuman cruelty and neglect, was required to endow us with the priceless boon of freedom? The dust of these 20,000 neglected, martyred patriots cries reproachfully to heaven protesting against the ingratitude of the Republic. Shall its cry remain forever unheeded? [Loud applause.]

The SPEAKER. The gentleman from New York has five minutes remaining.

Mr. CUMMINGS. I reserve that time.

Mr. CANNON. Mr. Speaker, it is always ungracious, after such a talk as the distinguished gentleman from New York [Mr. CUMMINGS] has given us, not to acquiesce in the appeal. The sufferings of the prisoners in the prison ships over a century ago are known to all readers of history. The sufferings of the Americans in the war of the Revolution everywhere in the thirteen colonies were, all things considered, almost unprecedented; and not only in the colonies, but in the territory beyond, the sufferings and the heroism of our ancestors were such as have rarely been equaled in time. They fought and sacrificed and died.

When we come to mark the resting places of the dead, it does not help the dead. We mark them from love and affection and as a matter of sentiment affecting the living. I have sometimes wondered that the great metropolis embracing New York and Brooklyn—now Greater New York—and the magnificent Empire State have not heretofore, by private subscription, by county or city action, or otherwise, done what the gentleman from New York now asks the American Congress to do. I suspect one reason is that they did not listen to the charm and the spell of his magnificent appeal.

Those prisoners lost their lives in a struggle of seven or eight years, extending over a large theater of war. The remains of the brave men who lost their lives in that struggle are not to be found marked as a rule. Since that time we have had wars in which there was much greater sacrifice of life. Take the civil war. In many of our counties throughout the country, either by county action or city action, but in the main by individual subscription, monuments mark the graves of the heroic dead. In erecting those monuments we did not wait a hundred years.

Now, these propositions, since I have served in the House, come, not one, but many. For sixteen years this proposition has been made, as the gentleman states. For many years propositions have been made to mark the battle ground of the battle of Tippecanoe, and there comes, Congress after Congress, a bill to mark the heroic action of people in northern Indiana and northern Ohio during the war of 1812 and in the Indian wars. There is not a county in any State of the Republic but what has its heroic dead that deserve monuments. But I certainly submit to the gentleman that perhaps it were better to leave the immediate residents living to care for monuments for the dead. When a bill comes to purchase a battle ground——

Mr. CUMMINGS. Do you want the people to erect a monument to your father? Will you not put a headstone there yourself?

Mr. CANNON. Yes; I have marked the graves of my dead. But if you are going into the monument business, let me say to the gentleman that while this action was grand, heroic, suffering in the extreme, a thousand monuments might be erected with equal propriety, and it seems to me that after one hundred and twenty years have passed by that if my friend would make an appeal in the great metropolis they would build a monument as we build them throughout the Northland and throughout the Southland.

Now, I have said all that I desire to say about it. I have felt from year to year, as the propositions have come to buy battlefields, to build monuments, thick and fast, that the time, perhaps, had come when, so far as the Federal Treasury was concerned, we had better devote it to expenditures for the purposes of the Federal Government and leave something for the patriotism of the various localities to do. [Cries of "Vote!"]

Mr. CUMMINGS. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has five minutes.

Mr. CUMMINGS. I will call for a vote.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and the Speaker announced that two-thirds not having voted in favor thereof, the motion was lost.

Mr. CUMMINGS. Division, Mr. Speaker.

The House divided; and there were—ayes 82, noes 72.

Mr. CUMMINGS. The yeas and nays, Mr. Speaker.

The SPEAKER (after counting). Sixteen gentlemen have arisen—not a sufficient number; the yeas and nays are denied; and the motion to suspend the rules and pass the bill is lost.

LEAVE TO PRINT.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that gentlemen who desire to do so may be permitted to print remarks on the bill which has just been under consideration.

The SPEAKER. The gentleman from New York asks unanimous consent that general leave be granted to print remarks on the bill which has just been rejected, for how many days?

Mr. CUMMINGS. For five days.

The SPEAKER. For five days. Is there objection?

Mr. STEELE. Not if they confine themselves to the bill.

The SPEAKER. It is understood that the extension of remarks or speeches must be confined to the bill. [After a pause.] The Chair hears no objection.

Mr. GROUT. I ask unanimous consent to print the communications that I made reference to in my remarks, and also Mr. Dingley's speech.

The SPEAKER. The gentleman from Vermont asks unanimous consent that he may print with his speech the papers referred to therein.

Mr. GROUT. And the speech of Representative Dingley.

The SPEAKER. And the remarks of ex-Representative Dingley. Is there objection?

Mr. STEELE. I object. We have had that speech once.

BRONZE STATUE OF HENRY WADSWORTH LONGFELLOW.

Mr. McCLEARY. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 48.

The Clerk read as follows:

Joint resolution (S. R. 48) authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow.

Resolved, etc., That the Secretary of War, the officer in charge of public buildings and grounds, and the chairmen of the Senate and House Committees on the Library are hereby appointed as a commission to select a site upon property belonging to the United States in the city of Washington, other than the Capitol or Library grounds, for the erection of a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of a pedestal upon which to place said statue, and the reasonable expense of superintendence and inspection of the same, under the direction of the officer

in charge of public buildings and grounds, the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. LANDIS. I object.

Mr. McCLEARY. Mr. Speaker, I move that the rules be suspended and that the bill be passed.

The SPEAKER. The gentleman moves that the rules be suspended and the bill be passed.

Mr. BAILEY of Texas. On that I demand a second.

Mr. McCLEARY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made. The Chair will designate as tellers the gentleman from Minnesota, Mr. McCLEARY, and the gentleman from Texas, Mr. BAILEY.

The House divided; and the tellers reported—ayes 37, noes 71.

So a second was not ordered.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

H. R. 6146. An act for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers;

H. J. Res. 74. Joint resolution authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

H. R. 6204. An act for the relief of Olivia M. Clifford;

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes; and

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3205. An act for the relocation of certain tracks of street railways in the District of Columbia;

S. R. 163. Joint resolution regulating licenses to proprietors of theaters in the District of Columbia; and

S. 5978. An act authorizing the Attorney-General upon the request of the Secretary of the Interior to appear in suits brought by the States relative to school lands.

RESOLUTION CONCERNING DISFRANCHISEMENT.

Mr. HOPKINS. Mr. Speaker, I have a privileged report I desire to send to the desk.

The Clerk proceeded to read the report.

Mr. HEPBURN. A parliamentary inquiry. Does this proposition take precedence of the special order?

The SPEAKER. The Chair can not state. The gentleman said it was a privileged report.

Mr. HEPBURN. So it is.

The SPEAKER. It has not been read far enough for the Chair to judge of its privilege.

Mr. HEPBURN. I make the point of order that a privileged report from the Committee on Census does not take precedence of the special order. It is not a conference report.

The SPEAKER. The Chair finds that this is a report of the committee on what is known as Olmsted resolution, which involves a question of constitutional privilege. The Chair thinks it is a higher privilege than the regular order.

The Clerk read as follows:

The Select Committee on the Census, to whom was referred House resolution 329, beg leave to report that on January 22 a resolution was adopted by your committee calling on the Director of the Census for information necessary to a fair and proper consideration of said resolution No. 329. A copy of the resolution of your committee was forwarded to the Director with a request that the data be furnished at the earliest date possible. A reply was received from him January 26, a copy of which, with a letter from Mr. W. C. Hunt, chief statistician for population, is shown below:

CENSUS OFFICE,
Washington, D. C., January 26, 1901.

DEAR Mr. HOPKINS: In reply to your communication under date of January 22, I beg to send you herewith a letter from Mr. W. C. Hunt, chief statistician for population, giving somewhat in detail the plans of the office and the time necessarily involved in obtaining the data which you require concerning the number of male inhabitants in each of the States 21 years old, white and colored, respectively.

I regret very much that I shall not be able to accede to the request of your committee in time to be of service until after the expiration of the present Congress.

Respectfully, yours, WM. R. MERRIAM,
Director.

Hon A. J. HOPKINS,
Chairman Select Committee on Census,
House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 26, 1901.

DEAR SIR: In connection with the accompanying resolution of the House Committee on the Census, I would respectfully submit the following statement:

It was originally intended to have commenced on August 1, 1900, the first detailed count of population according to color, sex, general nativity, and certain age groups, but owing to the conditions of the work at that time and the lack of proper space, this was not begun until October 1, 1900, and will probably be completed by the end of this month. The data called for by the resolution of the House Committee on the Census are derived from this count, but this information can not be made up by States and Territories for some time yet.

Owing to the necessity of retaining the services of the entire force during last summer in order to complete the count of population for apportionment purposes by December 1, 1900, no annual leaves to any amount were granted to clerks until some time in November, and during the latter part of December there was practically no clerical force available for work. Furthermore, all the clerks engaged on final result work were occupied in preparing copy for the minor civil division bulletins, the publication of which will probably be completed early in February. The number of pages of print derived from the count of population for apportionment purposes is upward of 500 and constitutes practically one-half of Part I of the Report on Population. Following the completion, early in February, of the publication of the minor civil division bulletins for the several States and Territories, the matter contained therein will be made up in its final form for the printed report and will be plated ready for printing at any time.

The entire force of result clerks having been thus occupied in the preparation and final verification of the bulletins relating to the aggregate population, it was not until the beginning of the new year that any work, aside from the machine work, could be done toward the compilation of the results derived from the first detailed count of population by color, sex, general nativity, and certain age groups. The results derived from this count of population will furnish, approximately, 350 printed pages for Part I of the Report on Population, of which that relating to males of voting age represents about 50 pages. The tables relating to the citizenship of males of voting age will form the last section of Part I of the Report on Population, and if this information is compiled out of its regular order it will necessarily prevent us from furnishing the printer with copy in the order of its presentation in the printed report.

Under these conditions it seems almost an impossibility to furnish the information called for by the House Committee on the Census prior to the close of the present session; that is to say, it will probably be some time in March, or possibly the 1st of April, before it will be possible to supply a verified statement by States and Territories of the number of white and colored males of voting age, and the number and proportion of illiterates among each of the two classes.

Very respectfully, WM. C. HUNT,
Chief Statistician.

Hon. WILLIAM R. MERRIAM,
Director of the Census.

Upon due consideration your committee adopted the following resolution: "*Resolved*, That House resolution 329 be reported to the House with the recommendation that it lie on the table until necessary statistical information can be obtained from the Census Office."

Your committee, therefore, respectfully recommend that the resolution (H. Res. 329) lie on the table in accordance with the resolution quoted above.

[House resolution No. 329, Fifty-sixth Congress, second session.]

Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof being 21 years of age and citizens of the United States the right to vote for Representatives in Congress, Presidential electors, and other specified officers is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case "the basis of representation therein shall be reduced in the proportion which such male citizens bear to the whole number of male citizens 21 years of age in such State," and is an invasion of the rights and dignity of this House and of its members, and an infringement upon the rights and privileges in this House of other States and their Representatives; and

Whereas since the last apportionment the States of Mississippi, South Carolina, and Louisiana have, by changes in the constitutions and statutes of said States, and for reasons other than participation in rebellion or other crime, denied the right of suffrage to male inhabitants 21 years of age, citizens of the United States, and such denial in each of said States extends to more than one-half of those who prior thereto were entitled to vote, as appears from the following statistics, published in the Congressional Directories of the Fifty-second and Fifty-sixth Congresses, namely:

In the seven districts of Mississippi the total vote cast for all Congressional candidates in 1890 was 62,652; in 1898, 27,045. In the seven districts of South Carolina the total vote in 1890 was 73,522, and 28,831 in 1898. In the six districts of Louisiana 74,542 in 1890, and 33,161 in 1898.

One member of the present House, representing 10 counties in Mississippi, with a population in 1890 of 184,297, received only 2,008 votes; one member of the present House, representing 6 counties in South Carolina, with a population in 1890 of 158,851, received only 1,765 votes; and one member representing 13 counties in Louisiana, with a population of 208,802, received only 2,494 votes; and

Whereas it is a matter of common rumor that other States have, for reasons other than those specified in the Constitution of the United States, denied to some of their male inhabitants 21 years old and citizens of the United States the right to vote for members of Congress and Presidential electors, as well as executive and judicial officers of said States, and members of the legislatures thereof, and no reduction has been made in the representation of any State in this House because of such denial; and

Whereas the President of the United States has, by message, recommended "that the Congress, at its present session, apportion the representation among the several States as provided by the Constitution:" Therefore,

Resolved, That the Committee on Census shall be, and is, authorized and directed, either by full committee or by such subcommittee or subcommittees as may be appointed by the chairman thereof, to inquire, examine, and report in what States the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such States 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, and the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. HOPKINS. Mr. Speaker, I do not desire at the present to

take any time upon this report. The gentleman from Indiana, a member of the committee, desires to address the House for ten minutes.

Mr. UNDERWOOD. A point of order.

The SPEAKER. The Chair is under the impression, though he has been engaged a good deal, that this is a report with the recommendation that it lie on the table. Is the Chair correct?

Mr. HOPKINS. That is the kind of report it is.

Mr. UNDERWOOD. It is not debatable.

Mr. HEPBURN. Mr. Speaker, I make the point order that it is not debatable.

The SPEAKER. That point of order is made by two gentlemen.

Mr. CRUMPACKER. I think the report is a conditional one—that it lie on the table until a particular time.

The SPEAKER. The Chair does not understand the gentleman's point.

Mr. CRUMPACKER. That is to say, the report, as I understand, is that the resolution lie upon the table until such time as certain information can be obtained; and I think that introduces an element into the question that is not the usual recommendation that a measure lie on the table.

The SPEAKER. The Chair thinks that that is not within the meaning of the rule, and that the question is on laying the report on the table. The question is on agreeing to the report.

The question was taken, and the resolution was laid on the table.

BRONZE PORTRAIT STATUE OF GEORGE WASHINGTON.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5795) for the purchase of a bronze portrait statue of George Washington.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Joint Committee on the Library, the sum of $17,500 for the purchase of a bronze portrait statue of George Washington; said statue to be placed in Statuary Hall in the Capitol building, or in the Congressional Library building.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. COWHERD. Mr. Speaker, I move to suspend the rules and pass the bill with the amendment.

Mr. BAILEY of Texas. I demand a second.

Mr. COWHERD. I ask unanimous consent that a second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made by the gentleman from Texas. The Chair appoints the gentleman from Missouri [Mr. COWHERD] and the gentleman from Texas [Mr. BAILEY] to act as tellers.

The House divided, and the tellers reported yeas 24, nays 44.

So a second was denied.

BRONZE STATUE OF GEN. FRANCIS E. SPINNER.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 47, granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States.

The Clerk read the resolution, as follows:

Whereas the ladies employed in the United States Treasury Department, and others, have raised a fund for, and have caused to be executed, a bronze statue of Gen. Francis E. Spinner, Treasurer of the United States from March 16, 1861, to June 30, 1875, in commemoration of his faithful public service, and especially as a token of their admiration and gratitude for his successful endeavors in behalf of the employment of women in the civil service of the United States: Therefore,

Resolved, etc., That permission be, and the same is hereby, granted to the General Spinner Memorial Association to erect said statue at such place in the city of Washington, other than the Capitol or Library grounds, as shall be designated by a committee composed of the Joint Committee on the Library, the superintendent of public buildings and grounds, and the president of the General Spinner Memorial Association; and the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a pedestal upon which to place said statue.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill.

Mr. BAILEY of Texas. Mr. Speaker, I demand a second.

Mr. CUMMINGS. I ask that a second may be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made by the gentleman from Texas.

Mr. BAILEY of Texas. If the gentleman from New York will strike out the appropriation, I have no objection.

Mr. CUMMINGS. Mr. Speaker, I accept the amendment, and I will modify my motion by striking out all after the semicolon, in line 5, page 2.

Mr. CANNON. I shall object, Mr. Speaker.

Mr. WILLIAMS of Mississippi. The bill as amended would not carry any appropriation.

Mr. CANNON. It will come when it gets to conference.

The SPEAKER. The Chair would like to be advised as to what the objection of the gentleman from Illinois is.

Mr. CANNON. Is this a motion to suspend the rules?

The SPEAKER. It is, and the gentleman from New York had a right to make his motion. The question is, is a second demanded to the modified motion of the gentleman from New York?

Mr. BAILEY of Texas. My understanding was, Mr. Speaker, that the gentleman from New York struck out the appropriation. That was objected to, and therefore the motion is to suspend the rules and pass the bill as it was read.

The SPEAKER. The gentleman from New York had the right to amend the bill and offer the motion in any form he chose. He offered it in the amended form, striking out the entire appropriation, and the question now is, Is there a second demanded to the motion to pass the modified bill?

Mr. CANNON. Yes.

The SPEAKER. The gentleman from Illinois demands a second, and the Chair will appoint the gentleman from New York [Mr. CUMMINGS] and the gentleman from Illinois [Mr. CANNON] as tellers.

The House divided; and the tellers reported—yeas 32, nays 37.

So a second was denied.

Mr. CUMMINGS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CUMMINGS. Of what use is the Joint Committee on the Library? [Laughter.]

Mr. HEPBURN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 5499, and pending that, I move that all general debate be closed when two hours have been consumed in debate. I mean two hours in all, and upon that I ask the previous question.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 5499, being the regular continuing order, and upon that he moves that all general debate, including the amount of time that has already been consumed in debate upon this bill, be limited to two hours, and he also asks for the previous question.

Mr. WILLIAMS of Mississippi. Pending that I would like to ask the gentleman a question. How much of that time will be consumed this evening?

Mr. HEPBURN. I understand that under this motion there can be but twenty-five minutes' debate. The opposition have had an hour and the affirmative has had thirty-five minutes.

Mr. WILLIAMS of Mississippi. Then that will not carry us beyond 6 o'clock.

Mr. HEPBURN. No.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. HEPBURN. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The Chair would dislike to so hold. Nothing has developed to show that, and the hour is now half past 5. The Chair overrules the point of order.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 120, noes 77.

LEAVE OF ABSENCE.

Pending the announcement, by unanimous consent, leave of absence was granted to Mr. GILL indefinitely, on account of sickness in his family.

So the motion was agreed to; accordingly (at 5 o'clock and 30 minutes) the House, under its previous order, adjourned until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a preliminary report from Maj. John Tweedale upon the present condition of that portion of the State, War, and Navy building devoted to the

use and occupancy of the War Department—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14279) authorizing the Texas and Pacific Railway to construct a bridge across Red River, Louisiana, reported the same with amendment, accompanied by a report (No. 2972); which said bill and report were referred to the House Calendar.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city, reported the same with amendment, accompanied by a report (No. 2974); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14289) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases, reported the same without amendment, accompanied by a report (No. 2975); which said bill and report were referred to the House Calendar.

Mr. TAWNEY, from the Special Committee on the Centennial of the Louisiana Purchase, to which was referred the bill of the House (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition, etc., with Senate amendments, reported the same, accompanied by a report (No. 2976); which said report was referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13774) granting increase of pension to Mary J. Clark, reported the same with amendment, accompanied by a report (No. 2973); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 14299) to authorize the revoking of approval of useless or obstructionary rights of way for canals, ditches, and reservoirs—to the Committee on Irrigation of Arid Lands.

By Mr. GRIFFITH: A bill (H. R. 14300) providing for the payment of certain losses sustained by citizens of Indiana during Morgan's raid through said State, and also for the payment of services rendered by the Indiana Legion and Indiana Home Guards—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 14308) for the building of a bridge across the Missouri River at Kansas City, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. KERR of Ohio: A joint resolution (H. J. Res. 314) to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DRIGGS: A bill (H. R. 14301) granting a pension to Fanny Wallace—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 14302) granting a pension to Cornelia Wood—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 14303) granting a pension to Andrew J. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14304) granting a pension to David Brobst—to the Committee on Invalid Pensions.

By Mr. SALMON: A bill (H. R. 14305) granting a pension to Lewis Runkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14306) granting a pension to Mary Probasco—to the Committee on Pensions.

Also, a bill (H. R. 14307) granting an increase of pension to William B. Dungan—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of McKees Rocks Division No. 201, Order of Railway Conductors, in opposition to the amendment to the anti-injunction bill—to the Committee on Labor.

By Mr. ADAMS: Petition of Mrs. Katharine B. Berry, Pennsylvania State secretary of the King's Daughters and Sons of Philadelphia, Pa., urging the passage of the Gillett bill protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. BELL: Petition of citizens of Colorado, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. BINGHAM: Petitions of William W. Van Baum, Harriet Paretts, and others of Philadelphia, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BUTLER: Petition of J. B. Hinkson and others of Chester, Pa., favoring Sunday closing of the St. Louis Exposition—to the Special Committee on the Centennial of the Louisiana Purchase.

By Mr. STANLEY W. DAVENPORT: Petition of Presbyterian Church of Plains, Pa., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. FREER: Petition of Hon. G. W. Farr and others, of Harrisville, W. Va., favoring the passage of the Gillett bill, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GILLETT of Massachusetts: Petitions of board of foreign missions of the Presbyterian Church, of New York, Presbytery of Brooklyn; Young People's Christian Union of the Universalist Church of Rochester, N. Y., and Rev. H. Y. Satterlee, bishop of Washington, D. C., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GORDON: Petition of Rev. J. P. Rabb and others, of Sidney, Ohio, urging the passage of the Gillett bill, protecting the New Hebrides from intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of Local Union No. 84, Pittsburg, Pa., Painters and Decorators of America, for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

By Mr. GROSVENOR: Petition of Mrs. C. L. Lorey and 8 other citizens of Marietta, Ohio, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEDGE: Petition adopted at a union service of churches in Danville, Iowa, for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOFFECKER: Resolutions of Delaware State Grange, in favor of good roads, and for specimens of same to be made in each State under the direction of the National Government—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petition of citizens of Salem and Pennsville, N. J., in opposition to any measure prohibiting steam vessels from using gasoline—to the Committee on the Merchant Marine and Fisheries.

Also, protest of certain citizens of the First Congressional district of New Jersey against the opening of the St. Louis Exposition on Sunday—to the Special Committee on the Centennial of the Louisiana Purchase.

By Mr. LYBRAND: Petitions of H. B. Abbott and others of Rushsylvania, and W. D. Wallace and 48 citizens of West Berlin, Ohio, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petition of Armour & Co., Chicago, Ill., relating to steamship bills of lading—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Grand Army of the Republic, of Massachusetts, favoring the naval personnel bill—to the Committee on Naval Affairs.

Also, resolutions of the Trades League of Philadelphia, urging the postal tubular system in Philadelphia and other large cities—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman's Rescue League, of Washington, D. C., favoring investigations of social evils—to the Committee on the District of Columbia.

By Mr. O'GRADY: Petition of churches of Clarksville, N. Y., against the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Paul G. Klinkenberg, of Kendallville, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RYAN of New York: Petition of Union No. 43, of Buffalo, N. Y., Brotherhood of Painters, Decorators, and Paper Hangers, in favor of the Newlands reclamation bill—to the Committee on Irrigation of Arid Lands.

By Mr. SHOWALTER: Petition of voters of the Twenty-fifth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of citizens of North Haven and Branford, Conn., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. THAYER: Petition of the Woman's Christian Temperance Union of Worcester, Mass., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of the Third Congressional district of Massachusetts, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. VREELAND: Petition of the First Presbyterian Church of Dunkirk, N. Y., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADSWORTH: Petition of a union meeting in Wyoming, N. Y., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WRIGHT: Petitions of Woman's Christian Temperance Union, Baptist Young People's Union, Christian Endeavorers, and Epworth League of Tunkhannock, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petitions of Woman's Christian Asssociation and 59 citizens of Philadelphia, Pa., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *February 28, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEATH OF QUEEN VICTORIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, inclosing, for the information of the Senate, a copy of a dispatch from the ambassador of Great Britain, transmitting a note of the British secretary of state for foreign affairs, in which the thanks of His Majesty the King are expressed for the respect shown by the United States Senate to the memory of his royal mother, the late Queen, as evidenced by the Senate's resolution of the 22d ultimo. Accompanying the communication is a letter from the American ambassador, which will be read.

The Secretary read as follows:

No. 511.] AMERICAN EMBASSY,
London, February 16, 1901.

SIR: With reference to your instruction, No. 536, of the 29th ultimo, transmitting an engrossed copy of the resolution adopted by the United States Senate relating to the death of Queen Victoria, I have the honor to inclose herewith a copy of a note from Lord Lansdowne, expressing the appreciation of the King and his thanks for this mark of respect shown by the Senate to the memory of the late Queen.

I have the honor to be, sir, your obedient servant,
JOSEPH H. CHOATE.

Hon. JOHN HAY,
Secretary of State.

The PRESIDENT pro tempore. The letter from Lord Lansdowne will also be read.

The Secretary read as follows:

LONDON, *February 14, 1901.*

YOUR EXCELLENCY: The prime minister duly laid before the King the copy of the resolution of the Senate of the United States of America which your excellency forwarded in your note to me of the 8th instant.

By command of the King, I am to request your excellency to be so kind as to express to the President of the Senate His Majesty's most sincere thanks for the mark of respect shown by the Senate of the United States to the memory of her deeply lamented Majesty Queen Victoria, Empress of India.

The terms of the resolution are highly appreciated by His Majesty.

I have the honor to be, etc.,
LANSDOWNE.

His excellency Hon. JOSEPH H. CHOATE, etc.

The PRESIDENT pro tempore. The communication and accompanying papers will lie on the table.

MONUMENT TO PRISON-SHIP MARTYRS.

The PRESIDENT pro tempore. The Chair has received a letter from Mrs. Daniel Manning, president-general of the National Society of the Daughters of the American Revolution; which will be read.

The Secretary read as follows:

To the Senate of the United States.

GENTLEMEN: I have the honor to transmit to you a rising vote of thanks tendered by the National Society of the Daughters of the American Revolution in congress assembled for the passage by your honorable body of a bill appropriating $100,000 to the erection of a monument in memory of the prison-ship martyrs of the Revolution.

The great interest taken in this commendable project by our "committee on prison ships," has been productive of some excellent work, and the generous appropriation recently made by your honorable body is indeed good news to our Daughters in congress assembled.

Very sincerely,
M. MARGARETTA MANNING,
President-General National Society Daughters American Revolution.

FEBRUARY 23, 1901.

The PRESIDENT pro tempore. The letter will lie on the table.

DEPARTMENTAL EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Fish and Fisheries stating, in response to a resolution of the 25th instant calling for certain information respecting the employees of that Commission, that it will be necessary to communicate with some of the employees who are on duty at distant points, and that the data called for by the resolution will be transmitted to the Senate at the earliest possible moment; which was referred to the Committee on Fisheries, and ordered to be printed.

DEFICIENCY ESTIMATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of deficiencies in appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1901, and for prior years, and for the postal service; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Banner Association, Patrons of Industry, of Saratoga County, N. Y., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of George L. Shearer and sundry other citizens of New York City; of the Woman's Christian Temperance Union and sundry citizens of Port Chester, and of the congregation of the First Presbyterian Church of Dunkirk, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. KENNEY presented a petition of the State Grange, Patrons of Husbandry, of Dover, Del., praying that an appropriation be made for the improvement of the public roads of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Wilmington; of the congregation of the Mount Salem Methodist Episcopal Church, of Wilmington; of sundry citizens of Newport, and of sundry citizens of Middletown, all in the State of Delaware, praying for the enactment of legislation providing better rations for the soldiers of the Army; which were referred to the Committee on Military Affairs.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

[Senate joint resolution No. 10, introduced by Senator Laird January 21, 1901. Referred to committee on Federal relations.]

Senate joint resolution No. 10, relative to the establishment of a boarding school for Pit River Indians in Modoc County, Cal.

Whereas the Pit River Indians, with the assistance of the white citizens of Modoc County, Cal., have forwarded to the Congress of the United States a petition asking for the establishment of an Indian boarding school at or near Alturas, Cal.; and

Whereas the Pit River Indians entered into a solemn covenant with Gen. George Crook, about the year 1865, to remain peaceful, and by said agreement were required to remain within certain territory, namely Hot Spring and South Fork valleys, and being unfriendly with the tribe known as the Paiutes, whose territory was and is east of the Warner range of mountains, were by this treaty to refrain from crossing said range and coming in contact with the Paiutes, who were a more powerful and warlike tribe; and

Whereas the Government has established at Fort Bidwell, in the said county, a boarding school for Indians within the limits occupied by the Paiutes, and, it being distasteful to the Pit River Indians for the reason of jealousies existing and the domineering spirit of the Paiutes, but few will attend while there is an existing friction between the children of the two tribes; and

Whereas it is impossible for the Pit River Indians to journey back and forth to the school so situate during the winter months on account of heavy snows in the mountains and passes, and it being some 50 to 75 miles distant from their territory; and

Whereas the Pit River Indians have faithfully kept their pledge and have at all times remained friendly to the white settlers, and during the Modoc war of 1872 and 1873 they rendered such excellent service as guides, friends, and protectors of the whites; and

Whereas the chief of the Pit River Indians has felt that in consequence of the treaty spoken of and the friendship so truly preserved and assistance rendered the Government as stated, and they now having become farmers, laborers, and stock raisers of this section, they ask that the Government to which they have been so loyal now grant them the advantage of education by establishing a school as requested, so that they may educate their children, now numbering some 250, at such a place as they may desire, said school to be a boarding school such as is customary for the Government to establish for this purpose: Therefore, be it

Resolved by the senate of the State of California (the assembly concurring), That our Senators be instructed and our Representatives in Congress be requested to use their best endeavors to secure such legislation and appropriations as will establish the school petitioned for: And be it further

Resolved, That the secretary of the senate be instructed so transmit by mail a copy of these resolutions to the Hon. GEORGE C. PERKINS, Senator, and Hon. J. A. BARHAM, Congressman, at Washington, D. C., and also that a copy be forwarded to the Hon. Frank L. Coombs, Congressman-elect, at San Francisco, Cal.

I hereby certify that this is a true and correct copy of senate joint resolution No. 10.

F. J. BRANDON,
Secretary of Senate.

INDIANS AND WHITES.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners most respectfully represent and show: That the Pit River Indians, a tribe properly so called, have from time immemorial lived and occupied a territory almost exclusively within the boundaries of Modoc County, Cal.

That since the year 1865 they have been at peace and always obedient to the laws of the State and Government.

That they have assimilated with the white population, and have become an integral part of our community, conforming to our laws, customs, and civilization.

With few exceptions, they have acquired lands and homes under the laws of the United States.

That they have here lived among the whites for nearly forty years without a reservation or recognition by the General Government.

That they are a steady, industrious, and moral people.

That they have always been and are now without any educational facilities, except as hereafter stated.

That there are 225 children between the ages of 5 and 18 years who have no opportunity for obtaining an education.

That the children and their parents are exceedingly anxious for an education of their young, and they are, as a class, apt and ready scholars when given the advantage of instruction.

That in the year 1893 a small schoolhouse of rude construction, 20 by 30 feet, was built for this tribe in Hotspring Valley of this county, and a school maintained there for two seasons, which was well attended, notwithstanding the fact that such school was remote from any considerable Indian settlement, and those who attended were compelled to camp in the open and away from their homes and avocations; but since said time no school has been supplied to these Indians.

That the General Government has very generously furnished a boarding school, and supplied the same with all necessaries, at Fort Bidwell, which is situated in the extreme northeastern corner of this county and State, and in the territory always occupied by the Piute tribe of Indians, and separated from the Pit River territory by a lofty range of mountains known as the Warner Range.

That the Pit River Indians and the Piute Indians are traditional enemies, and as far back as the history and traditions of these people serve us, they have been in a state of hostility toward each other and are radically distinct in their characteristics.

That the Piutes have always considered the Pit Rivers as legitimate prey, and were accustomed to make incursions into the Pit River country, levying tribute and carrying off their females and property and even forbade them the ownership of horses or homes until the the settlement of the country by the whites; when the whites, not the Government, interfered and protected the Pit Rivers against the Piutes, and thereby cemented their friendship for the white man and made them a different and a prosperous people.

While the Fort Bidwell School is, of course, open to the Pit Rivers, yet by reason of these jealousies and the domineering spirit of the Piute, but few of the Pit River children attend this school, and there is always more or less distracting friction between the children of the two tribes.

The Piutes, on the other hand, are in, at least, a semisavage state and, in a great measure, decline to accept the civilization tendered them, and live apart to themselves upon reservations supplied them by the Government in an unwilling and enforced peace.

Wherefore, your memorialists respectfully and earnestly pray that a law be passed and an appropriation be made for the establishment of an Indian school for the Pit River Indians, and the construction of buildings and appliances sufficient for the accommodation of 225 scholars, to the end that these children be educated in the elementary sciences, practical arts, and trades; and that a capable corps of instructors be supplied and, altogether, that such institution be established at a distance from the towns or centers of population of the whites, at such place as shall appear the more suitable for the attainment of the object sought—and your petitioners will ever pray.

Dated in the county of Modoc, State of California, A. D. 1900.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

[Amended in assembly February 15, 1901. Amended in senate February 6, 1901. Senate joint resolution No. 12. Introduced by Senator Rowell, January 22, 1901. Referred to committee on Federal relations.]

Senate joint resolution No. 12, relative to attempted location of mineral oil lands as agricultural lands.

Whereas there is now pending in the Land Department at Washington, D. C., numerous applications of persons seeking to locate the oil mineral lands of this State in lieu of agricultural lands contained in various reservations pursuant to the act of June 4, 1897; and

Whereas bona fide locators of said lands as mineral lands have contested such application to select said oil lands under said act; and

Whereas the mineral locators and miners engaged in the development of oil lands in this State have developed an industry of great importance and value to this State and to its people; and

Whereas [certain of] said matters having been judiciously investigated before Judge E. M. Ross, judge of the ninth circuit court, southern district of California, and by him adjudged as to matters before him to be fraudulent and void applications for the selection of said oil lands as lieu lands; and

Whereas said matters are pending for consideration and decision before the honorable Secretary of the Interior at Washington, D. C., and believing that the acquiring of title to said lands as agricultural lands under said act would be an injustice to the miners of this State and the persons who have actually developed the valuable character of said lands, and would, as we believe, amount to a fraud upon the Government of the United States: Now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the said honorable Secretary of the Interior is hereby requested and urged to fully and thoroughly investigate said matters on behalf of the Government of the United States, and to thoroughly and carefully examine into the truth and honesty of the applications made to select said lands as agricultural lands, and he is hereby requested to take all necessary steps on behalf of the Government of the United States to fully examine into said matters and ascertain if frauds have been committed in the attempted selection of said mineral lands as agricultural lands, and if the same be adjudged to have been fraudulent, then we request the said Secretary of the Interior to use all lawful ways and means to prevent the consummation of [any] attempted fraudulent selection of said lands.

[*Resolved*, That the secretary of the senate be instructed to immediately transmit a copy of this resolution by mail to the Secretary of the Interior, and to our Senators and Representatives in Congress.]

I hereby certify that the foregoing is a true copy of senate joint resolution No. 12, as adopted in senate and assembly.

F. J. BRANDON,
Secretary of Senate.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

No. 1113. STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of Chapter XXIII, resolutions 1901, with the original now on file in my office, and that the same is a correct transcript therefrom, and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 22d day of February, A. D. 1901.

[SEAL.] C. F. CURRY, *Secretary of State.*

Assembly joint resolution No. 11, adopted in assembly January 25, A. D. 1901. Clio Lloyd, chief clerk of the assembly. Adopted in Senate February 20, A. D. 1901. F. J. Brandon, secretary of the senate. This resolution was received by the governor this 23d day of February, A. D. 1901. W. I. Foley, private secretary of the governor.

Chapter XXIII. Assembly joint resolution No. 11, relative to what are commonly known as and called the "California war claims."

Whereas the just claims of the State of California against the Government of the United States for furnishing, equipping, and paying volunteers during the civil war, aggregating over $4,000,000, are still unsettled;

Whereas the equity and justness of these claims have often been admitted and never successfully disputed;

Whereas the two Houses of Congress have heretofore passed bills relating to and providing for the refunding of at least three million nine hundred and fifty-one thousand nine hundred and fifteen and forty-two one hundredths dollars of the said claims; but have failed to agree finally upon the terms thereof, so that the same have not been enacted into laws; and

Whereas this State has so long been deprived of its rights respecting these claims that the delay is becoming oppressive and intolerable: Therefore, be it, and it is,

Resolved by the assembly of the State of California (the senate concurring), That we respectfully instruct our Senators and request our Representatives in the Congress of the United States to use all honorable means to secure the enactment by that body of a law providing for the refunding to this State without further delay of at least the sum of three million nine hundred and fifty-one thousand nine hundred and fifteen and forty-two one hundredths dollars in settlement of the claims aforesaid; that his excellency the governor of the State of California be requested to forward to each of our Senators and Representatives in Congress a properly certified copy of this resolution.

CORNELIUS W. PENDLETON,
Speaker of the Assembly.
THOS. FLINT, JR.,
President pro tempore of the Senate.

Attest:

C. F. CURRY, *Secretary of State.*

[Indorsed and filed in the office of the secretary of state the 22d day of February, A. D. 1901. C. F. Curry, secretary of state; by J. Hoesch, deputy. Record book —, page —.]

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

Resolution of the California State senate, adopted February 14, 1901.

Whereas there are now pending in Congress bills to provide for the reimbursement of Mrs. Jessie Benton Fremont for her property seized by the United States Government for military purposes at Point San Jose (Black Point), in San Francisco, in 1863, and for the relief of all other persons claiming under the same title, and having been ejected at the same time; and

Whereas Mrs. Fremont is now a resident of California, and is, by reason of her age and physical disability, in need of the financial aid which is her just due; and

Whereas the nobility of character of Mrs. Fremont, and the distinguished services to this State and this coast of herself and her illustrious husband, Gen. John C. Fremont, the historic "Pathfinder," entitle her to special consideration not only from Californians, but from all Americans: Therefore, be it

Resolved, That this senate of California most earnestly petitions the Congress of the United States, and respectfully urges the Senators and Representatives to favorably pass the claim of Mrs. Jessie Benton Fremont, and give her the speedy relief and financial aid which are her just due, of which she is now in need; and

Resolved, That copies of these resolutions be at once forwarded by the president of the senate to the honorable Senators THOMAS R. BARD and GEORGE C. PERKINS, and to our California Congressmen.

THOMAS FLINT, JR.,
President pro tempore of the Senate.

F. J. BRANDON,
Secretary of the Senate.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hemet, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other Pacific islands; which was ordered to lie on the table.

He also presented petitions of the Engineers and Architects' Association of Southern California, the Southern California Good Roads' Association, and the Southern California Chapter of the American Institute of Architects, praying that an appropriation be made providing for the improvement of the public roads of the country; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of sundry citizens of Eagle City, Alaska, praying for the completion of a military road and telegraph line from Port Valdez to the Yukon River; which was referred to the Committee on Military Affairs.

Mr. MCENERY presented the petition of Catharine Stubbs, of New Orleans, La., praying that she be granted relief; which was referred to the Committee on Military Affairs.

Mr. MASON presented a petition of the West End Woman's Club, of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted at the Thirty-fifth Annual Encampment of the Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., favoring the enactment of legislation to equalize the rank and pay of certain officers of the Navy; which was referred to the Committee on Naval Affairs.

Mr. PENROSE presented a petition of the Philadelphia branch of the National League of Commission Merchants of the United States, praying for a modification of the revenue law, provided that the same can be made without hampering the Government in necessary expenditures; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Darby, Pa., praying that an appropriation be made for the improvement of the post exchanges; which was referred to the Committee on Military Affairs.

He also presented a petition of the Farmers' Institute of New Richmond, Pa., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Local Union No. 316, Cigarmakers' International Union, of McSherrystown, Pa., praying that all of the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to these lands shall be made to any but actual settlers and home builders thereon; and also for the construction of storage reservoirs to save the flood waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of the congregations of the Gethsemane and Eleventh Baptist churches and of 10 citizens of Philadelphia, Pa., praying for the enactment of legislation providing for certain reforms in the Indian Bureau; which were referred to the Committee on Indian Affairs.

He also presented the petitions of W. Russell and sundry other citizens of Kane, of the Christian Endeavor Society of the Presbyterian Church of Ambler, and of the Methodist preachers' meeting of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

He also presented petitions of 51 citizens of Philadelphia, of the congregation of the Princeton Presbyterian Church, of Philadelphia, of 37 citizens of Utica, of 147 citizens of Philadelphia, and of 135 citizens of Duke Center, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of sundry citizens of Dawson and Lincoln counties, Nebr., praying that an appropriation be made for the construction of reservoirs for irrigating purposes in those counties; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of the Illinois State Teachers' Association, praying for the reorganization of the Bureau of Education upon broader lines; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Society of Christian Endeavor of the Union Park Congregational Church, of Chicago, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands in the Pacific; which was ordered to lie on the table.

Mr. FRYE presented the following resolution of the legislature of Maine; which was ordered to lie on the table and be printed in the RECORD:

STATE OF MAINE:

Resolve favoring legislation by Congress to equalize extra pay to United States volunteers.

Resolved, That the Senators and Representatives comprising the Maine delegation in Congress be, and they hereby are, requested and urged to use all honorable means in their power to secure from Congress the passage of an amendment proposed by Senator SPOONER, of Wisconsin, to the Army appropriation bill (H. R. 14017).

IN HOUSE OF REPRESENTATIVES, *February 25, 1901.*

Read and passed finally.

JOSEPH H. MANLEY, *Speaker.*

IN SENATE, *February 26, 1901.*

Read and passed finally.

HANNIBAL E. HAMLIN, *President.*

FEBRUARY 26, 1901.

Approved.

JOHN F. HILL, *Governor.*

A true copy.
Attest:

BYRNE BOYD,
Secretary of State.

Mr. FRYE presented the following resolution of the legislature of Maine; which was ordered to lie on the table and be printed in the RECORD:

STATE OF MAINE:

Resolve in favor of the passage of the ship-subsidy bill.

Resolved, That this legislature gives its hearty approval to the ship-subsidy bill which has been so ably presented in the United States Senate by Hon. WILLIAM P. FRYE, of Maine, and that the same ought to become a law, thereby giving the United States a chance to secure an honest share of the ocean carrying trade of the world, which would eventually be instrumental in increasing the demand abroad for our merchandise and more especially our farm products, the surplus of which at this time is in very limited demand from our State for exportation. The many tenantless farms in the rural districts of Maine call loudly for legislation which shall be instrumental in restoring them to their former productiveness. The subsidy bill now pending in becoming a law, together with increased reciprocity with foreign countries, would stimulate shipbuilding in Maine and load our ships with the surplus of our farm products for our foreign neighbors. The struggle now going on for existence in most towns remote from markets would disappear with the increase in demand for our products, which demand would surely increase if the quality and prices of our products sustained us in remaining in the foremost ranks among the food supplying nations of the world. This struggle disposed of, the farming industries of Maine would be on the road to prosperity, and the price per acre of our now tenantless farms would equal the price per acre of land now under cultivation. The United States also, in the excellence of the manufacture of its wares as a whole, can undoubtedly compete with the world and should introduce into the Orient such goods as are in demand, in competition with Germany and other nations. We therefore pray that all possible means be employed favoring the passage of the above-mentioned bill.

IN HOUSE OF REPRESENTATIVES, *February 25, 1901.*

Read and passed finally.

JOSEPH H. MANLEY, *Speaker.*

IN SENATE, *February 26, 1901.*

Read and passed finally.

HANNIBAL E. HAMLIN, *President.*

FEBRUARY 26, 1901.

Approved.

JOHN F. HILL, *Governor.*

A true copy.
Attest:

BYRNE BOYD, *Secretary of State.*

Mr. FRYE presented the petition of Carver & Nichols and 70 other members of the Maritime Association of the port of New York, praying for the enactment of legislation to establish a first order light at or near Hillsboro Point, Florida; which was referred to the Committee on Commerce.

ARMY POST EXCHANGE.

Mr. GALLINGER. Mr. President, I present some brief papers relative to the post exchange in the army of Great Britain and of this country, which are of interest. I move that they be printed as a document.

The motion was agreed to.

SYSTEMS OF TAXATION.

Mr. BUTLER. I hold in my hand the report of the revenue commission of Colorado, appointed by authority of the senate of that State to investigate the State and local revenue laws, and, so far as possible, to discover their defects, and a just, wise, and complete remedy therefor, and particularly to investigate the tax laws of New Zealand and the Australian colonies and the effect of such laws. The commission has gone over many countries in the world studying their systems of taxation. It is an official report and contains very valuable information. Whatever a man's views may be, he ought to have the benefit of this information, and I move that it be printed as a document for the use of the Senate.

The motion was agreed to.

WILLIAM E. WOODBRIDGE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

Mr. PLATT of Connecticut. The House nonconcurred in the amendment of the Senate, and I move that the Senate recede from its amendment. That will pass the bill.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate recede from its amendment.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. CULLOM on the 27th instant proposing to appropriate $250,000 for the construction of a revenue cutter for use in the waters of the Territory of Hawaii, intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MCBRIDE on December 19, 1900, proposing to appropriate $15,000 for the purchase or construction of a suitable launch for the customs service at and in the vicinity of Astoria, Oreg., intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriation and printed; which was agreed to.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1946) for the erection of additional buildings, workshops, prison walls, and wharf at the United States penitentiary at McNeils Island, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized; and

A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3040) for the relief of William S. Laney;

A bill (S. 4497) for the relief of Palmer Tilton; and

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11828) to remove charge of desertion from military record of Charles F. Kramer; and

A bill (H. R. 4204) to correct the military record of George A. Winslow.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana, reported it with amendments.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. SHOUP on the 26th instant proposing to appropriate $250 to pay and reimburse C. W. De Knight in full for his services and necessary assistance in preparing and furnishing a revised and complete index for the war-revenue law, intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SEWELL (for Mr. CARTER), from the Committee on Military Affairs, to whom was referred the bill (S. 4027) to correct the military record of Peter Connell, reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Patents, to whom was referred the bill (S. 5342) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10701) to amend section 6, chapter 119, United States Statutes at Large, No. 24, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2472) to correct the military record of John H. Finfrock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8270) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5924) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry, reported adversely thereon, and moved that the bill be postponed indefinitely; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 10758) granting a pension to Sallie B. Wilson, reported it without amendment, and submitted a report thereon.

DOCUMENTS FOR LIBRARY OF CONGRESS.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange, which went over yesterday on the request of the Senator from Maine [Mr. HALE]. I submit a letter from the Librarian on the subject.

The PRESIDENT pro tempore. The Senator from New York asks for the consideration of the joint resolution reported yesterday from the Committee on Printing and which was read yesterday to the Senate. He submits a letter from the Librarian, which will now be read.

The Secretary read as follows:

THE LIBRARY OF CONGRESS, THE LIBRARIAN'S OFFICE,
Washington, February 27, 1901.

SENATOR: You may recall that last year I spoke to you of the very unsatisfactory provisions of the present law relating to the distribution of Government documents to the Library of Congress for its own uses and for international exchange.

There is, as you know, a system of international exchanges which is carried on by the Government at a considerable expense, and from which, under the present law, it has been impossible to secure the fullest benefit. The purpose of the exchange is to bring to the Library of Congress the public documents of foreign countries and the publications of institutions and learned societies abroad. The material which is sent out is the public documents of the United States. Of these, in general, 50 copies are supposed to be placed at the disposal of the Library. The difficulty under the existing law is that there are some documents that are not supplied at all; there are others of which much less than 50 copies are supplied, and there are none of which 50 copies suffice to cover all the governments and institutions with which we should exchange.

My secretary has seen Senator HALE and Senator HAWLEY, to whom Senator HALE referred him, and explained the intent of the resolution, and particularly explained that the purpose was not to accumulate more copies of public documents in the Library building, but primarily to promote the system of international exchange. I understand that both the Senators were satisfied with the explanation.

Sincerely hoping that the resolution may be brought up and passed, so that proceedings under it may be taken in the long recess, I am,

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.

I inclose herewith copy of a letter to Senator HAWLEY, which covers the points raised by him.

Hon. T. C. PLATT,
Chairman Committee on Printing, United States Senate.

Mr. PLATT of New York. I will state also that the joint resolution involves an expense of something less than $900.

The PRESIDENT pro tempore. The Senator from New York

asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA BATTLEFIELDS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 extra copies of the Atlas of the Chickamauga and Chattanooga Battlefields, with such additional positions as have been identified, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the use of the Secretary of War and the Chickamauga and Chattanooga National Military Park Commission.

GENERAL STAFF OF THE ARMY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by Mr. HAWLEY on the 25th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

REPORT ON GEOGRAPHIC NAMES IN THE PHILIPPINES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Washington [Mr. FOSTER] on the 26th instant, to report it with an amendment changing the form of the resolution from a concurrent to a Senate resolution, and I ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read in the form now reported.

The resolution was read, as follows:

Resolved, That there be printed 15,000 copies of the Special Report of the United States Board on Geographic Names, relating to geographic names in the Philippine Islands, transmitted to Congress by the President February 21, 1901, 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 7,000 copies for distribution by said board among the Government Departments, public libraries, and other suitable depositories.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to apply so much as may be necessary of the unexpended balance of the appropriation of $100,000 provided in section 3 of the act to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville in 1897, approved December 22, 1896, to the preparation of illustrations and the printing and binding at the Government Printing Office of 6,000 copies of the report of the board of management of the United States Government exhibit at the exposition, under the direction of the chairman of the board.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WOLCOTT on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Post-Offices and Post-Roads be paid out of the contingent fund of the Senate.

MARTIN MAGINNIS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be paid out of the contingent fund of the Senate to Martin Maginnis the sum of $2,000 in payment of expenses necessarily incurred by him in prosecuting his title to a seat in the Senate from the State of Montana under appointment of the governor of Montana.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALDRICH on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal revenue, customs, currency, and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

RICHARD R. KENNEY.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. PETTUS from the Committee on Privileges and Elections on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there should be paid out of the contingent fund of the Senate to Senator RICHARD R. KENNEY, of Delaware, the sum of $488, the amount expended by him in defending his right to a seat in the Senate.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs be paid out of the contingent fund of the Senate.

ASSISTANT CLERK TO COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the resolution of the Senate, adopted January 18, 1900, authorizing the Committee on the District of Columbia to employ an assistant clerk, be, and the same is hereby, amended by striking out the words "during the Fifty-sixth Congress."

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6062) to further promote the study of military science and tactics at institutes of learning; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 6063) for the relief of Edward Haile, surviving partner of Savage & Haile; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 6064) for the relief of Samuel M. Blair; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment proposing to appropriate $182,844.96 to pay amounts found by commissioners of the Court of Claims to be due letter carriers under the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment proposing that on and after the 1st day of July, 1901, and during the next fiscal year Senators, Representatives, and Delegates in Congress whose claim to a seat has not been adversely decided shall receive $7,500 per annum each, which shall be paid in lieu of all pay and allowances, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HOAR submitted an amendment proposing to amend sections 2529 and 2544 of the Revised Statutes of the United States so that there shall be one appraiser of merchandise at each of said ports instead of two, and increasing the salaries of the appraisers from $3,000 to $4,000 each, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $15,000 for the relief of Rasmussen & Strehlow, contractors on Government work, on account of damages done to the main building at the Pan-American Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CHANDLER submitted an amendment proposing to appropriate $86,018.26 in payment of amounts due as salaries for various persons who served as United States Senators between

March 4, 1867, and March 20, 1870, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. HEITFELD submitted an amendment providing that all moneys received from the sale and disposal of public lands in the arid and semiarid regions of the United States, beginning with the fiscal year ending June 30, 1901, except money set aside by law for educational purposes, shall be, and are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the "arid-land-reclamation fund," etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table and be printed.

STATUTES RELATING TO PATENTS.

Mr. PRITCHARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 extra copies of the report of the commissioners to revise the statutes relating to patents, etc., as submitted to the Committee on Patents, with an index and other matter and corrections made by the commissioners, be printed for the use of the Committee on Patents.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. I ask for the present consideration of the resolution of inquiry which I send to the desk.

The resolution was read, as follows:

Resolved, That the Commissioners of the District of Columbia be directed to report to the Senate the list of persons and corporations in arrears to the District of Columbia for personal taxes to the amount of $472,185.05, as noted in the report of the collector of taxes for the year ended June 30, 1900; and that the Commissioners of the District of Columbia be directed to report to the Senate the names of all banks, trust companies, safe deposit companies, railroad companies, gas companies, electric lighting companies, telephone companies, local insurance companies, title insurance companies, market companies, etc., doing business in the District of Columbia, giving the capital (and surplus and undivided profits, if any) of each, and the amount of tax (other than real estate tax) paid by each to the District of Columbia for the year ended June 30, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SEWELL. I object, Mr. President.

The PRESIDENT pro tempore. The resolution goes over under the rule.

SHIPPING INTERESTS.

Mr. NELSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce of the Senate be authorized to employ an experienced and competent person skilled in the legislative history of Congress, who shall compile, under the direction of said committee or subcommittee thereof, legislation or proposed legislation relating to the maritime or shipping interests of the United States in chronological order, who shall be paid therefor such compensation, out of the contingent fund of the Senate, as may be certified by the Committee on Commerce, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. HOAR. Are not those letters in our edition of the Jefferson and Madison papers?

Mr. BURROWS. The Senator from North Dakota [Mr. HANSBROUGH] is not here.

Mr. PLATT of Connecticut. The Senator from North Dakota is not present, and the resolution might lie over. I think all those letters are to be found in public documents.

The PRESIDENT pro tempore. It will lie over, retaining its place?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. Without objection, the resolution will lie over, retaining its place.

HOURS OF LABOR ON GOVERNMENT WORK.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The SECRETARY. Senate resolution 557, by Mr. PETTIGREW:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service——

Mr. PLATT of Connecticut. There are two resolutions offered by the Senator from South Dakota coming over. I ask him if he is not willing to take the other one this morning first?

Mr. PETTIGREW. I wish to dispose of this one. I am willing that one or the other shall go over.

Mr. SEWELL. I understand that it will cause debate.

Mr. PLATT of Connecticut. This one will cause debate, possibly.

Mr. PETTIGREW. I hope it will be disposed of, because it is near the close of the session.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 26th instant, as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that the Senate proceed to consider the same.

Mr. PETTIGREW. Mr. President, this resolution ought to be considered and passed and the legislation enacted to which it refers.

Last year the House of Representatives passed the bill. It is an eight-hour law. The House evidently considered it good legislation, and the labor organizations of this country insist upon its being enacted into a law.

On the 23d of May this bill was referred to the Committee on Education and Labor. That committee did not act upon it. On the 4th or 5th of June I offered a resolution similar to the one just read at the desk, asking the Senate to discharge the committee from the consideration of the bill and report it to the Senate so that we might act upon it. Upon a roll call my resolution was referred to the Committee on Education and Labor.

The majority of this body voted unanimously to so refer it; and the bill has remained there ever since. Representatives of the Federation of Labor have importuned that committee every week during this whole session to try to secure immediate action upon this proposed legislation. The committee has utterly refused to take up the matter and report the bill either adversely or favorably. Under these circumstances I believe the laboring men of this country are entitled to have this committee discharged as incompetent to perform its functions as a committee of this body, and that we should proceed to the consideration of the measure.

In this connection, for the purpose of not taking up the time of the Senate, I desire to have printed in the RECORD, from the American Federationist, a history of this legislation in the last session of Congress. This article is signed by Andrew Furuseth, George Chance, and T. F. Tracy, the legislative committee of the Federation of Labor. I ask that it may be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none.

The matter referred to is as follows:

THE EIGHT-HOUR BILL.

The eight-hour bill (H. R. 6882; S. 4521), "A bill limiting the hours of daily service of laborers and mechanics employed upon public works of, or work done for, the United States, or any Territory, or the District of Columbia."

This bill was drafted in the early part of the second session of the Fifty-fifth Congress by Representative GARDNER of New Jersey. It passed the House in the same session. It was introduced in the Senate by Senator KYLE, of South Dakota, and after extensive hearings, reported to the Senate by the Senate committee without recommendation. It was called up by Senator Cannon, of Utah, during the same session, but was headed off by a motion made by Senator WOLCOTT, of Colorado, to go into executive session, and the session finally adjourned without any action being taken on the bill.

In the first meeting after the Christmas holidays in the third session of the Fifty-fifth Congress, Senator KYLE, of South Dakota, moved to re-refer the bill to the Committee on Education and Labor and the motion was adopted. Then began again extensive hearings, and finally the bill was re-reported back to the Senate by a majority and a minority report, the minority report being signed by Senators KYLE, of South Dakota, and CAFFERY, of Louisiana. It was called up by Senator Turley, of Tennessee, by a motion to go into a consideration of the bill, which motion was carried, but was immediately side tracked by one of the appropriation bills. There being no further time left, it thus died in the Fifty-fifth Congress.

It was re-introduced in the Fifty-sixth Congress, on January 19, by Representative GARDNER, of New Jersey, as H. R. 6882, and after hearings which lasted about three months it was reported to the House with amendments. These hearings, 9 in all, 8 of which were given to the opposition, were attended by representatives of the Carnegie Steel Works (armor makers), the Bethlehem Steel Works (armor), the Midvale Steel Works (shells), the Newport News Shipbuilding Company, the Cramp Shipbuilding Company, the New York Shipbuilding Company, of New Jersey, the Bath Shipbuilding Company, of Bath, Me., the Union Iron Works, of California, sundry small-arms manufacturers in Connecticut, and other firms who contract with the United States Government.

The final hearing on the bill was on April 12, when it was closed by an extensive argument of Samuel Gompers, president of the American Federation of Labor, whereupon the next meeting of the committee was to take up and consider the bill in executive session. There was considerable difficulty in obtaining a quorum, but through the efforts of the chairman of the committee, Representative GARDNER, of New Jersey, and the loyal support given by Representatives BARTHOLDT, of Missouri; SHOWALTER, of Pennsylvania; RHEA, of Kentucky; CALDWELL, of Illinois, and CUMMINGS and REARDON, of New York, the bill was finally ordered to be reported.

Your committee then obtained a copy of the bill as indorsed by the Committee on Labor of the House and requested Senator PENROSE, of Pennsylvania, a member of the Committee on Education and Labor of the Senate, to introduce the bill in the Senate, a request which he promptly complied with

on May 1, 1900. Below find in parallel columns the bill as introduced in the House and as reported to the House and also introduced in the Senate:

H. R. 6882. A bill limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of service of all laborers, workmen, and mechanics employed upon any public work of or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, and work upon public military or naval works or defenses in time of war.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of $10 for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed $500, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this act shall apply to any existing contract or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

S. 4521. A bill limiting the hours of daily services of laborers and mechanics employed on work for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of the said work, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of $5 for each laborer or mechanic for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the proper officer of the United States, or any Territory, or the District of Columbia all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalty stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the money due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia shall rebate or remit any penalty imposed under any provisions or stipulations herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation or for such material as may usually be bought in the open market, whether made to conform to particular specifications or not.

The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or at a time when war is imminent. No penalties shall be exacted for violation of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

Immediately after the introduction of the bill in the Senate we went to the Senate Committee on Education and Labor, endeavoring to obtain some information as to what course would be followed by the Senate committee. Senator KYLE referred us to his clerk, who informed us that while he was not speaking for the committee he felt satisfied that there would be no necessity for any hearings, owing to the extensive hearings that had been held by the Senate committee during the previous Congress, and the further and still more extensive hearings which had been held by the House Committee on Labor in the present Congress, both of which hearings had been printed, and further, that as soon as the House had acted upon the bill the committee would no doubt then take up and consider the bill in executive session.

The bill having been reported to the House, we sought an interview with the Speaker of the House for the purpose of urging that a special time be set aside for the consideration of the eight-hour bill and the convict-labor bill. The Speaker accorded us the interview, in which Representatives DALZELL, of Pennsylvania, and GROSVENOR, of Ohio, members of the Committee on Rules, were present. After the Speaker and Committee on Rules had listened to what we had to say, they stated that they would take the matter under advisement. We reported this to Representative GARDNER, chairman of the Committee on Labor, and arrangements were entered into by which he was authorized and instructed to call up these two bills at the first opportunity. A few days later bills were being taken up by unanimous consent, but our bills could not be taken up that day from the fact that Representative BAILEY of Texas had served notice that he was opposed to the bill and would object, and sat in his seat all that day for the purpose of objecting in the event of the bills being called up. Our next recourse was to have the bills taken up under a suspension of the rules, which requires a two-thirds vote. This method was adopted, and we again met with a strong opposition from Representative BAILEY; in fact he was the only man who spoke in opposition to the bills, but despite this opposition the eight-hour bill passed the House, only 24 votes being cast against it, and the prison-labor bill passing by a unanimous vote on May 21, 1900.

On the next day, Tuesday, May 22, we went to the committee room of the Committee on Education and Labor of the Senate to call attention that the bills had passed the House and to urge immediate consideration by the Senate committee, and were then informed that the Senate Committee on Education and Labor would hold no more meetings during that session of Congress. We then went to see the members of the committee. We saw Senator TURLEY, of Tennessee, and were informed by him and Senator LINDSAY, of Kentucky, that they had been informed by the chairman that the business before the committee was cleared up and disposed of, and that there was a tacit understanding based upon that presumption that there would be no more meetings of the committee. They did state, however, that they were perfectly willing to meet, consider, and report upon these two bills. We then saw Senator KYLE, who informed us that he did not think anything could be done with the bills this session, and that the new members of the committee would desire hearings upon the bills. The new Senators on the committee are Senators MCCOMAS, of Maryland, and DANIEL, of Virginia. We saw them and were assured by them that they desired no hearings; that the hearings already had and in print were sufficient for them. We went to Senators PERKINS, of California, and PENROSE, of Pennsylvania, to urge that the committee be called together, and they promised that they would request Senator KYLE to call a meeting, and that they would attend the same. We received the same assurance from Senators LINDSAY, TURLEY, MCCOMAS, and DANIEL, whereupon we went to Senator KYLE and reported the matter to him. He then, on Tuesday, May 29, stated that he would call a meeting for Thursday, May 31.

On Wednesday we again saw the Senators to remind them of the meeting, and were surprised to ascertain that they had received no official notice of any meeting. They again stated that they would attend upon receiving such a notice. Senator LINDSAY said that he had business in New York on that day, but he had made arrangements so as to remain in Washington and attend the meeting.

Thursday, May 31, we called at the office of Senator PENROSE, and found that no official notice had been received. At 11 o'clock we called at the committee room on Education and Labor, and were there told by Senator KYLE that a meeting had been called by him and that everything had been prepared for the meeting, but that none of the Senators on the committee had appeared. We informed Senator KYLE that the different Senators on the committee which we had seen had been waiting an official call and had received none, whereupon the Senator stated that he had asked them personally on May 29 (Tuesday) to attend the committee meeting.

We saw Senators TURLEY, PENROSE, and other Senators about this matter and were informed that they had not understood Senator KYLE to call a meeting, but that he had endeavored to ascertain whether he could obtain a quorum, and that they had promised to be present upon a call.

The bills had passed the House on May 21, and would, under ordinary circumstances, be reported to the Senate on the 22d and referred to the Committee on Education and Labor. The following letter, under date of May 28, written by Senator KYLE to George W. Perkins, president of the Cigar Makers' International Union, is interesting in connection with the statements above made:

MAY 28, 1900.

GEORGE W. PERKINS, Esq.,
President Cigar Makers' International Union,
Monon Building, Chicago, Ill.

MY DEAR SIR: Yours of the 21st duly received. In reply will state that the House bill 6882, to which you refer, was referred to my committee only three or four days ago, after we had held our last committee meeting for this session. Since the passage of the bill by the House, scores of protests have come from all parts of the country, and it is the impression of the committee that it will be impossible to consider the case at this time. The Senate is holding sessions beginning at 11 o'clock in the morning, all committees having given up hearings except the Committee on Appropriations.

Very truly, yours, JAMES H. KYLE.

The fact that Senator ELKINS, of West Virginia, on Tuesday, May 29, introduced Senate 4906, a "bill providing for leaves of absence to certain employees of the Government," which bill was reported from the committee by Senator KYLE on Thursday, May 31, is another interesting incident, and would indicate that if there had been any desire on the part of Senator KYLE to report upon these two bills, H. R. 6882 and H. R. 5450, it might have been done.

Immediately after obtaining the information about the adjournment of the Senate Committee on Education and Labor for the session, we reported the matter to President Gompers, and steps were taken to inform the executive officers of the different national and international unions of the existing situation. Daniel J. Keefe, president of the International Longshoremen's Association; John Mitchell, president of the United Mine Workers of America; M. M. Garland, ex-president of the Iron and Steel Workers, and Harry White, secretary of the Garment Workers, upon request, came to Washington with a view of urging the passage of these two bills at this session of Congress. They had interviews with Senators CULLOM, of Illinois; HANNA and FORAKER, of Ohio; ELKINS, of West Virginia, and PLATT of New York, seeking to enlist their sympathy, and succeeded to the extent of obtaining the

promise from them that when the bills came before the Senate they would vote for them. As to what they did, see the vote taken.

It was remembered that the President of the United States had, in his message to the Fifty-fifth Congress, recommended amendments to the eight-hour law which would make it more effective, and the President was appealed to in the matter. On Tuesday, the 29th, we were assured that the bills would come out of the Senate committee on Thursday, be reported to the Senate, and considered.

On Thursday afternoon, in an interview with Senator KYLE, we were again promised by him that he would call the committee together so that the bills could be acted upon. We had in the meantime seen members of the "steering committee" about our bill; we had urged the justice of, and the necessity for, the adoption of especially the eight-hour bill, using as an argument that if it is not enacted during this session of Congress, the appropriations made for the increase of the Navy would be contracted for, and hence all the war ships and the armor for the same would be made under such conditions as to hours of labor as the contractors might decide, or be able to compel their employees to accept.

We received assurance that they "favored an eight-hour workday," and the other statements were such as to justify our hope that the bill would be considered and passed during this session. Friday came and went; no committee meeting; no action taken. Saturday came and went; no committee meeting; no action taken. So far as your committee was able to ascertain, there was no intention on the part of the majority in the Senate to pass this bill during this session of Congress. On Monday, June 4, after consultation, it was decided to ask Senator ALLEN, of Nebraska, to offer a motion to discharge the Committee on Education and Labor from further consideration of the eight-hour bill, and to put it on its passage, which he promised to do.

During an interview with Senator PETTIGREW we were informed by him that during that day the Senate had taken the following action with reference to bills H. R. 5450, H. R. 6882, and H. R. 10539:

"Mr. PETTIGREW. Here is a bill, House bill 5450, that ought to engage the attention of the Senate. It is a bill 'to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise, wholly or in part manufactured by convict labor, or in any prison or reformatory.' I have received many letters from all over the country with regard to the evil proposed to be corrected by this legislation. This bill ought to be passed before we adjourn, and I am going to insist upon placing it in antagonism to any other unanimous consent that may be asked until we act upon it.

"There is another bill, House bill 6882, 'limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.' This is a bill with regard to labor, and it ought also to be considered.

"There is still another bill, Mr. President, and that is the proposed anti-trust law which was passed by the House of Representatives. The Senate ought to take up that bill and dispose of it at this session of Congress; and there is no special reason why we should adjourn until we do it. As far as I am concerned, I am going to antagonize and oppose every request for unanimous consent that less important subjects may be considered which leaves out these important measures." (Page 7015, CONGRESSIONAL RECORD.)

On page 7037, CONGRESSIONAL RECORD, we find the following record of an endeavor on the part of Senator ALLEN, of Nebraska, to have the Committee on Education and Labor discharged from further consideration of H. R. 6882 and to place it on the Calendar. This colloquy between Senators ALLEN, of Nebraska, PLATT of Connecticut, and ALDRICH, of Rhode Island, is very interesting:

"Mr. ALLEN. I desire to enter a motion to discharge the committee having in charge the consideration of House bill 6882 and to place it on the Calendar.

"Mr. HALE. What bill is that?

"Mr. ALLEN. It is what is known as the eight-hour bill.

"Mr. PLATT of Connecticut. That is not in accordance with the unanimous-consent agreement.

"Mr. ALLEN. I desire to enter that motion at this time.

"Mr. ALDRICH. You can not do that.

"Mr. PLATT of Connecticut. I object to that.

"Mr. ALLEN. Does the Senator from Rhode Island object to it?

"Mr. ALDRICH. It is in violation of the unanimous-consent agreement.

"Mr. ALLEN. Does the Senator from Rhode Island object to it?

"Mr. ALDRICH. I do object. I object to anything which is contrary to the unanimous-consent agreement.

"Mr. ALLEN. Let it be noted, then, that the Senator from Rhode Island objects.

"Mr. ALDRICH. Of course it will be noted."

On page 7039 we find the following:

"Mr. PETTIGREW. I ask unanimous consent to have the resolution laid on the table and printed without reading.

"Mr. ALDRICH. What is it about?

"The PRESIDENT pro tempore. Is there objection?

"Mr. ALDRICH. I should like to have the resolution read for information.

"The PRESIDENT pro tempore. The resolution will be read.

"The Secretary read as follows: 'Resolved that the Committee on Education and Labor'——

"Mr. ALDRICH. I object to it, anyhow. It is out of the unanimous-consent agreement. I object to its reception.

"The PRESIDENT pro tempore. Objection is made."

This was the resolution to discharge the committee from further consideration of H. R. 6882 and H. R. 5450, and to place these bills on the Calendar.

As will be seen, it was objected to by Senator ALDRICH, of Rhode Island. On the next day, the 5th, it was regularly introduced, and would therefore become the regular order under morning business on the 6th.

After some consultation between your committee and the president and secretary of the Federation, it was decided that the following letter be sent to all the Senators:

WASHINGTON, D. C., *June 5, 1900.*

Hon. NELSON W. ALDRICH,
United States Senator, Washington, D. C.

DEAR SIR: As you are no doubt aware, there are now pending in Congress two bills, one commonly known as the eight-hour bill (H. R. 6882) and the other the prison labor bill (H. R. 5450). Both of these bills passed the House of Representatives by practically a unanimous vote, and both have been referred to the Senate Committee on Education and Labor.

On May 1, 1900, the eight-hour bill was introduced in the Senate by Hon. BOISE PENROSE, identically as it subsequently passed the House. Despite the efforts of the friends of the bill, a meeting of the Committee on Education and Labor has not been held for its consideration and report thereon, this, too, in view of the fact that we have every reason to believe that a majority of the committee favor its passage.

It may not be amiss to call attention to the fact that the eight-hour law of 1892 proved a sad disappointment to those who favored it; for it was found to be ineffective in so far as its scope and operations are concerned, and from that time until the present there have been uninterrupted efforts on the part of the working people, organized and unorganized, to secure its amendment in each subsequent Congress. In the Fifty-fifth Congress practically the pending bill was introduced, passed the House by unanimous vote, and failed of enactment in the closing hours of the Congress by reason of the then pressing appropriation bills to carry on the war with Spain. Though greatly disappointed at the failure of the passage of the eight-hour bill, we realized the grave situation which confronted our country, and comforted ourselves in the firm conviction that at the earliest opportunity in this Congress the bill would be enacted into law. The bill was introduced in the House and its opponents requested us not to have it introduced in the Senate, and thus abstain from taking an unfair advantage of them by diffusing their efforts. To this we consented. The bill was introduced in the House, referred to the Committee on Labor, and nine hearings were had thereon, covering a period of nearly ten weeks. Eight of these hearings were devoted exclusively to the hearings and arguments of the opposition, and they finally exhausted all their resources to oppose its passage. The Committee of Labor unanimously reported the bill favorably to the House; and, as stated above, it passed by a practically unanimous vote. It should be stated too that these hearings and arguments have been printed as are also the hearings and arguments upon the same bill for the Senate Committee on Education and Labor in the last Congress. Thus opponents have no good ground to claim that further hearings should be had on the bill, and the evidence and arguments have for nearly two months been at the disposal of the Senators and Members of the House.

Nor is it out of place to correct the impression which the opponents have endeavored to create in the minds of some Senators that the bill contains a penalty of imprisonment for violation of its provisions. Even a casual examination of the bill will demonstrate its eminent practicability and its freedom from any provision against the interests of the people or the policy and interests of the Government. That the principle involved in this bill for a shorter workday is economically and socially right and just is not even questioned by its opponents; that the demand for the eight-hour day is universal among the toilers of the United States can not be questioned. In the language of one of the most prominent citizens of our country, "the eight-hour day is as great a shibboleth and principle with the working people of the United States as is the Gospel to the devout Christian and the Declaration of Independence to the patriotic American."

What is true of the eight-hour bill is equally true of the bill to regulate prison labor.

It is said that there is now not sufficient time to pass this bill at the present session of Congress. It is not out of place to say that there is a grave suspicion in the minds of many working people that unless the bill does pass before this session of Congress adjourns that their interests have been trifled with and their credulity imposed upon. There can be no question but if there is a real disposition to pass this bill it can be enacted, ample hearings and arguments having been had thereon.

The wage-workers of America, who are expecting relief, will be unable to understand why it is not granted when the Congress has power to do so. There can be no question but that the failure to grant this relief at this session of Congress will contribute largely to destroy the belief held by earnest, thinking, conservative workers that when their grievances are intelligently presented to Congress they will be remedied by legislative action.

If this subject-matter and the bill itself had not received ample discussion, I should hesitate to make the suggestion I now do; that is, to favor the proposition now pending in the Senate, and which will be before that body for consideration to-morrow—Wednesday, June 6, 1900—to discharge the Senate Committee on Education and Labor from further consideration of the eight-hour bill and the prison-labor bill and put them on their passage.

For the above reasons, and in the name of the workers of our country, both organized and unorganized, I earnestly beseech you to work and vote to secure the passage of these bills.

Very respectfully yours, SAML. GOMPERS,
President A. F. of L.

This letter was delivered to the Senators during the night session between the 5th and 6th.

In the CONGRESSIONAL RECORD, pages 7332 and 7333, we find the following:

"Mr. PETTIGREW. I move that the Senate proceed to the consideration of Senate resolution No. 397, which is on the table.

"Mr. HAWLEY. I move to lay the motion on the table.

"The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from South Dakota moves that the Senate proceed to the consideration of Senate resolution No. 397, and the Senator from Connecticut moves to lay the motion on the table.

"Mr. PETTIGREW. On that I ask for the yeas and nays.

"Mr. CHANDLER. Is a motion to proceed to the consideration of a measure subject to be laid on the table?

"The PRESIDING OFFICER. No; the Chair will rule that it is not. The question is on agreeing to the motion of the Senator from South Dakota, that the Senate proceed to the consideration of a resolution which will be read.

"Mr. ALLISON. Is the resolution pending before the Senate?

"The PRESIDING OFFICER. The Chair so understands.

"Mr. LODGE. No; it has never been reported.

"Mr. ALLISON. The motion of the Senator from South Dakota is to discharge the committee from the further consideration of the bill and therefore the bill is not before the Senate.

"Mr. PETTIGREW. I simply ask to have the resolution considered.

"Mr. ALLISON. The resolution to discharge the committee from the further consideration of the bill?

"Mr. PETTIGREW. Yes; it comes over from yesterday.

"Mr. CULLOM. Read the resolution.

"The PRESIDING OFFICER. The Secretary will read the resolution.

"The SECRETARY. Senate resolution No. 397——

"Mr. HAWLEY. I want this thing distinctly understood. Does the Chair rule that my motion is not in order?

"Mr. CULLOM. What was the motion?

"Mr. HAWLEY. To lay on the table.

"Mr. LODGE. To lay on the table the motion to proceed to the consideration of the resolution.

"Mr. CHANDLER. It is not in order pending the motion to proceed to the consideration of the resolution.

"Mr. HAWLEY. I move to lay the motion of the Senator from South Dakota on the table.

"Mr. CHANDLER. If the resolution is taken up, it will be in order to move to lay it on the table.

"The PRESIDING OFFICER. The Chair is constrained to rule against the Senator from Connecticut. A motion to lay on the table is not in order under the rules of the Senate. The motion being nondebatable, it can not be laid on the table.

"Mr. PLATT of Connecticut. When the resolution is once before the Senate, then a motion to lay it on the table will be in order.

"The PRESIDING OFFICER. Unquestionably.

"Mr. PETTIGREW. Is not the resolution in order as coming over from yesterday, and therefore before the Senate, and any proper motion is in order?

"The PRESIDING OFFICER. The present occupant of the chair is not aware of any arrangement or suggestion that may have been made concerning the resolution. He will be pleased to be informed.

"Mr. PETTIGREW. The resolution was offered yesterday and went over, on objection, under the rule. It therefore comes up regularly.

"The PRESIDING OFFICER. If that is the status of the resolution, it undoubtedly would come in its regular order without a motion.

"Mr. PETTIGREW. Yes.

"The PRESIDING OFFICER. And it is now before the Senate.

"Mr. CULLOM. Read it.

"Mr. PETTIGREW. Let it be read.

"Mr. HAWLEY. I move to lay the resolution on the table.

"The PRESIDING OFFICER. Let it be read first.

"The Secretary read the resolution submitted by Mr. PETTIGREW on the 5th instant, as follows:

"*Resolved*, That the Committee on Education and Labor be discharged from further consideration of H. R. 6882, an act limiting the hours of daily services of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that said committee be also discharged from the further consideration of H. R. 5450, an act to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, and that both of said bills be placed upon the Calendar.

"Mr. HAWLEY. I move to lay the resolution on the table.

"The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay the resolution on the table.

"Mr. PETTIGREW and Mr. TELLER called for the yeas and nays, and they were ordered.

"The Secretary proceeded to call the roll.

"Mr. BUTLER (when his name was called). I have a general pair with the Senator from Maryland [Mr. WELLINGTON], but I transfer it to the Senator from Nebraska [Mr. ALLEN], and will vote. I vote 'nay.'

"Mr. DAVIS (when his name was called). I have a general pair with the Senator from Texas [Mr. CHILTON].

"Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I should vote 'nay' if he were present.

"Mr. LODGE (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. CLAY]. Not seeing him in the Chamber, I withhold my vote. If he were present, I should vote 'yea.'

"Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. Gear].

"Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

"Mr. BATE (when Mr. TURLEY'S name was called). My colleague is absent. He is paired, however, with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote 'nay.'

"The roll call was concluded.

"Mr. LODGE. I announced my pair with the Senator from Georgia [Mr. CLAY]. I transfer that pair to the Senator from North Dakota [Mr. MCCUMBER], and will vote. I vote 'yea.'

"Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I withhold my vote.

"Mr. BACON. My colleague [Mr. CLAY] has been unavoidably called to attend to some urgent business in one of the Departments. He left under an arrangement to pair with the junior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote 'nay.'

"The result was announced—yeas 33, nays 28; as follows:

YEAS—33.

Allison, R.	Hansbrough, R.	Ross, R.
Baker, R.	Hawley, R.	Scott, R.
Beveridge, R.	Kean, R.	Sewell, R.
Chandler, R.	Kyle, R.	Shoup, R.
Deboe, R.	Lodge, R.	Simon, R.
Fairbanks, R.	McComas, R.	Stewart, R.
Foraker, R.	McMillan, R.	Thurston, R.
Foster, R.	Platt, Conn., R.	Vest, D.
Gallinger, R.	Platt, N. Y., R.	Warren, R.
Hale, R.	Proctor, R.	Wetmore, R.
Hanna, R.	Quarles, R.	Wolcott, R.

NAYS—28.

Bacon, D.	Harris, D.	Nelson, R.
Bard, R.	Heitfeld, P.	Penrose, R.
Bate, D.	Jones, Nev., R.	Pettigrew, P.
Berry, D.	Kenney, D.	Sullivan, D.
Butler, P.	Lindsay, D.	Taliaferro, D.
Carter, R.	McBride, R.	Teller, R.
Clark, R.	McEnery, D.	Tillman, D.
Culberson, D.	Mallory, D.	Turner, D.
Cullom, R.	Mason, R.	
Daniel, D.	Money, D.	

NOT VOTING—35.

Aldrich, R.	Elkins, R.	Perkins, R.
Allen, P.	Frye, R.	Pettus, D.
Burrows, R.	Gear, R.	Pritchard, R.
Caffery, D.	Hoar, R.	Rawlins, D.
Chilton, D.	Jones, Ark., D.	Spooner, R.
Clay, D.	McCumber, R.	Turley, D.
Cockrell, D.	McLaurin, D.	Wellington, R.
Davis, R.	Martin, D.	
Depew, R.	Morgan, D.	

So the resolution was laid on the table.

In conclusion, we desire to say that of the sundry measures above referred to it is worthy of note that when they passed the House they were buried in the Senate, and when they passed the Senate they were, with one exception (the abolition of slavery in Hawaii), buried in the House.

Respectfully submitted.

ANDREW FURUSETH,
GEO. CHANCE,
T. F. TRACY,
Legislative Committee.

Mr. PETTIGREW. Now, I desire to have the Secretary read a letter handed to me by this legislative committee, dated February 26.

The PRESIDENT pro tempore. Is there objection to the reading of the letter? The Chair hears none, and it will be read.

The Secretary proceeded to read the letter.

Mr. GALLINGER. I desire to ask who wrote that letter? It seems to be a letter in criticism of the action of a committee of this body.

Mr. PETTIGREW. The letter was written by the representatives of the Federation of Labor—their legislative committee. It is not a criticism, but is a statement of facts.

Mr. GALLINGER. The letter will go into the RECORD, I have no doubt; and yet I want to protest against some party outside writing a letter in criticism of a committee of this body and having it spread upon the record, without any knowledge on our part as to whether the facts are as stated or not. I think it is a very bad custom to pursue in the Senate. I do not, however, object to the reading.

The PRESIDENT pro tempore. Before the reading of the letter began the Chair inquired if there was objection, and no objection was made. The Secretary will continue the reading.

The Secretary resumed and concluded the reading of the letter, which is as follows:

WASHINGTON, D. C., *February 26, 1901.*

DEAR SIR: We desire to call your attention to the status of the bills now pending in the Senate, particularly H. R. 6882, and the manner in which consideration of that bill has been treated during the present session of Congress.

We have endeavored all during the session to have a committee meeting to consider this bill among others. The chairman of the committee, Senator KYLE, has insisted that before our bills could receive consideration there must be present at the meeting a quorum of the committee. Many meetings have been called, and to our full knowledge there has not been a quorum present at any meeting of the committee held during this session.

We have also been promised that meetings would be called on certain days; and we found upon investigation that no call had been sent out. In interviewing some of the Senators who are on the committee, they took objection to the time of day at which the meeting was called, to wit, 11 o'clock a. m., stating that the Senate going into session at that hour it was necessary for them to be on the floor of the Senate instead of attending committee meetings. This fact was brought to the attention of Senator KYLE, and he informed us that he would again call a meeting of the committee for that hour, and assured us that it would be easier to get a quorum at that time than at any hour earlier in the day. That meeting was supposed to have been called for a week ago last Friday; but, on going to the committee room, we were informed that the chairman of the committee had not called a meeting for that day.

It was again promised us that a meeting would be called for the following Tuesday; and on that day there was not a quorum present.

We then pressed for another meeting, and it was agreed that there should be a meeting on last Saturday at 10.30 o'clock a. m. Two of the members of the committee—Senators PERKINS and TURLEY—were present at that time, and waited in the committee room until 11 o'clock, when they had to leave to attend to their duties on the floor of the Senate. Later, Senators MCCOMAS and DANIEL appeared at the committee room and stayed there for some time, presumably considering the eight-hour bill. At no one time was there a quorum of the committee present.

From interviews held with the various members of the committee, we are firmly of the opinion that had the committee had the opportunity of meeting at an hour that would not have conflicted with their other duties the bill would have been reported from the committee early in this session.

It is peculiar to notice that on page 207 of the July issue of the American Federationist that Senator KYLE says, over his own signature, to G. W. Perkins, president of the Cigar Makers' International Union, in reply to a letter received by him, and answered on May 28, 1900, that one of the reasons for the committee, during the last session of Congress, not holding meetings to consider these bills was from the fact that the Senate began meeting at 11 o'clock in the morning, and for that reason the committee could not be gotten together. It is also strange to notice that every meeting, or every supposed meeting, of the committee that was called during this session, with the exception of the meeting last Saturday, which was called at 10.30, was called at the very hour at which the chairman of the committee contended it was impossible to get a meeting during the last session of Congress.

Further than this, we beg to note that while there was not a quorum present at the meeting last Saturday, the chairman of the committee yesterday reported to the Senate from the committee an amendment to the sundry civil bill calling for an appropriation in the direction of extending the life of the Industrial Commission for another two years.

We feel that we are justified in asking you to press the resolution which you have introduced, as, in any event, it is as well that our bill dies on the floor of the Senate as to have it practically strangled in a pocket or pigeonhole in the desk of the chairman of the Committee on Education and Labor.

We inclose herein copy of our report on the eight-hour bill during the last session of Congress, which will be found on page 205 and succeeding pages.

With every expression of good wishes, we remain, yours, very truly,

ANDREW FURUSETH,
THOS. F. TRACY,
Legislative Committee, American Federation of Labor.

Hon. R. F. PETTIGREW,
United States Senate.

Mr. PLATT of Connecticut. Mr. President, I make the point of order that this resolution is not in order during the morning hour; that it is a resolution not only to discharge the committee, but to proceed to the consideration of the bill named; and that that part of the resolution clearly is not in order, and when such a motion is made it must be decided without debate. That portion of the resolution to proceed to the consideration of a bill can only be made when the morning hour has expired.

Mr. HOAR. The Senator means when the morning business has been concluded.

Mr. PLATT of Connecticut. Yes; when the morning business has been concluded, and the Calendar of the Senate is in order.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I desire to amend the resolution so as to strike out the last two lines, which provide that the Senate

proceed to the consideration of the bill. I offer the resolution in that way.

The PRESIDENT pro tempore. The Senator from South Dakota modifies his resolution. The modification will be stated.

The SECRETARY. In line 6, after the word "purposes," strike out "and that the Senate proceed to consider the same."

Mr. PETTIGREW. As modified, I desire that the resolution shall be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

Mr. PLATT of Connecticut. Mr. President, I do not think this resolution ought to be adopted, especially after the criticism of this committee, which, the Senator from South Dakota says, is insisting on this legislation, and which has been spread upon the record, reflecting upon the chairman of a committee of the Senate.

Mr. HOAR. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I do not like to cut off the Senator from Connecticut, but I think he is out of order. My proposition is that this resolution, having been ruled out of order as containing in it a motion to proceed to the consideration of the bill named before the morning business is over, and the Chair having sustained the point of order, the resolution can not then be amended and made in order. The Senator from South Dakota must introduce a new resolution, which would go over until the next day under the ordinary rule of the Senate.

So I submit that the resolution can not now be proceeded with, even if an amendment is made to the resolution. That would be out of order. The matter has been ended and terminated by the ruling of the Chair, and the resolution can not be amended and presented and take precedence of all other business.

Mr. PETTIGREW. I insist that the point of order was prematurely made. I had a right to modify the resolution before it was ruled upon, and therefore the rule of the Senate as practiced would be to consider the question open and not ruled upon.

Mr. HOAR. If the resolution was ruled out of order, it could bring nothing before the Senate for action. It is out of order and is not here, it having been so ruled, and the Senator can not take such lines of it as are in order and have the right of way and precedence by dropping the rest. He must introduce a new resolution; he has a right to do that and let it go over until to-morrow. That is my point.

Mr. PLATT of Connecticut. I think that course was pursued under the ruling of the Chair by the Senator from Arkansas [Mr. JONES], who moved to discharge a committee from the consideration of a bill and that the Senate proceed to its consideration. It was held that the resolution was out of order. Thereupon he introduced a new resolution, which went over until the next day.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Massachusetts [Mr. HOAR] is clearly correct. The point of order having been made and having been ruled upon, there is no resolution before the Senate.

Mr. PETTIGREW. Then, as modified, I desire to reintroduce the resolution at this time.

The PRESIDENT pro tempore. Is there objection to the Senator from South Dakota presenting a resolution at this time? The Chair hears none.

Mr. HAWLEY. I object.

Mr. PLATT of Connecticut. I do not think there can be any objection to the Senator from South Dakota presenting a new resolution, with the last clause stricken out.

Mr. HAWLEY. All right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from South Dakota offers a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Mr. PLATT of Connecticut. Let the resolution go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

AUTOMATIC CAR COUPLERS.

Mr. PETTIGREW. I ask unanimous consent to submit another resolution, which I ask to have read and go over under the rule.

The PRESIDENT pro tempore. Is there objection to the Senator presenting the resolution at this time? The Chair hears none, and the resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

The PRESIDENT pro tempore. The resolution goes over on the request of the Senator offering it.

The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 26th instant, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, and that the Senate proceed to the consideration of said bill.

Mr. PETTIGREW. I wish to withdraw that resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

CORRESPONDENCE RELATIVE TO GUNNER CHARLES MORGAN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday submitted by Mr. ALLEN, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate copies of the letter of Charles Morgan, gunner in the United States Navy, addressed to Admiral W. T. Sampson in the month of February, 1901, asking for a recommendation to the Secretary of the Navy for promotion to the office of ensign in the Navy, and Admiral Sampson's indorsement thereof, and all other letters and communications on the subject between Admiral Sampson and the Navy Department.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SECURITIES OF INTERSTATE RAILROAD COMPANIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday submitted by Mr. PETTIGREW, as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish the Senate with a statement showing in detail the character and par value of all common stock, preferred stock, mortgage bonds, income bonds, car trust certificates, and other securities issued or authorized to be issued by each railroad company subject to the provisions of the act to regulate commerce, together with the par value of each class of such securities outstanding on June 30, 1900, the rate of interest or dividends paid thereon during the year ended June 30, 1900, and the market value of such securities on March 31, June 30, September 30, and December 31, 1900.

Mr. HOAR. Mr. President, I do not want to object. I think that if any Senator wants that information it certainly ought to be furnished, and so I shall favor the resolution.

Mr. KEAN. I think it had better go to the Committee on Interstate Commerce.

Mr. HOAR. The only question with me regarding the resolution is whether a sum of money should not be put at the command of the Interstate Commerce Commission, or whether they can procure and furnish information at their own cost.

Mr. PETTIGREW. I think unquestionably they can.

Mr. HOAR. Then I have no objection to the resolution.

Mr. SEWELL. Any gentleman can get from the Interstate Commerce Commission any information in possession of the commission at any time.

Mr. PETTIGREW. I think the commission can get information without any expenditure.

Mr. KEAN. I think the resolution had better be referred to the Committee on Interstate Commerce. Poor's Manual contains such information and is on sale almost everywhere.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. KEAN] moves that the resolution be referred to the Committee on Interstate Commerce.

Mr. PETTIGREW. If that motion is made for the purpose of killing the resolution, I am very much opposed to it; but if the Committee on Interstate Commerce wish to examine the matter and will act upon it—and it is pretty hard to make them act on anything—I shall not object to its reference.

Mr. CULLOM rose.

Mr. PETTIGREW. I do not refer to the chairman of the committee, but he has a committee that will probably not report the resolution.

Mr. CULLOM. I rise to inquire whether the resolution is to be referred to the Committee on Interstate Commerce or to the Commission on Interstate Commerce? I did not quite understand it.

The PRESIDENT pro tempore. The information is called for from the Interstate Commerce Commission.

Mr. CULLOM. I have no special objection to the Interstate Commerce Commission furnishing the Senate with the information.

Mr. ALLEN. Let the resolution be again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read Mr. PETTIGREW's resolution.

Mr. CULLOM. I have no objection to the adoption of that resolution.

Mr. KEAN. I move that the resolution be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Jersey.

Mr. HOAR. Mr. President, I hope that order will not be made. It seems to me the Senate ought to observe its usual custom in this matter, unless in a very extreme case, and that is when a Senator asks for information from one of the Departments of the Government the Senate, as a general rule, authorizes it. Here is information which the Interstate Commerce Commission can undoubtedly furnish. They have the mechanism; it is one of the things they are created for, and I think the Senator has just as much right to have that information, unless it is going to be expensive to furnish it, as if he had asked that a book be sent for from the Library.

Mr. MONEY. I desire to say that we have not heard one word uttered by the Senator from Massachusetts on this side of the Chamber.

Mr. CULLOM. It is only a question of an inquiry to the Interstate Commerce Commission, which was made by the Senator from South Dakota [Mr. PETTIGREW]. The Senator from New Jersey [Mr. KEAN] moved to refer the resolution to the Interstate Commerce Committee. I do not see any occasion for that reference. I do not see why the Interstate Commerce Commission might not be authorized to furnish the information.

Mr. STEWART. I should like to inquire of the chairman of the Interstate Commerce Committee if the information called for is in the records of the commission, or will they have to investigate outside of those records?

Mr. CULLOM. They will be required to investigate beyond their own records, but that is part of their duty.

Mr. HAWLEY. I rise for information.

Mr. STEWART. Has the Interstate Commerce Commission the means at hand for furnishing the information?

Mr. CULLOM. I think they have.

Mr. STEWART. Then I do not object.

Mr. HAWLEY. I want to ask some of the gentlemen who are more familiar with these questions than I am whether the whole of the information called for is not in Poor's Manual?

Mr. CULLOM. A great many of these things are in Poor's Manual.

Mr. SEWELL. My colleague [Mr. KEAN] suggested that the Senator who offered the resolution could get all the information called for in Poor's Manual, and in all probability the Interstate Commerce Commission will go to Poor's Manual to procure it.

Mr. HOAR. If all this information is in Poor's Manual and the commission will go to Poor's Manual to procure it, it can be done very easily, and they will send it here. We shall then have the advantage, when the information comes in, of that commission's indorsement of Poor's Manual, and it can be made a public document.

I wish to appeal to the Senate not to break, except for some very grave and serious reason, into the custom of the Senate, which, on the whole, has proved convenient and saved long discussions; and that is, when a Senator representing a State in this Union rises in his place and says, "I want some information in the discharge of my duties, or that it may be brought before the public in connection with the duties of the Senate," we grant that as a matter of course. I appeal to Senators not to break in upon that custom.

Mr. KEAN. I withdraw the motion I made, Mr. President, for the reference of the resolution.

The PRESIDENT pro tempore. The motion to refer is withdrawn. Will the Senate agree to the resolution?

The resolution was agreed to.

RIVER AND HARBOR BILL.

Mr. KYLE. Mr. President——

Mr. NELSON. I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. MONEY. I ask the Senator to yield to me for a moment to have considered and passed a local bridge bill, which has passed the House and has been favorably reported by the Committee on Commerce.

Mr. NELSON. I hope the Senator will allow the river and harbor bill to be taken up, and then we can afterwards consider his bill.

Mr. MONEY. Very well.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota [Mr. NELSON] that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments proposed by the Committee on Commerce be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota [Mr. NELSON]? The Chair hears none, and that order is made.

Mr. MONEY. Now, I ask unanimous consent of the Senate for the consideration of a local bridge bill.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator from Michigan rise?

Mr. BURROWS. To present a conference report.

The PRESIDENT pro tempore. The Senator has that right.

DANIEL COONAN.

Mr. BURROWS. I submit the conference report which I send to the desk, and ask to have read.

The PRESIDENT pro tempore. The Senator from Michigan submits a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3288) for the relief of Daniel Coonan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In line 2 of the amendment strike out the word "pensions," and the House agree to the same.

J. C. BURROWS,
F. E. WARREN,
F. M. COCKRELL,
Managers on part of the Senate.

ADIN B. CAPRON,
F. C. STEVENS,
THOMAS M. JETT,
Managers on part of the House.

The report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. Mr. President, I rise to a privileged report. I present the report of the conference committee on the Military Academy appropriation bill.

The PRESIDENT pro tempore. The Senator from New Jersey presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

After the word "Navy," at the end of line 17, page 1 of the amendments, add "or Marine Corps, until two years after the graduation of the class of which he was a member;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: On page 2 of the amendments, lines 17 and 18, strike out "allowances and emoluments," and on page 3, line 6, strike out "officers and;" and the Senate agree to the same.

W. J. SEWELL,
F. E. WARREN,
W. A. HARRIS,
Managers on the part of the Senate.

J. A. T. HULL,
CHARLES DICK,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. SEWELL. I beg to say, in explanation of the report, that the House conferees recede from the eleventh and twelfth sections, which were proposed for the punishment of cadets, and we modified the original clause as adopted by the Senate by adding after the word "Navy," at the end of line 17, on page 1 of the amendment, "or Marine Corps, until two years after the graduation of the class of which he was a member." The punishment ceases at the end of two years from the graduation of the class of which the cadet was a member.

I think the report will be satisfactory to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I present the report of the committee on conference on the Agricultural appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30,

1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 53, 55, 70, 72, 73, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 71, 74, 75, 76, 77, 78, 79, 80, 81, and 82; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the words "forty-three" insert the words "forty-six:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: On page 33, line 21, strike out the word "ten," stricken out by said amendment, and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 33, line 22, strike out the word "sixty," stricken out by said amendment, and insert "sixty-three;" also, on page 33, line 24, after the word "Columbia," insert "of which sum $3,000 shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: On page 34, lines 1 and 2, strike out the words "forty-six," stricken out by said amendment, and insert "fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: On page 39, in line 3, strike out the words "five hundred;" and the Senate agree to the same.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WILLIAM B. BATE,
Managers on part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on part of the House.

Mr. BUTLER. I could not tell from the reading of the conference report, and of course no Senator could, just what is done. I should like to inquire with respect to the Senate amendment to increase the appropriation for the distribution of seeds. Did the House accept the Senate amendment or did the Senate conferees recede?

Mr. PROCTOR. The House by a vote, not by the act of the conferees, accepted the Senate amendment.

Mr. BUTLER. So the Senate amendment remains in?

Mr. PROCTOR. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

SPANISH WAR CLAIMS.

Mr. FORAKER. I move that the Senate proceed to the consideration of the conference report on the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898.

The motion was agreed to; and the Senate proceeded to consider the report.

Mr. BUTLER. I wish to inquire whether this is the bill creating a commission to adjudicate claims?

Mr. FORAKER. It is.

Mr. BUTLER. I have myself, from what investigation I have been able to give it, very grave doubts about the wisdom of this legislation. It seems to me that it is an opening for a raid on the Treasury, the limit of which none of us can know. There is no Senator here who has any conception—unless it is the Senator in charge of the bill, and if he has he has not informed the Senate—how much appropriation this will lead to, how many claims it will cover.

Mr. FORAKER. This is to settle claims which the United States, by treaty with Spain, assumed and obligated itself to settle and pay. I do not know what will be the amount of those claims. I understand that there have been filed in the office of the Secretary of State claims amounting to something more than $20,000,000 in the aggregate. I do not know how just they are or to what extent they will be finally allowed, but the Senator will concede that the United States is under obligations to provide for the adjudication of those claims. It is an international obligation, a sacred compact, and one which we ought to proceed promptly to carry out.

When this measure was before the Senate and in the House it was debated as other measures are. It is now reported from a conference committee, and the only question is whether or not what the conferees have agreed upon shall be adopted by the respective Houses. The House of Representatives has adopted this report, and I hope the Senate will adopt it without further prolonging the consideration. I have had it passed over two or three times for further consideration, each time on account of a supposed constitutional question. I think all the lawyers in the Senate pretty much have examined the authorities in regard to that point, and are satisfied that there is no difficulty whatever about the provision on the ground of unconstitutionality.

Mr. BUTLER. Not being a member of the committee having the matter in charge, I do not feel familiar enough with the details of it to be justified in objecting or in detaining the matter further. Yet I do feel that it is a very serious piece of legislation, and that it is going to result in a great raid on the Treasury.

Mr. FORAKER. It can not. We are under obligations to hear and determine these claims, and whatever they are we have to pay them.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

FORT FETTERMAN MILITARY RESERVATION.

Mr. CLARK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 323) entitled "An act granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one quarter section of public land on said reservation as pasture or grazing land," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives numbered 1, 2, 3, 5, 6, and 7; and agree to the same.

That the House recede from its amendment numbered 4.

H. C. HANSBROUGH,
THOMAS H. CARTER,
C. D. CLARK,
Managers on the part of the Senate.

JOHN D. LINNEY,
CHARLES H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

The report was agreed to.

CITIZENS' BRIDGE COMPANY.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. I trust that Senators will not ask unanimous consent. There are three or four bridge bills, and if we let in one we have to let in all. I suggest to Senators who ask unanimous consent that there will be ample time when the appropriation bills are in conference to consider these bills. I dislike to object to anyone, but if you admit one you have to admit another, and there will be no end of it. I suggest to the Senator from Iowa that he defer his request until later in the day.

Mr. DOLLIVER. I supposed, when the motion was made to take up the river and harbor bill, that the Senator from Minnesota signified his intention to yield to me on this matter, which is of pressing importance.

Mr. NELSON. I will yield if Senators will not continue to ask further consent.

Mr. BATE. There are only three of these bridge bills, and they are all short and undisputed.

Mr. NELSON. There are three.

Mr. BATE. They are all bridge bills about which there is no contest, and they will take no time.

Mr. NELSON. I will yield to the three bridge bills, but after that I hope Senators will not ask further unanimous consent.

Mr. BATE. Very well.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, CARTHAGE, TENN.

Mr. BATE. The next one of the three bills is the bill (H. R. 13992) authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn., and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER (LOUISIANA) BRIDGES.

Mr. McENERY. I ask unanimous consent to call up the bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across the Red River, Louisiana. It is a short bill and will take but little time.

The PRESIDENT pro tempore. The Senator from Minnesota agreed to yield to three bridge bills.

Mr. BERRY. The Senator from Minnesota declined to yield to the Senator from Nebraska, but if he yields to the Senator from Louisiana, I shall have nothing to say about it.

Mr. NELSON. I shall have to decline to yield unless it is a bridge bill. I agreed to yield to three bridge bills.

Mr. BERRY. All right.

The PRESIDENT pro tempore. This is a bridge bill.

Mr. CLAY. I understand the Senator from Minnesota to yield to a bridge bill of 12 lines which I have.

Mr. NELSON. If it is a short bridge bill, I will yield to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "Louisiana," to insert "at a point suitable to the interests of navigation;" so as to read:

That the Texas and Pacific Railway Company is hereby authorized and empowered to construct and maintain a bridge across the Red River, Louisiana, at a point suitable to the interests of navigation, at or near Turnbulls Island, so as to connect its lines south of Red River with proposed lines on the opposite or north bank of said river.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 10, after the word "secured," to insert "and maintained;" so as to read:

SEC. 2. That said bridge shall be so constructed that a reasonable, free, and unobstructed passageway may be secured and maintained by proper draws to all water craft navigating said river at the point aforesaid, and that said draw or draws shall be opened promptly upon reasonable signal for the passage of boats and vessels.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 5, after the word "been," to insert "submitted to and;" so as to make the section read:

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been submitted to and approved by the Secretary of War; that no change shall be made in this construction, and no alteration of it after its construction, unless such change or alterations shall in like manner receive the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert the following proviso at the end of section 3:

Provided, That if said bridge shall at any time substantially or materially obstruct the free navigation of said river or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge.

The amendment was agreed to.

The next amendment was, in section 5, page 2, line 23, after the word "year," to strike out "after notification of the approval of plans" and insert "from the date of approval of this act;" so as to make the section read:

SEC. 5. This act shall be null and void if the actual construction of the bridge herein authorized be not commenced within one year from the date of approval of this act, etc., and completed within three years from the date thereafter.

The amendment was agreed to.

The next amendment was, to insert the following as a new section:

SEC. 6. That said bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The next amendment was, to insert the following as a new section:

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

The amendment was agreed to.

The next amendment was, to insert the following as a new section:

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

PEARL RIVER BRIDGE, MONTICELLO, MISS.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 14144) to authorize the construction of a bridge across Pearl River at Monticello, Miss. It is approved by the Engineer Corps; it has been passed by the House; it has been approved by the Senate committee, and it will take only a minute to pass it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 2 and 3 to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, further insists upon its disagreement to the said amendments to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States;

A bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes; and

A bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

FLINT RIVER (GEORGIA) BRIDGE.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 13907) to revive and amend an act entitled "An act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga." It is a short bridge bill, which has passed the House. It will take but a minute to pass it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM NORTH CAROLINA.

Mr. PRITCHARD. Will the Senator from Minnesota yield to me for a moment?

Mr. NELSON. I can not very well yield.

Mr. PRITCHARD. I simply desire to make a statement.

Mr. NELSON. I yield to the Senator from North Carolina to make a statement, if it is not long.

Mr. PRITCHARD. Mr. President, I intended to address the Senate this morning in regard to a motion which was recently made by my colleague to refer the credentials of Mr. Simmons, Senator-elect from the State which I have the honor in part to represent, to the Committee on Privileges and Elections, but inasmuch as the friends of the river and harbor bill are exceedingly anxious for the speedy consideration of that measure, I have decided not to address the Senate at this time, and I give notice that at the conclusion of the morning business to-morrow I will submit some remarks to the Senate on the subject.

Will the Senator from Minnesota yield to me to make a further statement?

Mr. NELSON. Certainly.

DISTRICT CODE.

Mr. PRITCHARD. I desire to make one more request in regard to the District code bill. That bill has passed the House with certain amendments; certain amendments have been made by the Senate District Committee in order to accommodate those who objected to the bill as it came from the House. I appeal to my distinguished friend the Senator from Minnesota to permit me to put the bill upon its passage at this time.

Mr. NELSON. I can not consent to that at this time.

Mr. PRITCHARD. I give notice that I will again call it up at the earliest opportunity.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 879) for the relief of Levi Stolz;

An act (S. 2946) for the relief of William H. Wanamaker; and

An act (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, line 11, to increase the appropriation for continuing the improvement of the construction of breakwater from Mount Desert to Porcupine Island, Maine, from $12,500 to $25,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert:

Improving Bucksport Harbor, Maine, in accordance with the project submitted in House Document No. 275, Fifty-sixth Congress, first session, completing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 2, line 21, after the word "Vermont," to strike out "Continuing improvement, $25,000," and insert: "For the immediate renewal and repair of the existing breakwater, $57,750;" so as to make the clause read:

Improving harbor at Burlington, Vt.: For the immediate renewal and repair of the existing breakwater, $57,750.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and eighty-seven thousand five hundred;" and in the same line, after the word "dollars," to strike out:

Provided, That no part of this amount shall be expended until the said project shall have been examined by a board of engineers and a favorable report made by them upon the feasibility and advisability of continuing said project to completion. And the said board shall also report whether, with advantage, any part of said original project can be completed, and if so, what part, and whether any modification can be made therein with a view to diminishing the cost.

And insert:

A special board of three engineers shall examine and report, not later than September 1, 1901, upon the feasibility and advisability of continuing said project to completion.

So as to make the clause read:

Improving harbor of refuge at Sandy Bay, Cape Ann, Massachusetts: Continuing improvement, $187,500. A special board of three engineers shall examine and report, not later than September 1, 1901, upon the feasibility and advisability of continuing said project to completion.

The amendment was agreed to.

The next amendment was, on page 3, line 25, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" and on page 4, line 5, after the word "aggregate," to strike out "$202,083.43" and insert "$227,083;" so as to make the clause read:

Improving harbor at Gloucester, Mass.: Continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the approved project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $227,083, exclusive of amounts herein and heretofore appropriated.

Mr. NELSON. I move to amend the amendment in line 3, page 4, by striking out the word "complete" and inserting the word "prosecute."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 19, after the word "session," to insert "completing improvement;" so as to make the clause read:

Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 129, Fifty-sixth Congress, second session, completing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 5, line 14, before the word "thousand," to strike out "and sixty-three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For maintenance and general improvement, $100,000.

Mr. LODGE. Mr. President, the appropriation for Boston has been cut by the committee, cut in pursuance of what I understand is the general policy. Of course we feel the importance of the harbor very strongly and the need of deepening our channel with a view of getting in large ships and cheapening transportation. It is the second port of the United States, and we have not thought our request unreasonable; but I entirely approve of the general policy of the committee in reducing this bill. It came over here too large.

Mr. President, I only desire to say that if the general policy of the committee is to be carried out, I shall submit to it absolutely, shall make no debate and no attempt to raise the appropriation, as far as Massachusetts is concerned; but if other amendments are to be let in, raising the cuts made by the committee—and wisely made, I think—my colleague and I, and I know other Senators, will be forced in, in order to defend their own projects.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "thousand," to strike out "six hundred" and insert "four hundred and fifty;" and on page 6, line 4, before the word "million," to strike out "three" and insert "two;" so as to make the clause read:

For improving said harbor in accordance with the report submitted in House Document No. 119, Fifty-sixth Congress, second session, by providing channels 35 feet deep, but modified in width so as to provide a channel 1,200 feet wide from the navy-yard at Charlestown and the Chelsea Bridge and Charles River Bridge to President Roads, and 1,500 feet wide from President Roads, by route designated as No. 3 through Broad Sound to the ocean, $450,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be required for prosecuting such improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,000,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "dollars," to strike out "ten thousand" and insert "completing improvement, twenty-one thousand six hundred and seventy;" so as to make the clause read:

Improving harbor at Cohasset, Mass., in accordance with the report submitted in House Document No. 284, Fifty-sixth Congress, first session, completing improvement, $21,670.

The amendment was agreed to.

The next amendment was, on page 6, line 25, after the word "with," to insert "plan No. 1 in;" so as to make the clause read:

Improving harbor at Fall River, Mass., in accordance with plan No. 1 in the report submitted in House Document No. 56, Fifty-fifth Congress, first session, $38,000: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

Improving harbor at Manchester, Mass.: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert:

The Secretary of War be, and he is hereby, authorized and directed to appoint a board of officers of the Corps of Engineers, whose duty it shall be to make a thorough examination of the entire locality of Vineyard Haven and Nantucket sounds, with the view of selecting the best site or sites for a harbor or harbors of refuge, and after such selection to make the necessary surveys, plans, and estimates therefor.

Mr. LODGE. I ask the Senator from Minnesota if he will have any objection to striking out the word "Haven" after "Vineyard?" It is a mere mistake in description.

Mr. NELSON. I have no objection, Mr. President.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 18, after the word "Vineyard," strike out "Haven."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 8, after line 4, to strike out:

Improving harbors of refuge at Block Island, Rhode Island, and Great Salt Pond, Block Island, Rhode Island: For maintenance, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Improving harbor of refuge at Block Island, Rhode Island: Continuing improvement, $50,239.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

Improving harbor, Great Salt Pond, Block Island, Rhode Island: For extending south jetty, $30,000.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the word "session," to insert "completing improvement;" so as to make the clause read:

Improving harbor at Branford, Conn., in accordance with the report submitted in House Document No. 100, Fifty-sixth Congress, second session, completing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, line 18, before the word "thousand," to strike out "ten" and insert "completing improvement, fifteen;" so as to make the clause read:

Improving harbor at Milford, Conn., in accordance with the report submitted in House Document No. 280, Fifty-sixth Congress, first session, completing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 9, line 19, after the word "Connecticut," to strike out "continuing improvement, $5,000" and insert "completing improvement, $12,700;" so as to make the clause read:

Improving harbor at Southport, Conn.: Completing improvement, $12,700.

The amendment was agreed to.

The next amendment was, on page 11, after the word "session," to strike out "$5,000" and insert "completing improvement, $17,000;" so as to make the clause read:

Improving harbor at Echo Bay, New York, in accordance with the report

submitted in House Document No. 235, Fifty-sixth Congress, first session, completing improvement, $17,000."

The amendment was agreed to.

The next amendment was, on page 11, line 10, after the words "New York," to strike out:

In accordance with the report submitted in House Document No. 122, Fifty-sixth Congress, second session, so as to provide a channel 40 feet deep and 1,200 feet wide, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,500,000, exclusive of the amounts herein and heretofore appropriated.

And insert:

Continuing improvement, $112,500.

So as to make the clause read:

Improving Buttermilk Channel, New York Harbor, New York: Continuing improvement, $112,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to strike out:

Improving harbor at Olcott, N. Y.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, before the word "dollars," to strike out "two hundred and fifty-seven thousand seven hundred" and insert "one hundred and ninety-three thousand two hundred and seventy-five;" so as to make the clause read:

Improving Tonawanda Harbor and Niagara River, New York: Continuing improvement, $193,275, including the dredging of Tonawanda Harbor in Erie County.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "maintenance," to strike out:

And improving harbor by construction of breakwater in accordance with the report submitted in House Document No. 74, Fifty-sixth Congress, first session, $84,827.50.

And insert "$20,000;" so as to make the clause read:

Improving harbor at Dunkirk, N. Y.: For maintenance, $20,000.

The amendment was agreed to.

The next amendment was, on page 14, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" in line 5, before the word "the," to strike out "complete" and insert "prosecute;" and in line 9, before the word "dollars," to strike out "six hundred and fourteen thousand six hundred and forty-three" and insert "four hundred and nine thousand seven hundred and sixty-two;" so as to make the clause read:

Improving Lake Erie entrance to Black Rock Harbor and Erie Basin, New York, in accordance with the report submitted in House Document No. 125, Fifty-sixth Congress, second session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $409,762, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 14, line 19, before the word "thousand," to strike out "one hundred" and insert "fifty;" in line 22, after the word "to," to strike out "complete the project" and insert "prosecute the improvement;" and on page 15, line 1, before the word "dollars," to strike out "five hundred and ninety-six thousand" and insert "four hundred and thirty thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Arthur Kill, or Staten Island Sound, from Kill von Kull to Raritan Bay, New York and New Jersey, in accordance with the report submitted in House Document No. 393, Fifty-sixth Congress, first session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the improvement recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $430,667, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 15, line 4, after the word "dollars," to insert:

, twenty-five thousand dollars of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds.

So as to make the clause read:

Improving Raritan Bay, New Jersey: Continuing improvement, $45,000, $25,000 of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds.

The amendment was agreed to.

The next amendment was, on page 15, line 11, before the word "dollars," to strike out "one hundred and twenty-five thousand" and insert "ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving harbor at Erie, Pa.: Continuing improvement, $93,750.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "thousand," to strike out "eighty-eight" and insert "fifty," and in line 24, before the word "thousand," to strike out "twenty-one" and insert "fifty-nine;" so as to make the clause read:

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with the report submitted, printed on pages 1005 et seq. of the Report of the Chief of Engineers for 1896, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $259,000 exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Improving Queenstown Harbor, Maryland, in accordance with the report submitted in House Document No. 92, Fifty-sixth Congress, first session, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

Improving channel of Curtis Bay, Baltimore Harbor, Maryland, by deepening the same to 30 feet and widening to 250 feet, in accordance with plan submitted in Senate Document No. 118, Fifty-sixth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $146,000, exclusive of the amounts heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the word "project," to strike out "$5,000" and insert, "completing improvement, $8,120;" so as to make the clause read:

Improving Cambridge Harbor, Maryland, in accordance with the approved project: Completing improvement, $8,120.

The amendment was agreed to.

The next amendment was, on page 17, line 10, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving harbor at Cape Charles City, Va.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to insert:

The Secretary of war is hereby authorized and directed to appoint a board of engineers, to consist of not less than three and not more than five, and to be taken from either the active or retired list of engineers in the service of the United States, to consider the entire subject of a waterway of not less than 16 feet depth from Norfolk Harbor, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina, with instructions (first) to make surveys of all possible routes, if necessary, whether or not included in recent surveys made by Maj. James B. Quinn and Capt. E. W. Van C. Lucas and reported to Congress in Executive Document No. 202, Fifty-sixth Congress, second session; and (second) to submit a report with estimates and recommendations, and, in the event of a favorable recommendation, a description of the best route; such report to contain an estimate of the total cost of the construction of the route recommended for adoption, including the probable cost of the purchase and improvement to 16 feet depth of any private waterways that it may be to the interest of the United States to acquire and improve in connection with the above improvement. And said board, when appointed, is authorized to order such journeys for any or all of its members as may be necessary to investigate, not only any or all possible parts of proposed route, but also the commercial interests of any port or ports liable to be affected by the establishment of the proposed waterway.

The amendment was agreed to.

The next amendment was, on page 19, after line 14, to insert:

Beaufort Harbor, North Carolina: For maintenance, $3,000.

The amendment was agreed to.

The next amendment was, on page 20, line 12, after the word "project," to insert "including dredging of the channel up to Georgetown;" so as to make the clause read:

Winyah Bay, South Carolina: The dredge or dredges employed in connection with the work of improvement at the entrance to Winyah Bay, and such other dredges owned or controlled by the Government as are used on Winyah Bay river systems and canals, may be used in dredging the shoal places between the entrance and the city of Georgetown, S. C., over which the least channel depths may at any time be less than at the entrance of the bay; and any expense so caused shall be paid from amounts appropriated or that may be appropriated for said Winyah Bay: *Provided*, That the expense of said dredging, added to that of improving the entrance to said bay, shall not exceed the total sum authorized by act of June 3, 1896, to be appropriated. The provision in the said river and harbor act authorizing contracts to be made for improving said bay is hereby amended to read as follows: "*Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project, including dredging of the channel up to Georgetown," etc.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "recommended," to strike out "complete the project" and insert "prosecute improvement;" and in line 8, before the word "dollars," to strike out "one million" and insert "six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Savannah Harbor, Georgia: For maintenance, $50,000. The unexpended balance of amounts heretofore appropriated and now available for the present project is hereby made available for continuing improvement in accordance with the report submitted in House Document No. 123, Fifty-sixth Congress, second session: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute improvement recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,667, exclusive of the amounts herein and heretofore appropriated, and in the prosecution of said project materials may be purchased and work done otherwise than by contract, in the discretion of the Secretary of War.

Mr. NELSON. I have an amendment to offer at the end of line 11, page 21. The words I ask to have inserted there I ask to

have stricken out on page 62. The amendment is found on page 62.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of line 11, after the words "Secretary of War," the following:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

The PRESIDENT pro tempore. If there be no objection, the amendment will be agreed to.

Mr. NELSON. I ask to have the same words stricken out on page 62 and page 63, the words in italics.

Mr. CHANDLER. I did not understand where the Senator moved to put in this amendment.

Mr. NELSON. It was put in at the end of line 11 on page 21. It is transposed from page 62. The same amendment is in the bill on page 62.

Mr. BUTLER. I suggest to the Senator that it is not now in the bill.

Mr. NELSON. It is in the bill.

Mr. BUTLER. It is simply an amendment. It has not been agreed to.

Mr. NELSON. I mean that it is an amendment reported in the bill.

Mr. BUTLER. The proper way is to wait until we reach page 62 and then disagree to the committee amendment.

Mr. CHANDLER. It was my intention to ask for some explanation of this amendment, and I ought to do it now, because the motion to strike out made by the Senator from Minnesota calls for the adoption of the same thing somewhere else in the bill. So I will ask the Senator from South Carolina [Mr. TILLMAN], who I see is rising for that purpose, to explain this provision.

Mr. TILLMAN. I will explain it now or later, just as the Senator in charge of the bill desires.

Mr. BERRY. Let us go on with the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Minnesota to insert at the end of line 11, page 21, the words which have been read.

Mr. CHANDLER. Let it be passed over, then.

Mr. TILLMAN. I prefer to explain it now. It will take no longer to explain it at one time than another.

In the scheme of improvement for deepening the harbor at Savannah the engineers found it necessary to close one of the outlets of the river which flowed around through the South Carolina side, and in shutting up that outlet the flood water of freshets from the up-country when it reaches Savannah now overflows rice plantations which formerly were not inundated. The result has been that several thousand acres of very valuable rice land on our side of the river has been practically confiscated by the Government or rendered worthless.

The proposition which first came to me from my constituents in regard to their rights in this matter was a request that a provision be inserted authorizing them to go into the Court of Claims to have their rights determined and the damages assessed. But the committee finding that that would open too much of a floodgate, so to speak, of similar suits for all improvements of the Mississippi River and elsewhere, were unwilling to consider such a proposition.

Then I asked them whether they were willing to have the Government confiscate the private property of citizens of South Carolina in order to improve the harbor of Savannah, or would they accept the alternative proposition of letting the engineers in charge of the harbor improvements make a reconnoissance or survey of the conditions which have been brought about by the change in the river, and report what they can do, or what it would cost the Government, or what in the judgment of the Secretary of War would be necessary to protect this private property from the injury resulting from the improvements made by the Government of the harbor of Savannah.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. CHANDLER. Instead of asking him a question I think I will make a little speech. The Senator has kindly yielded.

It is not clear to me, from the amendment on page 62, whether the protection to the rice plantations that inquiry is to be made about is protection from public works hitherto constructed or to be constructed under the bill. The Senator will notice that the improvement of the Savannah River is referred to, and then it says the Secretary of War is to report whether the rice plantations need protection; but the clause does not say protection against what; and while——

Mr. TILLMAN. It means, of course, from flood; and I am perfectly willing for the Senator to put in anything which will elaborate the idea. I merely drew a crude amendment and suggested it to the committee, and they incorporated it in its present form.

Mr. CHANDLER. The question with me is this: Protection from natural floods, which from time immemorial have come to that section, or from floods caused by some Government work?

Mr. TILLMAN. From floods caused by the closing of the estuary above, which I spoke of, which used to let the flood water off; but now since it is closed it has to flow by and the result is that the water is higher and these places are inundated and the crops destroyed; whereas formerly, under the embankments which the planters themselves had, their crops were saved.

Mr. CHANDLER. Now, that idea ought to be in the amendment.

Mr. TILLMAN. I wish the Senator would turn his acute mind to an amendment of the amendment which will protect the Government and at the same time give our people the protection which they seek.

Mr. CHANDLER. I think the idea ought to be conveyed that it is to protect the rice plantations from injury resulting from work done by the Government.

Mr. TILLMAN. I am perfectly willing to have the Senator incorporate those words.

Mr. CHANDLER. A Senator yesterday suggested to me that if there was any bill before the Senate that would have a softening and soothing effect upon the Southern section of the country it was this bill, and as I am in entire accord with anything that will soften and soothe the South, including South Carolina, when my eye lighted upon this clause it occurred to me that possibly here was a scheme for building up embankments and draining the rice plantations of South Carolina without any real cause for it except that of softening and soothing.

Now, Mr. President, when it is explained to me that the theory is that there has already been constructed, or will be constructed by this enormous sum of $1,000 appropriated for the Savannah River, an embankment or some public work that would produce floods——

Mr. TILLMAN. If the Senator will pardon me right there——

Mr. CHANDLER. Not right there, but in a moment. Then I at once see the propriety of not only appropriating the $1,000, but also of building up embankments and digging canals and creating, so to speak, a very large crop of rice next year in South Carolina, which I hope will sell at a large price.

Mr. TILLMAN. If the Senator had not gone off half-cocked, which he will do sometimes, he would have seen that the appropriation of $1,000 which he speaks of there for the improvement of the Savannah River above Augusta is not involved here, because we have transposed the amendment from the position in which it was erroneously placed to the place in the bill where the harbor improvements of Savannah are involved.

Mr. CHANDLER. I have not gone off half-cocked. It is the committee and the Senator who put their amendment in the wrong place.

Mr. TILLMAN. I did not put it in anywhere. I left it on the committee table, and the clerk, I dare say, is responsible for putting it in the wrong place. The Senator has gone off half-cocked in charging that we are spending only $1,000 on the improvement when it is upwards of a million.

Mr. CHANDLER. Anyone would infer that spending that thousand dollars was going to make it necessary to have an elaborate scheme reported here for building embankments and drainage ditches to produce a large rice crop in South Carolina. That is the legitimate inference. I am not responsible for the amendment being in the wrong place.

Mr. NELSON. Will the Senators from South Carolina and New Hampshire allow me to suggest an amendment which I think will close the debate on this proposition?

Mr. CHANDLER. It will not close the debate.

Mr. TILLMAN. I am perfectly willing to let the chairman of the committee offer an amendment to see whether the Senator from New Hampshire can be soothed into letting a decent and just thing be done.

Mr. NELSON. I offer a suggestion to the Senator from New Hampshire for the sake of closing up this matter. After the word "Carolina" I propose to insert the words "from the effect of Government works on the river;" so as to read:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina, from the effect of Government works on the river; and if so, in what way such protection should be given, etc.

Mr. CHANDLER. That will be perfectly satisfactory to me if the Senator from South Carolina will not say a word.

Mr. TILLMAN. Well, it is very hard not to have a little something to say to the Senator about his soothing proposition, but I will be soothed into silence for once.

Mr. NELSON. I move that amendment to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair).

Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives upon the naval appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, and still further insisting on its disagreement to certain amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate still further insist on its amendments and agree to the conference asked by the House.

Mr. MORGAN. I should like to know what are the subjects of disagreement between the two Houses.

Mr. HALE. This is not a new conference. It is only agreeing to the conference which I explained the other day. The Senate has already acted on the conference report and now the House asks for a new conference. The same subjects are in disagreement now that were at that time, with the exception of one. There has been no change in the situation.

Mr. MORGAN. What is that exception?

Mr. HALE. The House refused to adopt the report of the conference and instructed their conferees to strike out the amendment touching assistant secretaries in the bureaus.

Mr. CHANDLER. The Naval Observatory item, I will say to the Senator, is still in disagreement.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Maine.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 21, line 17, before the word "thousand," to strike out "twenty-five" and insert "forty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That C. P. Goodyear, his heirs and assigns, shall be paid for 50 feet excess of width over the contract width of 24 feet depth at mean high tide on the outer bar of Brunswick, Ga., obtained, as shown by the report of H. L. Marinden, the officer detailed to make survey of such work, made to the Secretary of War on the 4th day of December, 1899, in the same proportion as he was paid for 100 feet widths of such depth, namely, $20,000; and that for the 50 feet excess of width over contract width of 25 feet depth at mean high tide, shown by said report, he or they shall be paid in the same proportion as he was paid for 100 feet width of 25 feet depth, namely, $25,000.

So as to make the clause read:

Improving Brunswick Harbor, outer bar, Georgia: Continuing improvement, $40,000: *Provided*, That C. P. Goodyear, his heirs and assigns, etc.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "dollars," to strike out "completing improvement, one hundred and twenty-five thousand seven hundred" and insert "continuing improvement, ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving Brunswick Harbor, inner harbor, Georgia: Continuing improvement, $93,750, in accordance with the report submitted in House Document No. 40, Fifty-sixth Congress, first session, of which sum $5,000, or so much thereof as may be necessary, shall be used to maintain the present depth of water in Academy Creek to old Altamaha Canal, the same being a part of the inner harbor.

The amendment was agreed to.

The reading of the bill was continued to the end of line 21 on page 23.

PROPOSED REDUCTION OF REVENUE.

Mr. ALDRICH. I present a privileged report, the report of the committee of conference on House bill 12394.

The PRESIDING OFFICER. The Senator from Rhode Island presents a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the House bill, and agree to the same amended so as to read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the commissioner may by regulations prescribe."

SEC. 2. That section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of $25,000 shall pay $50; when using or employing a capital exceeding $25,000, for every additional $1,000 in excess of $25,000, $2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year, the tax shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

"2. Brokers shall pay $50. Every person, firm, or company whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Custom-house brokers shall pay $10. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

"5. Proprietors of theaters, museums, and concert halls in cities having more than 25,000 population, as shown by the last preceding United States census, shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

"6. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

"7. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

"8. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

SEC. 3. That the internal-revenue tax on cigars weighing more than 3 pounds per thousand shall be $3 per thousand; and the tax on cigars weighing not more than 3 pounds per thousand shall be 18 cents per pound, and on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of not more than $2 per thousand shall be 18 cents per pound: and the tax on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of more than $2 per thousand shall be 36 cents per pound; and all such cigars and cigarettes weighing not more than 3 pounds per thousand shall for purposes of taxation be held and considered as weighing 3 pounds.

SEC. 4. That there shall be allowed a discount of 20 per cent on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than $10. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section 6 of said act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

"ADHESIVE STAMPS.

"SEC. 6. That on and after the 1st day of July, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments,

matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this act."

SEC. 6. That section 9 of said act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document or paper of any kind or description whatsoever mentioned in Schedule A of this act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"1. Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D., 1898, by any association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each $100 of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"2. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

"3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf, or as agent, conduct what is commonly known as a 'bucket shop' shall pay a stamp tax of 2 cents on each $100 in value or fraction thereof of the merchandise covered or pretended to be covered, and also a tax of 2 cents on each $100 on the face value or fraction thereof of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided, however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law, and on or before the 1st day of April, 1901, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business and for each branch office or place of business, wherever established, pay a special tax of $12.50, and on or before the 1st day of July, 1901, and annually thereafter, for every such office or branch office, a special tax of $50, and such taxes shall be in addition to all other special taxes imposed by this act.

"Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing, under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required and the place (including street number) where such business is to be carried on; and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection.

"Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed.

"Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return, report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this paragraph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

"4. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

"5. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding $100, 2 cents, and for each $100 or fractional part thereof in excess of $100, 2 cents. If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed $100, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 1 cent; and for each $100 or fractional part thereof in excess of $100, 1 cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported.

"6. Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifest, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject said railroad or steamboat company, carrier, or corporation, or person, to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"7. Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, 50 cents.

"8. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

"9. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this act, 10 cents.

"10. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $2,500 and does not exceed $3,000, 25 cents, and for each additional $500 or fractional part thereof in excess of $3,000, 25 cents.

"11. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents. Exceeding $100 and not exceeding $500 in value, 50 cents. Exceeding $500 in value, $1.

"12. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

"13. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing $50, 50 cents; and for each $50 or any part thereof in addition thereto, 50 cents."

SEC. 9. That Schedule B of said act is hereby amended so as to read as follows:

"SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing 1 pint or less, 1 cent. Upon each bottle containing more than 1 pint, 2 cents."

SEC. 10. That section 29 of said act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898;" so that said section as amended shall read as follows:

"LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of $10,000 in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

"First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of 75 cents for each and every hundred dollars of the clear value of such interest in such property.

"Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of $1.50 for each and every hundred dollars of the clear value of such interest.

"Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of $3 for each and every hundred dollars of the clear value of such interest.

"Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of $4 for each and every hundred dollars of the clear value of such interest.

"Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of $5 dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

"Where the amount or value of said property shall exceed the sum of $25,000, but shall not exceed the sum or value of $100,000, the rates of duty or tax above set forth shall be multiplied by 1½; and where the amount or value of said property shall exceed the sum of $100,000, but shall not exceed the sum of $500,000, such rates of duty shall be multiplied by 2; and where the amount or value of said property shall exceed the sum of $500,000, but shall not exceed the sum of $1,000,000, such rates of duty shall be multiplied by 2½; and where the amount or value of said property shall exceed the sum of $1,000,000, such rates of duty shall be multiplied by 3: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

SEC. 11. That section 30 of said act is hereby amended so as to read as follows:

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided.

"Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same.

"The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate

from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding $1,000, to be recovered with costs of suit. Any tax paid under the provisions of sections 29 and 30 shall be deducted from the particular legacy or distributive share on account of which the same is charged."

SEC. 12. That from and after the passage of this act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of $3,000, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

SEC. 13. That section 35 of said act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding 5 per cent in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act."

SEC. 14. That section 18 of said act is hereby repealed.

SEC. 15. That the provisions of this act shall take effect on and after the 1st day of July, 1901, except where otherwise expressly provided.

And the House agree to the same.

NELSON W. ALDRICH,
WILLIAM B. ALLISON,
JAMES K. JONES,
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

Mr. ALDRICH. I present and ask to have printed in the RECORD a detailed statement showing the effect of the conference action with reference to the House proposition and the Senate amendments.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. ALDRICH. No; it is not necessary to read it.

The PRESIDENT pro tempore. It will be printed in the RECORD if there is no objection.

The statement is as follows:

Summary showing the effect of H. R. 12394 (as it passed the House and as it passed the Senate and as agreed to in conference) on the war-revenue act of June 13, 1898.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Beer, $2 per barrel and 7½ per cent discount	Reduced to $1.60 per barrel and 7½ per cent discount repealed.	$2 per barrel and 25 per cent discount.	$1.60 per barrel and 7½ per cent discount repealed.	$72,776,831.57
Bankers' capital and surplus, $50 for $25,000, and $2 for each additional $1,000.	Retained	$1 for each $1,000	Present law retained.	3,513,850.01
Stockbrokers, $50	Retained	Retained	Retained	309,606.88
Pawnbrokers, $20	Retained	Retained	Retained	37,861.18
Commercial brokers, $20	Repealed	Repealed	Repealed	138,281.12
Custom-house brokers, $10	Repealed	Retained	Retained	6,167.18
Proprietors of theaters, museums, and concert halls, $100	Repealed	Retained	Retained	47,178.02
Proprietors of circuses, $100	Repealed	Retained	Retained	11,744.36
Proprietors of other public exhibitions, $10	Repealed	Retained	Retained	84,218.44
Proprietors of bowling alleys or billiard rooms, $5 for each alley or table.	Retained	Retained	Retained	44,194.81
Tobacco and snuff, 12 cents per pound	Retained	Discount of 25 per cent.	Discount of 20 per cent.	35,267,334.40
Cigars weighing more than 3 pounds per 1,000, $3.60 per 1,000	$3 per 1,000	$3.30 per 1,000	$3 per 1,000	19,138,584.82
Cigars weighing not more than 3 pounds per $1,000, $1 per 1,000	Retained	18 cents per pound	18 cents per pound	646,896.82
Cigarettes weighing more than 3 pounds per 1,000, $3.60 per 1,000	Retained	Retained	Retained	16,014.21
Cigarettes weighing not more than 3 pounds per 1,000, $1.50 per 1,000	Retained	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	3,953,177.09
Dealers in leaf tobacco, $6 to $24	Retained	Retained	Retained	72,030.04
Dealers in tobacco, $12	Retained	Retained	Retained	16,564.00
Manufacturers of tobacco, $6 to $24	Retained	Retained	Retained	18,207.70
Manufacturers of cigars, $6 to $24	Retained	Retained	Retained	222,301.38
Bonds, debentures, certificates of indebtedness, etc., 5 cents for each $100	Retained	Retained	Retained	3,000,000.00
Certificates of stock, original issue, 5 cents for each $100	Retained	Retained	Retained	
Certificates of stock, transfers, 2 cents for each $100	Retained	Retained and amended so as to include bucket shops.	Retained and amended so as to include bucket shops.	9,000,000.00
Sales of products at exchanges, 1 cent for each $100	Retained	1 cent for each $200. Sales of merchandise in actual course of transportation exempted from tax.	1 cent for each $100. Sales of merchandise in actual course of transportation exempted from tax.	1,000,000.00
Bank checks, 2 cents	Repealed	Retained	Repealed	7,000,000.00
Drafts or bills of exchange, inland, 2 cents for each $100	Repealed	Retained	Retained	500,000.00
Certificates of deposit, 2 cents	Repealed	Repealed	Repealed	200,000.00
Promissory notes, 2 cents for each $100	Repealed	Repealed	Repealed	3,500,000.00
Money orders, 2 cents for each $100	Repealed	Retained	Repealed	600,000.00
Bills of exchange, foreign, 4 cents for each $100	Repealed	2 cents for each $100.	2 cents for each $100.	100,000.00
Bills of lading for export, 10 cents	Repealed	Repealed	Repealed	100,000.00
Express receipts, 1 cent	Repealed	Repealed	Repealed	800,000.00
Freight receipts or domestic bills of lading, 1 cent	Retained	Retained	Retained	400,000.00
Telephone messages, 1 cent	Repealed	Repealed	Repealed	375,000.00
Bonds of indemnity and bonds not otherwise specified, 50 cents	Repealed	Repealed, except bonds of indemnity.	Repealed, except bonds of indemnity.	250,000.00
Certificates of profits, 2 cents for each $100	Retained	Repealed	Retained	Very little.
Certificate of damage, 25 cents	Repealed	Repealed	Repealed	Very little.
Certificates not otherwise specified, 10 cents	Repealed	Repealed	Repealed	200,000.00
Charter party, $3 to $10	Repealed	Repealed	Repealed	100,000.00
Broker's contract, 10 cents	Repealed	Retained	Retained	100,000.00
Conveyance, 50 cents for each $500	Repealed	Exempted below $2,500. Above $2,500, 25 cents for each $500.	Exempted below $2,500. Above $2,500, 25 cents for each $500.	3,000,000.00
Telegraph messages, 1 cent	Repealed	Repealed	Repealed	800,000.00
Entry of goods at custom-house for consumption, 25 cents to $1	Retained	Retained	Retained	500,000.00
Entry for withdrawal, 50 cents	Retained	Retained	Retained	
Insurance, life, 8 cents on each $100	Repealed	4 cents on each $100	Repealed	
Marine, inland, fire, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	3,000,000.00
Casualty, fidelity, and guaranty, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	

Summary showing the effect of H. R. 12594, etc.—Continued.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Lease, 25 cents to $1	Repealed	Repealed	Repealed	$200,000.00
Manifest for custom-house entry, $1 to $5	Repealed	Retained	Repealed	60,000.00
Mortgage or conveyance in trust, 25 cents for each $1,500	Repealed	Repealed	Repealed	1,000,000.00
Passage ticket, $1 to $5	Repealed	Exempted below $30 in value.	Exempted below $50 in value.	200,000.00
Power of attorney to vote, 10 cents	Repealed	Repealed	Repealed	100,000.00
Power of attorney to sell, 25 cents	Repealed	Repealed	Repealed	
Protest, 25 cents	Repealed	Repealed	Repealed	25,000.00
Warehouse receipts, 25 cents	Repealed	Repealed	Repealed	250,000.00
Proprietary medicines, one-eighth cent for each 5 cents	Repealed	One-tenth cent for 10 cents and one-twentieth cent for each additional 5 cents.	Repealed	3,948,283.19
Perfumery and cosmetics, one-eighth cent for each 5 cents	Repealed	Retained	Repealed	
Chewing gum, 4 cents each $1	Repealed	Retained	Repealed	
Sparkling or other wines, 1 pint, 1 cent; more than 1 pint, 2 cents	Retained	Retained	Retained	600,000.00
Petroleum and sugar refineries, one-fourth per cent gross receipts in excess of $250,000.	Retained	Retained	Retained	1,079,405.14
Sleeping and parlor car tickets, 1 cent	Retained	Retained	Retained	75,000.00
Legacies of every description, various rates	Excluded from tax, legacies of charitable, religious, literary, or educational character.	Same as House	Same as House	2,884,491.55
Mixed flour, 4 cents per barrel	Retained	Retained	Retained	7,439.46
Manufacturers of mixed flour, $12 per annum	Retained	Retained	Retained	
Tea, customs duty of 10 cents per pound	Retained	Retained	Retained	8,008,637.00

NOTE.—Such of the above amounts as are in round numbers are estimated.

Mr. ALDRICH. I ask that the report may be adopted.

Mr. VEST. I should like to ask the chairman of the Committee on Finance a question in regard to the reduction on tobacco and beer. As I heard the reading, the reduction in the conference report is 20 per cent on manufactured tobacco, and we go back to the House reduction of 25 cents a barrel on beer.

Mr. ALDRICH. I will state that the effect of the report as presented with reference to beer and tobacco leaves them in the same relative position with reference to the rates in force prior to the act of 1898; that is, the tax upon beer prior to 1898, was $1. The conference report makes the tax $1.60, which is 60 per cent increase. The tax upon tobacco was 6 cents prior to 1898. It is fixed by the report at 9.60, or 60 per cent above what it was then. The same rate of increase has taken place in both cases.

Mr. VEST. Does the Senator mean to say that the per cent of reduction on tobacco and beer is now the same?

Mr. ALDRICH. That is the net result, to leave them in the same relative position.

Mr. VEST. I should like to ask the chairman of the committee—I could not catch it in the reading—what was done in regard to proprietary medicines.

Mr. ALDRICH. The tax was taken off entirely. The House action in that respect was agreed to.

Mr. VEST. And the tax upon the capital of banks?

Mr. ALDRICH. That was restored as it was in the House provision.

Mr. VEST. It was restored. The tax on bank checks has been taken off?

Mr. ALDRICH. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 12, 13, 14, 15, 18, 19, 20, 21, and 22; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from is disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out from the matter inserted by said amendment the word "Belgium;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Insert after the word "Turkey," in line 1 of said amendment, the following: ", who shall be an American student of the language of Turkey, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of such language;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out in line 83 of said amendment the words "Lourenço Marquez, Africa," and insert between lines 143 and 144 of said amendment the words "Lourenço Marquez, Africa;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum named in lines 15 and 16 of said amendment insert the following: "$455,500;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

R. R. HITT,
R. ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 23, line 24, before the word "dollars," to strike out "fifty thousand" and insert "twelve thousand five hundred;" so as to make the clause read:

Improving Hillsboro Bay, Florida: Continuing improvement, $112,500.

The amendment was agreed to.

The next amendment was, on page 24, line 9, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

Improving harbor at Pensacola, Fla.: Continuing improvement and for maintenance, $50,000: the same to be used toward securing a channel depth of 30 feet from the Gulf of Mexico to the dock line at the east end of the city of Pensacola.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to insert:

For the construction of a seagoing suction dredge, to be used in improving the harbors at Pensacola, Carrabelle, and Apalachicola, Fla., $150,000, and for the operation of said dredge, $50,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 24, to insert:

Improving Biscayne Bay, Florida, by obtaining a uniform depth of 18 feet of water in a harbor or basin on the east side of Biscayne Bay and a depth of 18 feet in a channel from said basin by way of the line north of Norris Cut to the sea, in accordance with the project submitted in House Document No. 662, Fifty-sixth Congress, first session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the above-described improvement in accordance with said project, not to exceed in the aggregate $466,667, exclusive of the amount herein and heretofore appropriated: *And provided further*, That out of the amount herein appropriated the Secretary of War may, in his discretion, construct a dredge, to cost not exceeding $150,000, for use on said project.

The amendment was agreed to.

The next amendment was, on page 25, line 22, before the word "thousand," to strike out "four hundred" and insert "two hundred and fifty;" so as to make the clause read:

Improving harbor at Mobile, Ala.: Continuing improvement, with the view of ultimately securing a channel 23 feet deep and 100 feet wide at bottom, with appropriate side slopes, $250,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

Improving harbor at Mobile, Ala., by providing a channel 30 feet deep across the bar below Fort Morgan, in accordance with the project submitted in House Document No. 219, Fifty-sixth Congress, second session, $68,813.

The amendment was agreed to.

The next amendment was, on page 26, line 14, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" in the same line, after the word "dollars," to insert:

So much of which as may be necessary may, in the discretion of the Secretary of War, be applied to the completion of a dredge heretofore authorized for improving the outlet to the Mississippi River.

On page 27, line 1, before the word "dollars," to strike out "two million nine hundred and fifty thousand" and insert "one million nine hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving the Southwest Pass of the Mississippi River, with a view to obtaining a navigable depth of 35 feet, in accordance with the report submitted in House Document No. 329, Fifty-sixth Congress, first session, $412,500; so much of which as may be necessary may, in the discretion of the Secretary of War, be applied to the completion of a dredge heretofore authorized for improving the outlet to the Mississippi River: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,966,667, exclusive of the amounts herein and heretofore appropriated, and the Secretary of War may, in his discretion, modify the plans described in the said report, and the dredge *Beta* may be used in the South or Southwest pass if dredging is required in either of said passes.

The amendment was agreed to.

The next amendment was, on page 27, after line 5, to insert:

The Secretary of War is hereby authorized, in his discretion, to purchase from the heirs or legal representatives of the said James B. Eads the dredges and other plant, including real estate, now used by them for the maintenance of the channel at the South Pass of the Mississippi River, or such portion of said plant as he may deem desirable; and in case the Secretary of War and the heirs or legal representatives of the estate of James B. Eads, deceased, are unable to agree upon the price to be paid for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase, then such price shall be assessed by a board of three appraisers to be appointed as follows: One appraiser to be appointed by the Secretary of War, one by the heirs or legal representatives of James B. Eads, deceased, and in case these two fail to agree, they shall jointly choose a third appraiser, and the three so appointed shall, by a majority vote, duly appraise the price to be paid for said dredges and plant, including real estate, and in case such appraisal is approved by the Secretary of War, the same shall be deemed to be the price which the Secretary of War is authorized to pay for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase: *Provided*, That in no event shall more than $200,000 be paid for all the dredges, plant, and real estate owned or possessed by the heirs or legal representatives of James B. Eads, deceased, at or about the South Pass. And the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purchase of the whole or a part of said plant, or for otherwise providing a proper plant for the maintenance of said Pass. The Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is hereby authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year $100,000. And section 3 of the act approved June 6, 1900, entitled "An act making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modifications of provisions heretofore made," is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 29, line 12, before the word "dollars," to strike out "thirty-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 29, line 14, before the word "repair," to insert "for;" and in line 15, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Sabine Pass, Texas and Louisiana: For maintenance, and for repair of the jetties, $150,000: *Provided*, That $25,000, or so much thereof as may be necessary, shall be used to improve the main ship channel in accordance with the report submitted in House Document No. 70, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 29, line 25, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" on page 30, line 2, after the word "to," to strike out "repair, restore, and complete" and insert "prosecute the work of repairing, restoring, and completing;" and in line 6, before the word "dollars," to strike out "one million" and insert "six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Galveston Harbor, Texas, by restoration of the jetties and maintenance of the entrance to said harbor, in accordance with the report submitted in House Document No. 134, Fifty-sixth Congress, second session, $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work of repairing, restoring, and completing the jetties as recommended in the said report, not to exceed $666,667, exclusive of the amounts herein and heretofore appropriated: *Provided*, That appropriations heretofore made and unexpended for Galveston Harbor are hereby made available for the above purposes.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

For widening and deepening Galveston Channel from a point opposite Twentieth street to a point opposite Fifty-first street to a depth of 30 feet and a width of 1,200 feet, including the present channel: Continuing improvement in accordance with the report submitted in House Document No. 264, Fifty-sixth Congress, second session, $112,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $150,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That the Secretary of War shall cause the expenditure of the amount appropriated at such points as he shall direct.

Mr. NELSON. I desire to offer an amendment. In line 3, page 31, I move to strike out the word "complete" and insert the word "prosecute."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 32, line 1, after the word "paid," to insert:

Provided, That no payment shall be made for any section of 1,000 feet until the same contract depth has been found to exist in all previously completed sections of 1,000 feet.

In line 5, before the word "the," to strike out "upon said modification being made" and insert "before such modification shall take effect;" in line 9, after the word "work," to insert "as originally contracted for;" so as to make the clause read:

Deepening the channel from Galveston Harbor to Texas City, Tex.: The Secretary of War is hereby authorized and directed, with the consent of the contractors now engaged in said work, or any contractors who may hereafter undertake the same, to modify the contract heretofore entered into for the performance of said work so that payments of 5 per cent of the whole contract price shall be made from time to time to said contractors for each 1,000 linear feet along the length of said channel, whenever it shall satisfactorily appear to the Secretary of War, through Army engineers, that the same has been deepened to the depth of 25 feet and a width of 100 feet at the bottom, until the sum of $200,000 has been paid, after which no payments shall be made until the whole channel has been completed to the required width and depth, at which time the balance of the contract price shall be paid: *Provided*, That no payment shall be made for any section of 1,000 feet until the same contract depth has been found to exist in all previously completed sections of 1,000 feet. And before such modification shall take effect the contractors for said work shall give bond to the United States, with sufficient surety or sureties, to be approved by the Secretary of War, conditioned upon the complete and faithful performance of said work as originally contracted for within two years from the date of said modification, in the sum of $200,000. The Secretary of War is authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the amounts which shall be found due the contractors as provided herein, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 32, line 21, before the word "thousand," to strike out "three hundred and fifty" and to insert "two hundred;" so as to make the clause read:

Improving Aransas Pass, Texas: Continuing improvement of the jetty partially built by Aransas Pass Harbor Company, not including the outer 1,000 feet thereof, $200,000.

The amendment was agreed to.

The next amendment was, on page 33, line 14, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" in line 17, after the word "the," to strike out "completion" and insert "prosecution;" and in line 20, before the word "thousand," to strike out "three hundred and forty two" and insert "two hundred and twenty-eight;" so as to make the clause read:

Improving Conneaut Harbor, Ohio: For maintenance, $10,000; continuing improvement, $56,250: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $228,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23 on page 33.

Mr. NELSON. After the word "for," in line 22, page 33, I move to insert the words "continuing improvement and;" so as to read:

Improving Ashtabula Harbor, Ohio: For continuing improvement and maintenance.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 34, line 2, before the word "dollars," to strike out "one hundred and fifty thousand" and insert "one hundred and twelve thousand five hundred;" so as to make the clause read;

Improving harbor at Fairport, Ohio: Continuing improvement and for maintenance, $112,500.

The amendment was agreed to.

The next amendment was, on page 34, line 8, before the word "dollars," to strike out "one hundred and twenty-five thousand"

and insert "ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For maintenance and continuing improvement in accordance with the report printed in the report of the Chief of Engineers for 1899, on page 3057 et seq., $93,750.

The amendment was agreed to.

The next amendment was, on page 34, line 19, before the word "dollars," to strike out "six hundred thousand" and insert "four hundred and fifty thousand;" in line 25, before the word "dollars," to strike out "two million two hundred thousand" and insert "one million four hundred and sixty-six thousand six hundred and sixty-seven;" and on page 35, line 1, after the word "appropriated," to insert:

Provided further, That the east breakwater shall not be extended eastward beyond the prolongation of Case avenue until further legislation by Congress authorizing such extension;"

So as to make the clause read:

Improving said harbor in accordance with the report submitted in House Document No. 118, Fifty-sixth Congress, second session, by providing a safer and better entrance at the main entrance to the breakwater in said harbor and by the construction of a new breakwater, $450,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be required for prosecuting said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,466,667, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the east breakwater shall not be extended eastward beyond the prolongation of Case avenue until further legislation by Congress authorizing such extension.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "dollars," to strike out "one hundred thousand" and insert "seventy-five thousand;" so as to make the clause read:

Improving Sandusky Harbor, Ohio, in accordance with the report submitted in House Document No. 120, Fifty-sixth Congress, second session, and for maintenance, $75,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

Improving inner harbor at Michigan City, Ind.: For maintenance, $48,000.

Mr. NELSON. I desire to move an amendment to the amendment. After the word "Indiana" I move to insert the words "continuing improvement and," and after the word "dollars" I move to insert the proviso which I send to the desk:

The SECRETARY. On page 35, line 21, after the word "Indiana," it is proposed to insert the words "continuing improvement and," and after the word "dollars," in line 22, to insert:

Provided, That a sum not exceeding $20,000 of said appropriation may be used, in the discretion of the Secretary of War, for the construction of a turn basin in said harbor.

So as to make the clause read:

Improving inner harbor at Michigan City, Ind.: Continuing improvement and for maintenance, $48,000: *Provided*, That a sum not exceeding $20,000 of said appropriation may be used in the discretion of the Secretary of War for the construction of a turn basin in said harbor.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

SETTLERS ON RAILROAD LANDS.

Mr. CARTER. I ask the Chair to lay before the Senate Senate bill 4306, merely that the amendments of the House may be concurred in.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

The amendments of the House of Representatives were, on page 1, line 12, after the word "laws," to strike out "subsequent to August 15, 1887, and prior to July 1, 1898;" on page 2, line 2, after the word "time," to strike out the words "when the land was included within an existing Executive withdrawal on account of said grant or at a time;" in line 4, after the word "when," to strike out "it" and insert "the land;" and to strike out the following proviso at the end of the bill:

Provided, That this act shall only apply to land which the said company would be entitled to as indemnity land within the terms of said grant, and where the railroad has been completed.

So as to make the bill read:

Be it enacted, etc., That the provisions of the act of July 1, 1898, appearing in Thirtieth Statutes at Large, at pages 620, 621, and 622, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under public-land laws of applications presented to or proceedings initiated in the local land office at a time the land was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

Mr. CARTER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CARSON-NEWMAN COLLEGE, TENNESSEE.

Mr. SPOONER. Some days ago the Senate passed the bill (H. R. 1860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn., and I entered a motion to reconsider the vote by which it was passed. I ask leave to withdraw that motion.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws the motion to reconsider, and the bill stands passed.

REFUNDING OF EXCESSIVE POSTAGE.

Mr. ALLEN. I ask consent of the Senator in charge of the pending bill to allow me to call up for consideration the bill (H. R. 11161) to refund excessive postage paid on certain newspapers.

Mr. NELSON. I will yield if it will not lead to any debate.

Mr. ALLEN. It is a short House bill and it will not lead to any debate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the following persons the following amounts, being the sums, respectively, found by the Court of Claims as the difference between the postage at third-class rates, which they were required to pay and did pay on newspapers published by them, respectively, during the years 1893 and 1894, and the postage at second-class rates with which such papers were legally chargeable, as follows: To the Modern Woodmen of America, publisher of the Modern Woodman, of Springfield, Ill., $5,423.62; to David I. Lillard, publisher of The Anchor and Shield, of Paris, Ill., $1,980.09; to Frank G. Simmons, publisher of the Nebraska Workman, of Seward, Nebr., $1,090.91, all as found and set forth by the Court of Claims in its findings of fact in House Documents Nos. 590, 294, and 592, Fifty-sixth Congress, first session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF TIMBER.

Mr. CLARK. With the consent of the Senator from Minnesota, I ask leave to call up the bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891.

Mr. BERRY. Mr. President, I am not going to object to the bill called up by the Senator from Wyoming, but I wish to make a statement. Unless the river and harbor bill gets into conference soon it will be impossible, in conference, to get through with the amendments. While I will not object to the bill of the Senator from Wyoming, as one has already been called up and passed, I think we ought to get through with the river and harbor bill before unanimous consent is given to pass other bills. There will be plenty of time after the bill goes to conference.

Mr. CLARK. I think if the Senator will listen to the reading of the bill I have called up he will see the necessity for its present consideration.

Mr. BERRY. I shall not object to this one.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of chapter 559 of the Revised Statutes of the United States, approved March 3, 1891, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARIS EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith, in pursuance of the act of Congress approved July 1, 1898 (U. S. Stat. L., vol. 30, pp. 645, 646), the report of Mr. Ferdinand W. Peck, commissioner-general of the United States to the International Exposition held at Paris, France, during the year 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 23, 1901.

AQUILLA DAUGHERTY.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 14028) for the relief of Aquilla Daugherty, to report it without amendment, and to submit a report thereon.

Mr. MASON. That is an emergency matter, and I ask unanimous consent for its present consideration.

Mr. BERRY. As it is absolutely necessary to pass the river

and harbor bill, so as to get it into conference as early as possible, I have just given notice that I must object to the consideration of other bills for the present.

Mr. MASON. Very well; then I withdraw the request.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 36, line 2, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving harbor at Waukegan, Ill.: Continuing improvement, in accordance with the report submitted in House Document No. 343, Fifty-sixth Congress, first session, $75,000: *Provided*, etc.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 36.

Mr. NELSON. In line 4, page 36, I move to strike out the word "complete" and to insert "prosecute."

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, on page 36, line 22, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract for such materials and work as may be necessary for the completion of the alternative project, involving a new cut to Lake Michigan, submitted in House Document No. 192, Fifty-fourth Congress, first session, to be paid for as appropriation may be made from time to time, to be made by law, not to exceed in the aggregate $150,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Saugatuck Harbor, Michigan: Continuing improvement and for maintenance, $15,000: *Provided*, That the Secretary of War may enter into a contract for such materials, etc.

Mr. NELSON. I move to amend the amendment by striking out the word "completion," in line 25, and inserting the word "prosecution."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, on page 37, line 9, before the word "dollars," to strike out "seventy-three thousand" and insert "eighty-five thousand three hundred and fifty;" so as to make the clause read:

Improving harbor at Holland (Black Lake), Mich.: Continuing improvement and for maintenance, $85,350, of which not to exceed $5,000 may, in the discretion of the Secretary of War, be used to dredge a channel through the bar in Black Lake near the entrance thereof.

The amendment was agreed to.

The next amendment was, on page 37, line 18, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving harbor at Muskegon, Mich., in accordance with the report submitted in House Document No. 104, Fifty-sixth Congress, second session, $56,250.

The amendment was agreed to.

The next amendment was, on page 38, line 12, before the word "thousand," to strike out "eighty-five" and insert "forty-nine;" so as to make the clause read:

Improving harbor at Ludington, Mich.: Continuing improvement and for maintenance and repairs, $80,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the completion of said project in accordance with the report sumitted in House Document No. 273, Fifty-fourth Congress, second session, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $149,000, exclusive of the amounts herein and heretofore appropriated, etc.

The amendment was agreed to.

Mr. NELSON. In line 7, I move to strike out the word "completion" and insert the word "prosecution."

The amendment was agreed to.

The next amendment was, on page 39, line 2, before the word "dollars," to strike out "fifty-four thousand five hundred" and insert "fifty thousand;" so as to make the clause read:

Improving harbor at Frankfort, Mich.: Completing improvement and for maintenance and repairs, $50,000.

The amendment was agreed to.

The next amendment was, on page 39, line 10, before the word "dollars," to strike out "seventy thousand" and insert "fifty-two thousand five hundred;" so as to make the clause read:

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $52,500.

The amendment was agreed to.

The next amendment was, on page 39, line 12, before the word "thousand," to strike out "twenty-six" and insert "twenty;" so as to make the clause read:

Improving harbor at Marquette, Mich.: Continuing improvement and for maintenance, $20,000, etc.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the word "thousand," to strike out "fifty-one" and insert "fifty;" so as to make the clause read:

Improving harbor at Milwaukee, Wis.: For maintenance and repairs, $50,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 6, to insert:

The Secretary of War is hereby instruced and authorized to cause an examination and survey to be made of the Menominee, Milwaukee, and Kinnickinnick rivers at the city of Milwaukee, Wis., with a view to the improvement and enlargement of the harbor facilities at Milwaukee by the deepening of such rivers, and the construction of one or more turning basins, or otherwise, and to prepare and report suitable plans and an estimate of the cost of such improvements.

The amendment was agreed to.

The next amendment was, on page 40, line 18, before the word "dollars," to strike out "one hundred and nineteen thousand" and insert "eighty-nine thousand two hundred and fifty;" so as to make the clause read:

Improving harbor of refuge at Milwaukee, Wis.: For maintenance, rebuilding, and repairs to breakwater, $89,250.

The amendment was agreed to.

The next amendment was, on page 40, line 22, before the word "thousand," to strike out "ten" and insert "six;" so as to make the clause read:

Improving harbor at Ahnapee, Wis.: Continuing improvement and for maintenance, $6,000.

The amendment was agreed to.

The next amendment was, on page 41, line 24, before the word "thousand," to strike out "twenty" and insert "sixteen;" so as to make the clause read:

Improving harbor at Two Rivers, Wis.: Continuing improvement, and for maintenance, $16,000.

The amendment was agreed to.

The next amendment was, on page 43, line 11, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty," and in line 17, before the word "thousand," to strike out "two hundred and thirty-five" and insert "two hundred and eighty-five;" so as to make the clause read:

Improving Burlington Bay, Minnesota, in accordance with the report submitted in House Document No. 114, Fifty-sixth Congress, second session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $285,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 43, after line 18, to insert:

Improving Warroad Harbor and Warroad River, Minnesota, in accordance with the report submitted in House Document No. 92, second session of the Fifty-sixth Congress, $45,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 8, to insert:

Improving inner harbor at San Pedro, $112,500; and the Secretary of War is hereby authorized to use so much thereof as may be necessary for the construction of a suitable dredge.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

Improving Oakland Harbor, California: For providing a channel 500 feet wide and 25 feet deep from San Francisco Bay to Chestnut street; thence 300 feet wide and 25 feet deep to Fallon street; thence 300 feet wide and 17 feet deep to the tidal basin, and thence 300 feet wide and 12 feet deep around the said tidal basin, in accordance with the project and estimate contained in House Document No. 262, Fifty-sixth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $612,135, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

Improving waterway connecting Puget Sound with Lakes Union and Washington, Washington: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 45, line 23, before the word "thousand," to strike out "thirty" and insert "fifty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $262,667, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Tacoma Harbor, Washington: In accordance with the report submitted in House Document No. 76, Fifty-sixth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract, etc.

The amendment was agreed to.

The next amendment was, on page 46, line 8, before the word "thousand," to strike out "fifteen" and insert "forty;" so as to make the clause read:

Improving New Whatcom Harbor, Washington: In accordance with the report submitted in House Document No. 80, Fifty-fifth Congress, first session, $40,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 8, to insert:

Improving Grays Harbor and Chehalis River, Washington, in accordance with the estimates contained in Report of the Chief of Engineers for 1896: For repairs, maintenance, and continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 46, line 23, before the word "thousand," to strike out "twenty" and insert "forty;" and in line 24, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $41,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Kennebec River, Maine, between Gardiner and Augusta, in accordance with the report submitted in House Document No. 262, Fifty-sixth Congress, first session, $40,000: *Provided*, That the Secretary of War may enter into a contract, etc.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 48, the last paragraph read being as follows:

Improving Connecticut River between Hartford, Conn., and Holyoke, Mass.: For the purpose of further examination and report upon the project for improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., a board of three officers of the Engineer Corps, to be designated by the Secretary of War, shall personally make examination of the improvement proposed by the engineer in charge, and report thereon, with reference to the probable cost of said proposed improvement, to the commercial advantages, if any, to be derived from such improvement, and such other information as the board may deem essential; and $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board and for any surveys ordered by said board.

Mr. HAWLEY. Mr. President, I wish to say a few words here and leave on the record my protest against this scheme.

It is an old acquaintance. A very considerable sum of money was spent some years ago by a skillful engineer in surveying the river from Hartford up perhaps to Holyoke. I am not quite sure whether it went there, but certainly it went as far as Springfield. It certainly included the very interesting manufacturing village of Windsor Locks, where large manufactures receive their water power from a canal leaving the river somewhere above the village and coming down through it and leaving this power at the mills.

The scheme as we last had it contemplated building a large dam across the river just above the upper edge of our beautiful city, where it would certainly flood a beautiful park that we have laid out at a very considerable expense.

We do not propose to lose that park without a protest. Neither do our friends, the manufacturers at Windsor Locks, propose to have their power injured or destroyed for the sake of what I really think are fanciful improvements, intended, I suppose, to help barges or steamers to get up to Springfield.

I am not going into the statistics and all that matter now, but we have them, and we have the opinions of railroad men and engineers. I only give notice to my distinguished friend from Massachusetts [Mr. LODGE], who has just come into the Chamber (and I am glad he has come; I am sorry to have spoken when he was not here), that I shall fight this from the top of its head to the sole of its foot next winter if I am here.

The reading of the bill was continued.

The next amendment of the Committee on Commerce was, on page 49, line 1, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Providence River and Harbor, Rhode Island, in accordance with the report submitted in House Document No. 108, Fifty-sixth Congress, first session, $56,250, which amount shall be expended upon the lesser project recommended in said report.

The amendment was agreed to.

The next amendment was, on page 49, line 17, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Improving Housatonic River Connecticut: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 50, line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving Harlem River, New York: Continuing improvement, $75,000.

The amendment was agreed to.

The next amendment was, on page 50, line 15, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" so as to make the clause read:

Improving East River and Hell Gate, New York: Continuing improvement, $150,000.

The amendment was agreed to.

The next amendment was, on page 50, line 18, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" so as to make the clause read:

Improving Hudson River, New York: Continuing improvement, $150,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to strike out:

Grasse River, New York: Continuing improvement in accordance with the report submitted in House Document No. 151, Fifty-sixth Congress, second session, $75,000, of which $48,500 shall be expended in removing rocks in the St. Lawrence River near its junction with the canal of the St. Lawrence Power Company: *Provided*, That no part of this appropriation shall be so expended until the St. Lawrence Power Company shall have filed with the Secretary of War an agreement in writing that said canal may be used for all purposes of navigation free from tolls or charges, and that locks and dams may be constructed by the Government, and authorizing the Government to enter upon and use sufficient land for the construction and operation of such locks and dams without cost: *And provided further*, That no part of said amount be expended for removing said rocks unless, upon examination by the local engineer, he shall report that said canal is suitable for purposes of navigation.

The amendment was agreed to.

The next amendment was, on page 52, line 1, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty," and in line 7, before the word "dollars," to strike out "twenty-one thousand" and insert "thirty-nine thousand seven hundred and fifty;" so as to make the clause read:

Improving Passaic River, New Jersey, in accordance with the report submitted in House Document No. 401, Fifty-sixth Congress, first session, from Staten Island Sound through Newark Bay and the said river to the Montclair and Greenwood Lake Railroad bridge with a channel 12 feet deep to the Nairn Linoleum Works, and 10 feet deep from that point to the said railroad bridge, $56,250: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,750, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 52, line 24, before the word "maintenance," to insert "continuing improvement and;" so as to make the clause read:

Improving Shrewsbury River, New Jersey: For continuing improvement and maintenance, $10,000.

The amendment was agreed to.

The next amendment was, on page 53, line 8, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

Improving Mantua Creek, New Jersey: Continuing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 53, line 21, before the word "thousand," to strike out "six hundred" and insert "four hundred and fifty;" and on page 54, line 2, before the word "hundred," to strike out "two million four" and insert "one million six;" so as to make the clause read:

Improving Delaware River, New Jersey and Pennsylvania and Delaware, in accordance with the report printed in House Document No. 91, Fifty-sixth Congress, first session, with a view to obtaining a channel 600 feet wide and 30 feet deep from Christian street, in Philadelphia, to deep water in Delaware Bay, $450,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the prosecution of the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,600,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 54, line 6, after the word "dollars," to insert:

Improving Allegheny River at Natrona, Pa., in accordance with report submitted in House Document No. 72, Fifty-fifth Congress, third session, for construction of lock and dam No. 4, and for the purchase of land at lock and dam, if necessary, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,622, exclusive of amount herein appropriated; and the provision in the river and harbor act of June 5, 1896, authorizing contracts to be made for construction of lock and dam at Herr Island, Allegheny River, is hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government.

So as to make the paragraph read:

Improving Allegheny River, Pennsylvania: Continuing improvement and for maintenance, $18,000. Improving Allegheny River at Natrona, Pa., in accordance with report submitted in House Document No. 72, Fifty-fifth Congress, third session, for construction of lock and dam No. 4, and for the purchase of land at lock and dam, if necessary, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,622, exclusive of amount herein appropriated; and the provision in the river and harbor act of June 5, 1896, authorizing contracts to be made for construction of lock and dam at Herr Island, Allegheny River, is hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government.

Mr. NELSON. I move to amend the amendment in line 14 by striking out the word "complete" and inserting the word "prosecute."

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the amendment will be so modified. The question is upon agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was continued. The next amendment was, on page 55, line 9, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" in line 12, after the word "to," to strike out "complete" and insert "prosecute;" and in line 16, after the word "aggregate," to strike out "$436,913.57" and insert "$291,275;" so as to make the clause read:

Improving Monongahela River, Pennsylvania, in accordance with the report submitted in the Report of the Chief of Engineers for 1897, page 2383 et seq., for the enlargement and improvement of locks 1 and 2 and for the purchase of lands at locks where necessary, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $291,275, exclusive of the amounts herein and heretofore appropriated: *And provided further*, The Secretary of War may in his discretion modify the plans in said report.

The amendment was agreed to.

The next amendment was, on page 56, line 5, after the word "Delaware," to strike out "For maintenance, $2,000," and insert "in accordance with the report submitted in House Document No. 102, Fifty-sixth Congress, second session, $25,000;" so as to make the clause read:

Improving Mispillion River, Delaware, in accordance with the report submitted in House Document No. 102, Fifty-sixth Congress, second session, $25,000.

The amendment was agreed to.

The next amendment was, on page 56, line 14, after the word "session," to strike out "$10,000" and insert "Completing improvement, $16,665;" so as to make the clause read:

Improving Elk River, Maryland, in accordance with the report submitted in House Document No. 105, Fifty-sixth Congress, first session: Completing improvement, $16,665.

The amendment was agreed to.

The next amendment was, on page 57, line 2, before the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

Improving Warwick River, Maryland: Continuing improvement, $4,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to insert:

Improving Wicomico River, Maryland: Completing improvement, $6,798.

The amendment was agreed to.

The next amendment was, on page 57, line 9, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Potomac River at the city of Washington, D. C.: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 57, after line 9, to insert:

Improving Anacostia River, District of Columbia, from the Potomac River to the navy-yard, by providing a channel suitable for vessels of the Navy, $112,500.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert:

Improving New River, Virginia: The unexpended balance of $2,300 of funds heretofore appropriated for the improvement of New River may be expended in cleaning out the channel of New River, in Virginia, near Radford.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

Improving Pagan River, Virginia, in accordance with the report submitted in House Document No. 88, Fifty-sixth Congress, second session, $10,870.

The amendment was agreed to.

The next amendment was, on page 58, line 11, before the word "dollars," to strike out "two hundred and fifty thousand" and insert "one hundred and eighty-seven thousand five hundred;" in the same line, after the word "dollars," to strike out:

Provided, That the Secretary of War may, in his discretion, expend said amount, together with any balances now on hand, with a view to first securing a channel 18 feet deep to the city of Richmond.

And insert:

And for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $75,000.

So as to make the clause read:

Improving James River, Virginia: Continuing improvement, $187,500. And for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $75,000.

The amendment was agreed to.

The next amendment was, on page 58, line 21, after the word "dollars," to insert:

And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Appomattox River, Virginia: For maintenance, $7,500. And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

Mr. NELSON. I move to amend the amendment of the committee in line 3, on page 59, after the words "necessary to," by striking out the word "complete" and inserting the word "prosecute," so as to read:

Provided, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the project recommended in said report, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 59, line 15, after the word "session," to strike out "$10,000" and insert "Completing improvement, $14,000;" so as to make the clause read:

Improving Scuppernong River, North Carolina, in accordance with the report submitted in House Document No. 131, Fifty-sixth Congress, second session: Completing improvement, $14,000.

The amendment was agreed to.

The next amendment was, on page 60, line 19, before the word "dollars," to strike out "one hundred and forty thousand" and insert "one hundred and twelve thousand five hundred;" and in line 22, after the word "project," to insert:

And provided further, That of the amount herein appropriated $1,000, or so much thereof as may be necessary, shall be expended in removing obstructions at the mouth of the Brunswick River, in accordance with estimate submitted in Senate Document No. 130, Fifty-sixth Congress, second session.

So as to make the clause read:

Improving Cape Fear River, North Carolina, at and below Wilmington: Continuing improvement and for maintenance, $112,500: *Provided*, That so much thereof as may be necessary may be used in the construction of mooring dolphins, in accordance with the approved project: *And provided further*, That of the amount herein appropriated $1,000, or so much thereof as may be necessary, shall be expended in removing obstructions at the mouth of the Brunswick River, in accordance with estimate submitted in Senate Document No. 130, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 61, line 19, after the word "session," to insert the following proviso:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the improvement on the upper portion of said river in accordance with the estimates in said report, or the necessary materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $106,300, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving Great Pedee River, South Carolina: Continuing improvement, $22,500, of which $12,000 shall be expended on the upper portion of said river in accordance with the report submitted in House Document No. 124, Fifty-sixth Congress, second session: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the improvement on the upper portion of said river in accordance with the estimates in said report, or the necessary materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $106,300, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 62, line 21, after the word "dollars," to insert:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

So as to make the clause read:

Improving Savannah River above Augusta, Ga.: Continuing improvement, $1,000. And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

Mr. NELSON. That amendment should be disagreed to, the same provision being inserted in another part of the bill.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 63, line 6, before the word "thousand," to strike out "fifteen" and insert "thirty;" so as to make the clause read:

Improving Oconee River, Georgia: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, on page 63, line 12, before the word "dollars," to strike out "eighty-five thousand" and insert "sixty-three thousand seven hundred and fifty;" so as to make the clause read:

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement and for maintenance below Columbus, Ga., $63,750: *Provided*, That out of said amount $5,000, or so much thereof as may be necessary, may be used in the construction of a pile-driver barge and a towing barge, in accordance with the approved project.

The amendment was agreed to.

The reading of the bill was continued to the end of line 25, on page 63.

Mr. NELSON. I offer a committee amendment to come in at the end of the paragraph just read. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 63, after line 25, it is proposed to insert:

Skidaway Narrows, Chatham County: The Secretary of War is directed to cause a survey and estimate of the cost of improving Skidaway Narrows, connecting the Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet deep at mean low water, and make report of the same to the next session of Congress.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 64, after line 14, to strike out:

Improving the entrance to Withlacoochee River, Florida, in accordance with the report submitted in House Document No. 199, Fifty-fifth Congress, second session, $10,000.

The amendment was agreed to.

The next amendment was, on page 64, line 22, before the word "dollars," to strike out "three hundred and fifty thousand," and insert "two hundred and sixty-two thousand five hundred;" and on page 65, line 5, before the word "dollars," to strike out "nine hundred and fifty thousand," and insert "six hundred and thirty-three thousand three hundred and thirty-four;" so as to make the clause read:

Improving St. Johns River, Florida, from Jacksonville to the ocean: Continuing improvement, $262,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the approved and modified project, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $633,334, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That out of said amount $150,000 may, in the discretion of the Secretary of War, be expended in the construction of a dredge.

The amendment was agreed to.

The next amendment was, on page 65, line 18, before the word "thousand," to strike out "fifteen" and insert "twenty;" and in line 20, after the word "Geneva," to insert "and $5,000 for dredging to the depth of 10 feet the channel at the Cypress Top outlet of said river;" so as to make the clause read:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $20,000, of which amount $10,000 shall be expended for the improvement of the river between Newton and Geneva, and $5,000 for dredging to the depth of 10 feet the channel at the Cypress Top outlet of said river.

Mr. NELSON. I move to amend that amendment by striking out the word "ten" and inserting the word "five;" so as to read "5 feet."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 65, line 24, after the word "dollars," to insert:

The whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet at the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

So as to make the clause read:

Improving Escambia and Conecuh rivers, Florida: Continuing improvement, $5,000, the whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet at the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

The amendment was agreed to.

The next amendment was, on page 66, line 23, before the word "thousand," to strike out "fifty" and insert "seventy-five;" on page 67, line 3, before the word "thousand," to strike out "seventy-four" and insert "ninety-nine;" and in line 8, after the word "Shoal," to insert "and dredging and improving the channel between Rome, Ga., and Lock No. 4;" so as to make the clause read:

Improving Coosa River, Georgia and Alabama: For maintenance and continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete Lock and Dam No. 4 in said river, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $199,845, exclusive of the amounts herein and heretofore appropriated, and the balance on hand, together with any amounts herein appropriated, not required for the completion of said lock and dam, may be used for completing the work at Horse Leg Shoal and dredging and improving the channel between Rome, Ga., and Lock No. 4.

The amendment was agreed to.

The next amendment was, on page 67, line 19, before the word "thousand," to strike out "three hundred and sixty," and insert "two hundred and seventy;" in line 21, after the word "for," to insert "prosecuting the work of," and on page 68, line 2, before the word "dollars," to strike out "four hundred thousand," and insert "two hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving the Black Warrior, the Warrior, and the Tombigbee rivers, Alabama: Continuing improvement with the view to securing a navigable depth of 6 feet in the Black Warrior, the Warrior, and Tombigbee rivers from Mobile to Mulberry and Locust Fork in said Black Warrior River, $270,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the work of constructing locks and dams 1, 2, and 3 in the Tombigbee and Warrior rivers, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $266,667, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That $10,000 of the amounts herein or heretofore appropriated for said project may, in the discretion of the Secretary of War, be expended for continuing improvement and for maintenance on said river from Tuscaloosa to Demopolis; and the Secretary of War is authorized and directed to cause a survey to be made of the necessary lock sites in Tombigbee River between Demopolis and McGrews Shoals, the expense of which shall be paid from this appropriation.

The amendment was agreed to.

The next amendment was, on page 68, line 24, before the word "thousand," to strike out "five" and insert "two;" so as to make the clause read:

Improving Chickasahay River, Mississippi: For maintenance, $2,000.

The amendmend was agreed to.

The next amendment was, on page 70, line 9, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving Red River, Louisiana, Arkansas, Texas, and Indian Territory: Continuing improvement, $75,000, and the unexpended balance of amounts heretofore appropriated for Little River from Scopini Cut-off to Knox Point shall be transferred to the fund for the general improvement of Red River.

The amendment was agreed to.

The next amendment was, on page 70, line 20, before the word "thousand," to strike out "ten" and insert "nine;" so as to make the clause read:

Improving channel, bay, and passes of Bayou Vermilion, Louisiana: Continuing improvement, $9,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 2, to insert:

Improving Ouachita and Black rivers, Arkansas and Louisiana: For the construction of two locks and dams, one below Monroe, La., and the other below Camden, Ark., according to the project submitted in House Document No. 480, Fifty-sixth Congress, first session, $75,000; and the Secretary of War shall construct said locks and dams at two of such of the sites selected by said plan as will, in his judgment, most effectually lengthen the navigation of said rivers: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work of constructing said locks and dams, or the required materials may be purchased and the work carried on otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 71, line 25, after the word "improvement," to strike out "three hundred" and insert "two hundred and twenty-five;" on page 72, line 6, before the word "hundred," to strike out "three" and insert "two;" and in line 11, after the word "thereof," to insert the following proviso:

Provided, That no part of the said amounts shall be expended, except so much thereof as may be necessary to defray the expenses of examination and report, until it shall be reported by the board provided for in section 3 of this act that the development by the Government of said water route is feasible and advisable, and whether or not it should be carried to the point mentioned in the act of Congress approved February 1, 1897, and report submitted by the Chief of Engineers dated December 1, 1897, or to some other point short of the one proposed, and if so, to what point, and whether it is advisable to expend the amounts herein appropriated.

So as to make the clause read:

Galveston Ship Channel and Buffalo Bayou, Texas: Continuing improvement, $225,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $200,000, exclusive of the amounts herein and heretofore appropriated, the amounts herein appropriated and authorized to be equally expended upon divisions 1 and 2 in developing in each of said divisions a channel of uniform depth between the respective termini thereof: *Provided*, That no part of the said amounts shall be expended, except so much thereof as may be necessary to defray the expenses of examination and report, until it shall be reported by the board provided for in section 3 of this act that the development by the Government of said water route is feasible and advisable, and whether or not it should be carried to the point mentioned in the act of Congress approved February 1, 1897, and report submitted by the Chief of Engineers dated December 1, 1897, or to some other point short of the one proposed, and if so, to what point, and whether it is advisable to expend the amounts herein appropriated.

The amendment was agreed to.

The next amendment was, on page 72, after line 23, to strike out:

A board of three engineers shall be appointed by the President from civil life, who shall make an examination and survey of the water route provided

to be surveyed by act of Congress approved February 1, 1897, upon which a report was submitted by the Chief of Engineers of date December 1, 1897. Said board shall report as soon as practicable upon the feasibility and advisability of the development by the Government of said water route in accordance with the former survey, and whether or not it should be carried to the point mentioned in the said act of Congress or to some point short of the one proposed, and if so, to what point, and whether or not it is advisable to expend the amounts herein appropriated and authorized, and no part of said amounts shall be expended unless the board herein provided for shall report in favor thereof. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of said board.

The amendment was agreed to.

The next amendment was, on page 73, line 21, before the word "dollars," to strike out "fifty thousand" and insert "twelve thousand five hundred;" and on page 74, line 7, before the word "dollars," to strike out "six hundred thousand" and insert "five hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Trinity River, Texas, in accordance with the report submitted in House Document No. 400, Fifty-sixth Congress, first session, $112,500: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to construct locks or locks and dams upon section 1 and elsewhere upon the river where the most serious obstructions exist, procure and operate snag boats, and clean the river with the purpose of permitting through navigation between Dallas and the mouth of the river each year for as long a period as possible, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $566,667, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

Mr. NELSON. I offer a committee amendment, to come in after line 10 on page 74, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 74, after line 10, it is proposed to insert:

The sum of $400,000 is hereby appropriated to the Brazos River Channel and Dock Company, in payment to said company for the jetties built by said company at the mouth of Brazos River, Texas, and heretofore transferred to the Government by said company: *Provided*, That of said amount the sum of $20,000 shall be retained by the Secretary of the Treasury and not paid to said company until said company shall have conveyed to the United States by proper and sufficient warranty deed, to be approved by the Attorney-General of the United States, the absolute title to a strip of land 1 mile in length and 300 feet in width, upon the water front on the east side of the Brazos River, within 6 miles of the shore end of the east jetty, said strip of land to be selected by the Secretary of War and the limits thereof fixed by him.

Mr. CULLOM. Do I understand that there is no objection to that amendment?

Mr. NELSON. No; there is no objection to it at all.

Mr. CULLOM. I do not see my colleague [Mr. MASON] in the Chamber.

Mr. NELSON. That has been agreed upon.

Mr. CULLOM. By all parties?

Mr. NELSON. Yes; by all parties.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 74, after line 13, to insert:

Improving the Brazos River, Texas, from Richmond to Old Washington, in accordance with the second plan of the progress report submitted in House Document No. 283, second session Fifty-sixth Congress, $161,250.

The amendment was agreed to.

The next amendment was, on page 74, line 22, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Arkansas River, Arkansas: Continuing improvement and for maintenance, $56,250.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "for," to insert "prosecuting;" and in line 8, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

Improving Upper White River, Arkansas: For the completion of Lock and Dam No. 2, authorized in the river and harbor act of March 3, 1899, $70,000; and for prosecuting the construction of Lock and Dam No. 3, $150,000.

The amendment was agreed to.

The next amendment was, on page 76, line 5, before the word "dollars," to strike out "ninety thousand" and insert "sixty-seven thousand five hundred;" so as to make the clause read:

Improving the Tennessee River from Chattanooga to Riverton: Continuing improvement, $67,500; and the Secretary of War is authorized and directed to prepare an estimate of cost of improving said river at the Colbert Shoals by locks and dams.

The amendment was agreed to.

The next amendment was, on page 76, after line 18, to insert:

Improving Big Hatchie River, Tennessee: Continuing improvement from its mouth to Rialto, $10,000.

The amendment was agreed to.

The next amendment was, on page 76, line 21, after the word "Nashville," to strike out "For the completion of the lock and dam at Harpeth Shoals and for maintenance, $180,000" and insert "Continuing improvement and for maintenance, $210,000;" so as to make the clause read:

Improving Cumberland River, Tennessee, below Nashville: Continuing improvement and for maintenance, $210,000.

The amendment was agreed to.

The next amendment was, on page 77, line 1, after the word "Nashville," to strike out "For the completion of lock and dam No. 1 and for maintenance, $105,000" and insert "Continuing improvement and for maintenance, $153,750;" so as to make the clause read:

Improving Cumberland River, Tennessee, above Nashville: Continuing improvement and for maintenance, $153,750.

The amendment was agreed to.

The next amendment was, on page 77, after line 11, to insert:

Improving Big Sandy River, West Virginia and Kentucky, including Tug and Louisa forks, in accordance with report submitted in House Document No. 235, Fifty-sixth Congress, second session, $112,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, or said material may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,667, exclusive of the amount herein or heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 78, after line 3, to insert:

Improving Big Sandy River, West Virginia and Kentucky: Completing improvement of the two locks and dams between Louisa and the mouth of the river, authorized by the river and harbor act of March 3, 1899, $50,000, the said sum to be in addition to the amount authorized by said act to be expended on the said locks and dams.

The amendment was agreed to.

The next amendment was, on page 78, after line 16, to strike out:

Improving Licking River, Kentucky: Improving the Three-mile Ripple and adjoining shoals, in accordance with report submitted in House Document No. 645, Fifty-sixth Congress, first session, $100,000, and a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the construction of a lock and dam in said river as described in said report at a point to be selected between 5 and 6 miles from its mouth, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $207,000: *Provided*, That the site for said lock and dam shall not be selected or a contract entered into for its construction until after a definite location is chosen for the lock and dam at or near Cullums Ripple in the Ohio River herein provided for.

The amendment was agreed to.

The next amendment was, on page 79, line 17, before the word "hundred," to strike out "four" and insert "three;" and in line 23, after the word "River," to insert $25,000 for completing the levee at Shawneetown, Ill.;" so as to make the clause read:

Improving Ohio River from its head to its mouth: Continuing improvement, $300,000, of which amount $21,000, or so much thereof as may be necessary, shall be expended in the construction of an ice pier at Maysville, Ky.; $45,000, or so much thereof as may be necessary, in completing the survey heretofore provided for to the mouth of the Big Miami River; $25,000 for completing the levee at Shawneetown, Ill.; $41,000, or so much thereof as may be necessary, in the improvement of the Falls of the Ohio near Louisville, and $20,000, or so much thereof as may be necessary, in improvements at or near Davis Island Dam, if in the judgment of the Secretary of War the same should be made in the interests of navigation or the maintenance of Government works heretofore constructed.

The amendment was agreed to.

The next amendment was, on page 80, line 20, after the word "thereof," to insert the following proviso:

Provided, That the Attorney-General is authorized and directed to furnish, upon the request of the Secretary of War, an opinion upon the question whether the owners of these bridges, or any of them, can be required, under existing laws, to make the necessary changes at their own expense; and if not, what steps will be necessary to secure such changes, which opinion shall accompany the report of the Secretary of War to Congress.

So as to make the clause read:

The Secretary of War is authorized and directed to prepare a list of the bridges upon the Ohio River which are an impediment to safe and convenient navigation, and the nature and extent of the modifications required therein, and report the same to Congress, together with information as to whether necessary changes in said bridges can be secured under existing law; and if not, what steps are necessary in order to secure proper changes or modifications in said bridges, and an estimate of the cost thereof: *Provided*, That the Attorney-General is authorized and directed to furnish, upon the request of the Secretary of War, an opinion upon the question whether the owners of these bridges, or any of them, can be required, under existing laws, to make the necessary changes at their own expense; and if not, what steps will be necessary to secure such changes, which opinion shall accompany the report of the Secretary of War to Congress.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to insert:

Improving Ohio River: Continuing construction of Locks and Dams Nos. 2, 3, 4, 5, and 6, $243,750: *Provided*, That of this amount $150,000, or so much thereof as may be necessary, shall be expended in completing Lock and Dam No. 6: *Provided further*, That—

So as to make the clause read:

Improving Ohio River: Continuing construction of Locks and Dams Nos. 2, 3, 4, 5, and 6, $243,750: *Provided*, That of this amount $150,000, or so much thereof as may be necessary, shall be expended in completing Lock and Dam No. 6: *Provided further*, That the provision in river and harbor act of June 3, 1896, authorizing contracts to be made for the construction of Dams Nos. 2, 3, 4, 5, and 6 in the Ohio River (as amended by the sundry civil act of June 4, 1897), and the provision in the river and harbor act of March 3, 1899, authorizing contracts to be made for the construction of Dams Nos. 13 and 18, are hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government, and the said

Secretary may exercise the same discretion in the improvements at Dams Nos. 8, 11, and 14, and at or near Cullums Ripple, herein provided for.

The amendment was agreed to.

The next amendment was, on page 81, after line 24, to insert:

For local surveys and purchase of site for Lock and Dam No. 7, $33,000, and any part thereof which may not be required for such purpose shall be available for construction of said lock and dam.

The amendment was agreed to.

The next amendment was, on page 82, line 4, after the word "improvement," to strike out "at or near Cullums Ripple" and insert "by construction of a lock and dam between Cullums Ripple and Medoc Bar;" in line 10, before the word "dollars," to strike out "one hundred thousand" and insert "seventy-five thousand;" in line 12, after the word "to," to strike out "complete" and insert "prosecute the work on," and in line 17, before the word "dollars," to strike out "nine hundred and fifty thousand" and insert "six hundred and thirty-three thousand three hundred and thirty-four;" so as to make the clause read:

Improving Ohio River: Continuing improvement by construction of a lock and dam between Cullums Ripple and Medoc Bar, below Cincinnati, Ohio, in accordance with the report submitted in House Document No. 265, Fifty-fifth Congress, third session, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work on the said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $633,334, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 84, line 10, before the word "dollars," to strike out "five hundred thousand" and insert "three hundred and seventy-five thousand;" and in line 17, before the word "dollars," to strike out "one million two hundred and fifty thousand" and insert "eight hundred and thirty-three thousand three hundred and thirty-three;" so as to make the clause read:

Improving Detroit River, Michigan, in accordance with the report submitted in House Document No. 712, Fifty-sixth Congress, first session, and designated as "Plan A," $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $833,333, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 85, line 1, before the word "dollars," to strike out "three hundred and thirty thousand" and insert "two hundred and forty-seven thousand five hundred;" so as to make the clause read:

Improving St. Clair Flats Canal, in Lake St. Clair, Michigan, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, second session, $247,500.

The amendment was agreed to.

The next amendment was, on page 85, line 6, after the word "maintenance," to strike out:

Forty thousand dollars: *Provided*, That one-half of said amount may be expended above and one-half below the county line between Saginaw and Bay counties.

And insert:

One hundred and twenty-five thousand dollars, of which so much as may be necessary may be used for the purchase or construction of a dredging plant.

So as to make the clause read:

Improving Saginaw River, Michigan: Continuing improvement and for maintenance, $125,000, of which so much as may be necessary may be used for the purchase or construction of a dredging plant.

The amendment was agreed to.

The next amendment was, on page 85, line 16, before the word "dollars," to strike out "five hundred thousand" and insert "three hundred and seventy-five thousand;" and in line 23, before the word "dollars," to strike out "four million" and insert "two million six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Middle and West Neebish channels, St. Marys River, Michigan, in accordance with the report submitted in House Document No. 128, Fifty-sixth Congress, second session, $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,666,667, exclusive of the amounts herein appropriated and heretofore appropriated for the improvement of Hay Lake Channel, etc.

The amendment was agreed to.

The next amendment was, on page 86, line 18, after the word "and," to strike out "twenty-five thousand dollars" and insert "fifty thousand dollars, of which $100,000, or so much thereof as may be necessary, may be used for the purchase or construction of a dredging plant;" so as to make the clause read:

Improving Grand River, Michigan: Continuing improvement, $150,000, of which $100,000, or so much thereof as may be necessary, may be used for the purchase or construction of a dredging plant.

The amendment was agreed to.

The next amendment was, on page 87, line 10, after the word "dollars," to insert:

For improvement in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress, $30,000.

So as to make the clause read:

Improving Menominee River, Michigan and Wisconsin: For maintenance, $7,500; for improvement in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress, $30,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 18, to insert:

The Secretary of War is hereby directed to ascertain and determine the advisability of removing the dam at or near the mouth of Minnesota River, in the State of Minnesota, and, in case he determines that the removal of said dam is advisable, he is authorized to remove the same; and the sum of $2,500 is hereby appropriated for that purpose.

The amendment was agreed to.

The reading of the bill was continued at the end of line 4, on page 88.

Mr. NELSON. I offer the amendment I send to the desk, to be inserted at the end of line 4, page 88.

The SECRETARY. On page 88, after the word "cut-off," in line 4, it is proposed to insert:

Or in making a survey from the mouth of the river to Mount Carmel, Ill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 88, line 7, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Calumet River, Illinois and Indiana: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 88, line 18, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Illinois River, Illinois: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 89, line 4, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

The sum of $150,000, or so much thereof as may be necessary, is hereby appropriated for making such surveys, examinations, and investigations as may be required to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway, 14 feet in depth, from Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River, and from the mouth of the Illinois River, by way of the Mississippi River, to St Louis, Mo.

The amendment was agreed to.

The reading was resumed and continued to the end of line 7, page 90.

Mr. VEST. I wish the Secretary would read the first part of the provision he has just read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Provided, That $25,000 of said sum, or so much thereof as may be necessary, may be expended by the Mississippi River Commission in making the surveys, examinations, and investigations herein required from the mouth of the Illinois River to St. Louis: *And provided further*, That the Secretary of War shall appoint a board of three engineers to make the surveys, examinations, and investigations hereinbefore required from Lockport, Ill., through the Des Plaines River and Illinois River, to the mouth of said Illinois River, and that all such surveys, examinations, and investigations shall be made to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway, 14 feet in depth, from Lockport, Ill., to St. Louis, Mo.; the said Mississippi River Commission shall make said report covering such proposed improvement from the mouth of the Illinois River to St. Louis, and the said board of engineers shall make such report from Lockport, Ill., to the mouth of the Illinois River.

Mr. VEST. I call the attention of the Senator from Minnesota who is in charge of the bill to the fact that the Committee on Commerce have interpolated—I am a member of that committee, but I overlooked it until this moment—the control of the river from the mouth of the Illinois to St. Louis under the Mississippi River Commission. They have never had any jurisdiction over that part of the river. Their jurisdiction extends from the Head of the Passes to the mouth of the Ohio River. I do not know for what purpose we have injected into this part of the bill the jurisdiction of the Mississippi River Commission sporadically over this part of the river. It ought to be the Board of Engineers. The Mississippi River Commission have never had anything to do with that part of the river.

Mr. BERRY. To what page does the Senator from Missouri refer?

Mr. VEST. I have not the bill before me.

Mr. CULLOM. Page 89.

Mr. NELSON. I desire to call the attention of the Senator from Missouri to the fact that this amendment was incorporated by the committee.

Mr. VEST. I know it was; and it ought not to have been incorporated in this shape, because we are now taking that part of the river above the mouth of the Ohio, from the Illinois River to St. Louis, and putting it under the jurisdiction of the Mississippi

River Commission, which never has had anything to do with that part of the river. A board of engineers controls that.

Mr. CULLOM. It is very easy to strike out the Mississippi River Commission——

Mr. VEST. That is what ought to be done. I never noticed it until the Secretary read it.

Mr. CULLOM. And say it shall be done by a board of engineers, appointed for the investigation of the whole line.

Mr. VEST. Strike out "the Mississippi River Commission" from the mouth of the Illinois to St. Louis and insert "the Board of Engineers."

Mr. NELSON. I agree to the amendment.

Mr. VEST. Or "the Engineer Bureau."

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In line 16, page 89, strike out the words "Mississippi River Commission" and insert "Board of Engineers."

Mr. VEST. I suggest "engineers in charge of the river."

The PRESIDING OFFICER. Will the Senator from Missouri please state his amendment again?

Mr. NELSON. I suggest that we insert the words "the Secretary of War."

Mr. VEST. Very good; that is the same thing.

Mr. BERRY. That is right.

Mr. NELSON. I move to insert "the Secretary of War" instead of "the Mississippi River Commission."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 16, page 89, strike out "Mississippi River Commission" and insert "Secretary of War."

The amendment was agreed to.

Mr. CULLOM. Then I suggest that farther down, in line 23, for instance, where it says, "to the mouth of the said Illinois River," the board should have jurisdiction clear on to St. Louis.

Mr. NELSON. It is the Secretary of War.

Mr. BERRY. The Secretary of War already has jurisdiction from Cairo to St. Louis. It is not under the commission.

Mr. NELSON. It is left under the charge of the Secretary of War.

Mr. CULLOM. My only desire is to make it consistent all the way through.

Mr. VEST. All of the river from the mouth of the river or from Cairo—which is the same thing—above Cairo is under the Board of Engineers.

Mr. CULLOM. I know.

Mr. VEST. Of course the Secretary of War has control of the Board of Engineers. From Cairo to the Head of the Passes the Mississippi River Commission has jurisdiction.

Mr. CULLOM. Then the Senator will find on page 90——

Mr. NELSON. There is another amendment which should be made.

Mr. CULLOM. The Mississippi River Commission is referred to again on page 90.

Mr. VEST. That should be stricken out if it is above Cairo.

Mr. NELSON. Let that amendment be made.

The SECRETARY. In line 3, page 90, it is proposed to strike out "said Mississippi River Commission" and insert "Secretary of War."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 90, line 10, before the word "dollars," to strike out "three hundred thousand" and insert "two hundred and twenty-two thousand five hundred;" so as to make the clause read:

Reservoirs at the head waters of the Mississippi River: Continuing improvement, $222,500. The funds herein appropriated and the unexpended balance of former appropriations for this work shall be expended for the necessary renewal and repair of the reservoirs that have already been completed, and for the purchase of the lands or easements therein which are necessarily subject to overflow by reason of the legitimate operation of the said completed reservoirs.

The amendment was agreed to.

The next amendment was, on page 90, line 20, after the word "Falls," to insert "Sandy Lake;" so as to read:

Provided, That so much of said funds as may be required may, in the discretion of the Secretary of War, be expended in making full and accurate surveys of the flowage lines of Winnibigoshish, Leech Lake, Pokegama Falls, Sandy Lake, and Pine River reservoirs, and in permanently marking such lines on the ground.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, to insert:

That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further*, That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further*, That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army.

Mr. NELSON. This is a long amendment, and I ask that it be rejected.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 92, line 18, before the word "dollars," to strike out "one million three hundred thousand" and insert "one million twelve thousand five hundred;" on page 93, line 3, before the word "dollars," to strike out "two million six hundred thousand" and insert "one million seven hundred and thirty-three thousand three hundred and thirty-four;" in line 6, before the word "dollars," to strike out "six hundred and sixty-six thousand six hundred and sixty-seven" and insert "four hundred and ninety-two thousand five hundred;" in line 7, after the word "Ohio," to strike out "to" and insert "up to and including;" in line 8, after the word "River," to insert:

Of which amount $50,000, or so much thereof as may be necessary, shall be expended in preventing erosion of the banks at or near Sawyers Bend, so as to improve the channel and preserve the protection works at said point.

In line 14, before the word "dollars," to strike out "six hundred and ninety-three thousand three hundred and thirty-three" and insert "five hundred and twenty;" and in line 14, after the word "St. Paul," to strike out:

And the amounts for which additional contracts are authorized to be entered into shall be expended in like proportion.

And insert:

And of the amounts for which additional contracts or work are authorized $808,889 shall be expended from the mouth of the Ohio to the mouth of the Missouri, and $924,444 from the mouth of the Missouri to St. Paul. The sum of $31,000, being the unexpended balance of the amount heretofore appropriated for the improvement of the Mississippi River above the Eads Bridge, shall be applied to the improvement of the harbor of St. Louis below said Eads Bridge, commencing at a point on the Illinois side of the river opposite Soulard street in the city of St. Louis and extending to a point on the same side of the river opposite to the United States arsenal in said city, the work to be done for the purpose of removing the sand bar at that locality and obtaining a sufficient depth of water between the eastern and western banks of the river.

So as to read:

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, $1,012,500: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or the said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,733,334: *And provided further*, That of the amount herein appropriated, $492,500 shall be expended from the mouth of the Ohio up to and including the mouth of the Missouri River, of which amount $50,000, or so much thereof as may be necessary, shall be expended in preventing erosion of the banks at or near Sawyers Bend, so as to improve the channel and preserve the protection works at said point, and $520,000 from the mouth of the Missouri River to St. Paul, and of the amounts for which additional contracts or work are authorized $808,889 shall be expended from the mouth of the Ohio to the mouth of the Missouri, and $924,444 from the mouth of the Missouri to St. Paul. The sum of $31,000, being the unexpended balance of the amount heretofore appropriated for the improvement of the Mississippi River above the Eads Bridge, shall be applied to the improvement of the harbor of St. Louis below said Eads Bridge, commencing at a point on the Illinois side of the river opposite Soulard street in the city of St. Louis and extending to a point on the same side of the river opposite to the United States arsenal in said city, the work to be done for the purpose of removing the sand bar at that locality and obtaining a sufficient depth of water between the eastern and western banks of the river.

Mr. NELSON. I desire to move a small amendment here. I move to strike out the word "four," in line 3, page 93, and insert "three;" so as to make it correspond. It should be "thirty-three" instead of "thirty-four" dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading was continued to the end of line 1, page 95.

Mr. VEST. I move to insert after the word "channel," in the Hannibal appropriation, the words "and harbor." I have not before me the bill; but the Secretary can insert the words.

Mr. NELSON. That is agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In line 1, page 95, insert "and harbor;" so as to read:

For dredging the channel and harbor and removing sand bars at Hannibal, Mo.

Mr. VEST. It does not increase the appropriation.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 95, line 1, after the word "Missouri," to insert:

Twenty-five thousand dollars, or so much thereof as may be necessary, for the improvement of the harbor of Muscatine, Iowa.

The amendment was agreed to.

The next amendment was, on page 96, line 8, before the word "dollars," to strike out "two million five hundred thousand" and insert "one million eight hundred and seventy-five thousand;" on page 97, line 1, before the word "dollars," to strike out "five million" and insert "three million three hundred and thirty-three thousand three hundred and thirty-three;" and in line 17, before the word "thousand," to strike out "twenty" and insert "thirty-five;" so as to make the clause read:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $1,875,000. * * * *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $3,333,333, exclusive of the amounts herein and heretofore appropriated. * * * *Provided further*, That of the sums hereby appropriated and authorized to be expended * * * $35,000 in continuing improvement at Caruthersville, Mo.

The amendment was agreed to.

The next amendment was, on page 97, line 22, before the word "dollars," to strike out "one hundred and ten thousand" and insert "eighty-two thousand five hundred;" so as to make the clause read:

For work in accordance with the plans and specifications of the Mississippi River Commission: At the harbor of New Orleans, La., continuing improvement, $82,500.

The amendment was agreed to.

The next amendment was, on page 98, after line 4, to insert:

Reservoirs at the head waters of the Missouri River: For construction along Piney Creek, Wyoming, of three reservoirs for the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season, in accordance with the recommendations submitted in House Document No. 441, Fifty-fifth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoirs, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate $165,000, exclusive of the amount herein appropriated.

Mr. NELSON. I offer an amendment to the amendment. In line 13, page 98, I move to strike out "four" and insert "one." The reference to the document is wrong.

The SECRETARY. In line 13, page 98, before the word "hundred," strike out "four" and insert "one;" so as to read: "House Document No. 141."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 98, after line 20, to insert:

For construction along Grey Bull River, Wyoming, of a reservoir for the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season, in accordance with estimates of cost of construction of such reservoir made by the Geological Survey, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoir, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $25,000, exclusive of the amount herein appropriated: *Provided further*, That these reservoirs shall be emptied, as nearly as may be possible, each year, between June 30 and September 30, the discharge of stored water to be under the direction of the State engineer, or other State officer especially designated for the purpose by the State wherein such reservoirs are located.

The amendment was agreed to.

The next amendment was, on page 99, after line 15, to insert:

For building dams and constructing reservoirs on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, $52,500.

The amendment was agreed to.

The next amendment was, on page 99, line 24, before the word "dollars," to strike out "forty thousand" and insert "one hundred and twelve thousand five hundred;" so as to make the clause read:

Improving Missouri River at and above Sioux City: Continuing improvement and maintenance, including snagging, $112,500.

The amendment was agreed to.

The next amendment was, on page 100, line 2, before the word "dollars," to strike out "three hundred thousand" and insert "two hundred and sixty-two thousand five hundred;" in line 4, after the word "designate," to insert:

Provided, That the sum of $30,000, or so much thereof as may be necessary, shall be expended in continuing the improvements and revetment to prevent erosure of the banks and a change in the channel of the river at St. Joseph, Mo.

And in line 16, after the word "may," to insert "in the discretion of the Secretary of War;" so as to make the clause read:

Improving Missouri River below Sioux City: Continuing improvement, $262,500, which shall be expended in the improvement of such portions of said river as the Secretary of War may designate: *Provided*, That the sum of $30,000, or so much thereof as may be necessary, shall be expended in continuing the improvements and revetment to prevent erosure of the banks and a change in the channel of the river at St. Joseph, Mo.; and such dikes, or other construction as may be necessary to protect public or private property, may be located in said stream and upon the banks thereof by abutting owners and municipalities, provided they do not interfere with the proper navigation of said river, and provided further, that the same are approved by the Government engineer having the improvement of said river in charge: *Provided*, That the equipment now owned by the Government on the Missouri River may, in the discretion of the Secretary of War, be used to aid in such construction, and the expenses of operation during the next fiscal year may, in the discretion of the Secretary of War, be paid from the appropriation herein made; and such portions of said appropriation as he may deem necessary may be expended for the improvement of tributary streams of said river heretofore under improvement under the direction of the Missouri River Commission.

The amendment was agreed to.

The reading of the bill was continued to line 13, on page 102, the last paragraphs read being the following:

So much of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, as provides for the creation of a commission to be called the Missouri River Commission, and prescribes the manner of appointment, the compensation, the powers, the duties, the expenditures, and the reports thereof, be, and the same is hereby, repealed from and after June 30, 1901.

And said commission shall prepare and submit through the Chief of the Engineer Corps of the Army to the Secretary of War, to be by him transmitted to Congress, a full and detailed report of all their proceedings and actions since the date of their last report, and of all such plans and systems of works as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them, and shall on said 30th day of June, 1901, transfer to and place under the control of the Secretary of War, or such engineer officers as he may designate, all such vessels, barges, machinery, and instruments, and such plant or other property as may then be provided, devised, or in use on said river, or on the Gasconade and Osage rivers, in the State of Missouri, from appropriations heretofore made for such rivers, or other sources, in their possession or under their control.

And the Secretary of War shall, after said 30th day of June, 1901, superintend and control all property theretofore under the control of said commission, and all works theretofore under their supervision, and shall expend for the purposes for which they were appropriated all appropriations made herein, and all unexpended balances of appropriations heretofore made for the improvement of said rivers which shall remain on hand on the said 30th day of June, 1901, and all appropriations which may hereafter be made for such rivers, or so much thereof as may be necessary.

Mr. VEST. I want to make a few remarks, Mr. President, in regard to repealing the provision of law which created and maintained the Missouri River Commission. As a member of the Senate Committee on Commerce, I made no opposition to the action of the House, although I am the author of the act which created the Missouri River Commission.

I wish to state in justice to that commission, of which Lieutenant-Colonel Stickney is the president, that its work has been performed faithfully and honestly, and what I say now is intended to obviate or remove any impression that the action of Congress in abolishing the commission is intended as the slightest criticism upon what they have done.

I do not agree with the reasons given by the Committee of the House on Rivers and Harbors for their action in striking out the provision of law creating and maintaining this commission, but I make no opposition to the action of the House of Representatives for the reason I shall state.

The Missouri River Commission properly and rightfully recommended in their first report, more than eight years ago, a systematic improvement of the Missouri River by reaches of 10 miles each, commencing at the mouth and going up the stream. They said, very properly, what one not even an expert would know to be true, that isolated and sporadic improvement at localities upon the river amounted to nothing, and the only way in which the river could be improved scientifically and properly was by reaches so that one reach could depend upon and be supported by another. I have always contended for that system. I never had the slightest doubt that the Missouri River Commission was right.

The report of the committee of the House states that there is no navigation upon this river. Five hundred wrecks are in the Missouri River now, or the remains of them, and no insurance can be had upon either boats or cargoes on account of the condition of that stream. The neglect of the General Government to make sufficient appropriations for the systematic improvement of the river is the cause of its condition to-day. Yet this is made the reason for abolishing the commission entirely, with reflections upon the commission which I believe to be unjust. It is true the report says they mean no reflection upon the commission, and yet it goes on to say that the system now being pursued by the commission can not, in the opinion of the committee, be supported.

Mr. President, I have concurred in the report abolishing the commission for the reason that I believe it hopeless to expect from the General Government a sufficient amount of money for the improvement of this stream, and I have also concurred because

whenever the Senate has made sufficient appropriation for the systematic improvement of the river by reaches, in accordance with the recommendations of the commission, the other branch of Congress has invariably diverted those appropriations to local improvements, and those local improvements in each successive spring have been washed away, and then the fault of not having the river in a sufficiently improved condition for navigation so as to invite boats to run upon it has been used as an argument against the Missouri River Commission. If we had followed the advice of that commission the Missouri River would to-day have a number of boats upon it and would be an important auxiliary in lowering the rates upon the railroads which parallel that stream.

Not believing that Congress would hereafter adopt any different system from that which has been adopted for the last eight years, and believing we would continue to have the same imperfect and unimproved condition of the river that we have to-day, I have concurred in this action abolishing the commission. But I deemed it my duty to say what I have in order to remove any suspicion that the engineer officers upon the commission have failed in the slightest degree to do their duty.

FRANK B. CASE.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate; and agree to the same.

EUGENE HALE,
WILLIAM E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.

V. H. METCALF,
JAMES E. WATSON,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

GOVERNMENT FOR PORTO RICO.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows: Insert in line 8, page 1, after the word "assistants," the following: "Appointed by the United States district court."

Strike out the word "a," after the word "including," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out the word "an," next preceding the word "interpreter," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out, commencing at the end of line 8, page 1, the following: "Appointed by the United States district court as provided in section 34 of said act."

Strike out all of section 5, on page 3.

And the Senate agree to the same.

J. B. FORAKER,
J. H. GALLINGER,
S. R. MALLORY,
Managers on the part of the Senate.

H. A. COOPER,
R. R. HITT,
W. L. JONES,
Managers on the part of the House.

The report was agreed to.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. WOLCOTT. I move that the Senate further insist upon its amendments and accede to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was, on page 102, line 17, before the word "thousand," to strike out "ten" and insert "fifteen;" and in the same line, after the word "dollars," to insert "For completion of the lock and dam at Brenneckes Shoals, $20,000;" so as to make the clause read:

Improving Osage River, Missouri: Continuing improvement and for maintenance, $15,000. For completion of the lock and dam at Brenneckes Shoals, $20,000.

The amendment was agreed to.

The next amendment was, on page 102, line 21, before the word "dollars," to strike out "three thousand six hundred" and insert "two thousand;" so as to make the clause read:

Improving Napa River, California: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 103, to strike out:

The Secretary of War, in carrying out the provisions of any act of Congress providing for the restraining or impounding of mining débris in California, may, in his discretion, with the appropriations heretofore made by Congress and the State of California, prosecute the work required therefor by contract or otherwise, and by the purchase of a site or sites, and may accept payments on account thereof as the work progresses under the provisions of the acts of the legislature of said State for such purposes, notwithstanding the restriction contained in the river and harbor act of March 3, 1899, to the effect that the whole amount required for completion of such works of impounding shall be available before such work is commenced.

The amendment was agreed to.

The next amendment was, on page 103, after line 13, to insert:

For carrying out the provisions of the act of Congress providing for the restraining or impounding of mining débris in California, in accordance with the project printed in House Document No. 431, Fifty-sixth Congress, first session, $150,000 in addition to the amount heretofore appropriated. And the Secretary of War, within the limit of the appropriations heretofore and now made by Congress and by the State of California, is authorized to make a contract for such work and materials as may be necessary to carry out and complete the project, or may, in his discretion, purchase the materials and cause the work to be done otherwise than by contract, and may, out of said appropriations, purchase a site or sites in accordance with said project: *Provided*, That before entering on said work or making said contracts the Secretary of War shall be satisfied that the State of California has appropriated for the prosecution of said project the sum of $400,000: *And provided further*, That contracts for the purchase of sites or for work and material shall provide specifically that only one-half the compensation agreed to be paid shall be paid by the United States, and that the contractor or contractors shall look to the State of California for the remainder of the agreed compensation: *And provided further*, That if the work be done by the United States without contract, one-half the cost thereof shall be paid by the State of California, as the work progresses, upon estimates to be submitted from time to time by the Chief of Engineers.

The amendment was agreed to.

The next amendment was, on page 104, line 17, after the word "California," to insert "Completing improvement;" so as to make the clause read:

Improving Redwood Creek, California: Completing improvement in accordance with the report submitted in House Document No. 87, Fifty-fourth Congress, second session, $8,400.

The amendment was agreed to.

The next amendment was, on page 104, line 20, to insert:

Colorado River, Nevada: The Secretary of War shall cause a survey of the Colorado River to be made with a view to deepening and rendering navigable the channel between El Dorado Canyon and Rioville, Nev., and shall submit an estimate therefor.

The amendment was agreed to.

The next amendment was, on page 105, line 2, before the word "hundred," to strike out "four" and insert "three," and in line 8, before the word "dollars," to strike out "five hundred thousand;" so as to make the clause read:

Improving mouth of Columbia River: Continuing improvement, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the approved and modified project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 105, line 12, after the word "dollars," to insert "for improvement, $10,000;" so as to make the clause read:

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: For maintenance, $8,000; for improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 106, line 7, before the word "thousand," to strike out "seventy" and insert "thirty;" in the same line, before the word "thousand" where it occurs the second time, to strike out "twenty-five" and insert "ten;" and in line 10, before the word "thousand," to strike out "twelve" and insert "five;" so as to make the clause read:

Improving Willamette River above Portland, and Yamhill River, Oregon: Continuing improvement, $30,000, of which $10,000, or so much thereof as may be necessary, shall be used in revetting the bank of the Willamette River near Independence, Oreg., and $5,500, or so much thereof as may be necessary, in revetting the bank of the Willamette River above Corvallis, Oreg.

The amendment was agreed to.

The next amendment was, on page 106, line 22, before the word "thousand," to strike out "five" and insert "fifteen;" and in the same line, after the word "dollars," to insert:

Of which sum $10,000, or so much thereof as may be necessary, may be expended in removing the log jam in Nooksack River.

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, $15,000, of which sum $10,000, or so much thereof as may be necessary, may be expended in removing the log jam in Nooksack River.

The amendment was agreed to.

The next amendment was, on page 107, line 4, after the word "improvement," to strike out "$3,000" and insert "and removing snags down to and including Grays Harbor, $5,000;" so as to make the clause read:

Improving Chehalis River, Washington: Continuing improvement and removing snags down to and including Grays Harbor, $5,000.

The amendment was agreed to.

The next amendment was, on page 107, line 12, after the word "Washington," to strike out "For maintenance, $500" and insert "Completing improvement, $10,600;" so as to make the clause read:

Improving Lewis River, Washington: Completing improvement, $10,600.

The amendment was agreed to.

The next amendment was, on page 107, after line 17, to insert:

Snake River, Alaska: Richard Chilcott, a citizen of the United States, is hereby authorized and empowered to dredge and open the mouth of Snake River, at Nome City, in the district of Alaska, to enable small vessels and lighters to enter therein at any stage of the tide and during all conditions of weather, to construct wharves for commercial purposes, and to charge tolls during a period not to exceed ten years for the use of such improvements according to plans and specifications and schedule of tolls to be approved by and under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 108, after line 11, to strike out:

SEC. 2. For preliminary examinations, surveys (except where otherwise herein especially provided for), contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $200,000: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or resolution shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

And insert:

SEC. 2. For preliminary examinations, surveys (except where otherwise herein especially provided for), contingencies, and incidental repairs, of rivers and harbors, for which there is no special appropriation, for expenses connected with the inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, $300,000: *Provided*, That no preliminary examination, survey, or estimate for new works other than those designated in this or some prior act or regulation shall be made: *And provided further*, That after the regular or formal reports required by law on any examination, survey, project, or work under way or authorized have been submitted, no supplemental or additional report or estimate shall by made unless ordered by a concurrent resolution of Congress, or requested by the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

The amendment was agreed to.

The next amendment was, on page 114, after line 16, to strike out:

Entrance to Point Judith Pond, Rhode Island.

The amendment was agreed to.

The next amendment was, on page 114, after line 17, to strike out:

Harbor of St. Augustine, Fla.

The amendment was agreed to.

The next amendment was, on page 114, after line 19, to strike out:

New River, Virginia and West Virginia.

The amendment was agreed to.

The next amendment was, on page 114, after line 24, to strike out:

Clear River, Idaho.

The amendment was agreed to.

The next amendment was, on page 115, after line 2, to strike out:

SEC. 8. That the act of Congress approved June 12, 1876, entitled "An act authorizing the residents and property owners of Neville Township, county of Allegheny and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river," is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 115, after line 24, to insert:

SEC. 9. That the Secretary of War is hereby authorized to extend the time of completion of any bridge, the construction of which is authorized under any existing law of Congress, whenever application to him shall be made before the expiration of the time limited, and the reason for such extension shall be deemed by him to be sufficient.

The amendment was agreed to.

The next amendment was, on page 116, after line 5, to insert:

SEC. 10. That the provisions of section 13 of an act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, approved March 3, 1899, or of any act of the Congress of the United States approved by the President, so far as the same apply to fine or short sawdust coming out of any mill or lumbering manufactory operated by water upon the St. Croix River, the Machi River, the Narraguagus River, the Union River, the Penobscot River, the Denneys River, the Chandler River, and the Tunk River, in the State of Maine, are hereby suspended and shall not be held as applying to such short or fine sawdust coming from such mills or lumbering manufactories upon said rivers during the lifetime of such mills now existing; but whenever such mills shall be rebuilt or new mills shall be built upon said rivers, the provisions of said section 13 and other laws aforesaid shall be in full force and effect upon such new or rebuilt mills.

Mr. NELSON. I move to amend the amendment by inserting after the words "Chandler River," in line 15, the words "the Pleasant River."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The first word at the beginning of line 14 will be changed from "Machi" to "Machias." The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, in section (10) 11, page 117, line 2, after the word "cases," to strike out "except as herein especially directed," and in line 14, after the word "provided," to strike out:

In all cases preliminary examinations, as well as surveys, shall be examined or reviewed by the said board provided for in section 3, who shall make reports thereon, to wit.

And insert:

In all cases preliminary examinations and surveys provided for in this act shall be examined and reviewed by the board provided for in section 3 of this act, to wit.

So as to make the clause read:

That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river and harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable no further action shall be taken thereon without the direction of Congress; but in case the report has been or shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress: *Provided*, In all cases preliminary examinations and surveys provided for in this act shall be examined and reviewed by the board provided for in section 3 of this act, to wit:

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 118, after line 10, to insert:

Little Creek River, with a view to its improvement from its mouth to the town of Little Creek.

The amendment was agreed to.

The next amendment was, on page 118, after line 12, to insert:

Leipsic River from its mouth to the drawbridge at the town of Leipsic.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 119, after line 1, to insert:

Cypress Top, mouth of the Choctawhatchee River, with a view to securing a depth of 5 feet.

Mr. NELSON. This amendment should be disagreed to.

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 119, after line 8, to insert:

St. Andrews Bay, with a view to securing a depth of 20 feet across the bar and up to the town of St. Andrews.

The next amendment of the Committee on Commerce was, under the subhead "Georgia," on page 119, line 13, after the word "County," to strike out:

The Secretary of War is directed to cause a survey and an estimate of the cost of improving Skiddaway Narrows, connecting Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet deep at mean low water, and make report of the same to the next session of Congress.

And insert:

With a view to securing a channel between Isle of Hope River and Burnside River, 75 feet wide and 6 feet deep at mean low water.

So as to make the clause read:

Skiddaway Narrows, Chatham County: With a view to securing a channel between Isle of Hope River and Burnside River 75 feet wide and 6 feet deep at mean low water.

Mr. NELSON. This paragraph, both the House provision and the Senate committee amendment, should be stricken out. It is provided for elsewhere.

Mr. CLAY. I desire to ask the Senator in charge of the bill if this clause has not been inserted elsewhere in the bill?

Mr. NELSON. Certainly; and that is why it should come out here.

The PRESIDENT pro tempore. It will be stricken out, if there be no objection.

Mr. NELSON. The whole of it.

The PRESIDENT pro tempore. The whole of it.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, under the subhead "Illinois,"

on page 120, line 4, before the word "Elizabethtown," to strike out "Mound City;" so as to make the clause read:

Ohio River, channels at or near Elizabethtown.

The amendment was agreed to.

The next amendment was, on page 120, after line 5, to insert:

Harbor at Mound City, on the Illinois side of the Ohio River, with a view to ascertaining whether or not work at that point is necessary for the preservation and improvement of said harbor.

The amendment was agreed to.

The next amendment was, on page 120, after line 9, to insert:

Ohio River from Mound City, Ill., to Cairo, Ill., with a view to ascertaining what improvement, if any, is desirable for the protection of the banks and levees on the Illinois side.

The amendment was agreed to.

The next amendment was, on page 120, after line 13, to insert:

Chicago River, with a view of determining the need, advisability, and cost of constructing one or more turning basins in the north and south branches.

The amendment was agreed to.

The next amendment was, under the subhead "Kentucky," on page 120, after line 21, to insert:

Green and Barren rivers, with a view to obtaining a 6-foot navigable depth in said streams at pool stage of water.

The amendment was agreed to.

The next amendment was, under the subhead "Maine," on page 121, after line 22, to insert:

Tennants Harbor.

The amendment was agreed to.

The next amendment was, at the top of page 122, to insert:

Cape Small Harbor.

The amendment was agreed to.

The next amendment was, on page 122, line 3, after the word "Island," to insert:

With a view to widening and deepening said channel or thoroughfare so that it shall be in all places and at all tides at least 12 feet deep and 30 feet wide:

So as to make the clause read:

Ile au Haut Thoroughfare between the island of Ile au Haut and Kimballs Island, with a view of widening and deepening said channel or thoroughfare so that it shall be in all places and at all tides at least 12 feet deep and 30 feet wide.

The amendment was agreed to.

The next amendment was, on page 122, after line 6, to insert:

York Harbor.

The amendment was agreed to.

The next amendment was, under the subhead "Maryland," on page 122, after line 12, to insert:

Baltimore Channel, Baltimore, Md., with a view to increasing the depth to 35 feet and its width to 1,000 feet or other adequate width.

The amendment was agreed to.

Mr. NELSON. I offer an amendment from the committee, to follow the amendment which has just been adopted. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 15, on page 122, it is proposed to insert:

The Chesapeake and Delaware Canal, with a view to ascertaining the cost of its enlargement for a ship canal and improvement in depth, width, and capacity for navigation by vessels of the greatest draft, and the annual cost of maintaining and operating said canal when constructed. Also the route connecting said two bays, known as the Sassafras route, together with its cost and the annual cost of maintaining and operating a like ship canal by such route. Also for a ship canal connecting Baltimore with the Atlantic Ocean by the route known as the Choptank route, with the cost thereof and the annual cost of maintaining and operating such ship canal when constructed. And the Secretary of War is hereby directed to report to Congress which of the said routes will afford greatest protection in time of war and greatest facilities to commerce by cheapening the cost of transportation and shortening the distance from the city of Baltimore to the Atlantic Ocean.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Massachusetts," on page 122, after line 18, to insert:

Little Harbor, Woods Holl.

Mr. NELSON. There is a mistake in the amendment which has just been stated. The name "Holl" should be "Hole;" so as to read "Woods Hole." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 122, after line 19, to insert:

Onset Harbor.

The amendment was agreed to.

The next amendment was, on page 122, after line 20, to insert;

Provincetown Harbor, with a view to its protection and preservation.

The amendment was agreed to.

The next amendment was, under the subhead of "Minnesota," on page 123, after line 14, to strike out:

Minnesota River, to determine the advisability of removing the dam at or near the mouth of said river.

The amendment was agreed to.

The next amendment was, on page 123, after line 22, to insert:

Inner harbor at Lake City, with a view to securing protection for vessels of all classes.

The amendment was agreed to.

The next amendment was, under the subhead "Mississippi," on page 124, after line 9, to insert:

Tallahatchie River from the mouth of Coldwater River to Batesville; Cassidy Bayou from its mouth for 60 miles.

The amendment was agreed to.

The next amendment was, on page 124, after line 11, to insert:

The channel now used in going from the wharf at Biloxi, Miss., to Ship Island Harbor, Mississippi, with a view of ascertaining the extent to which said channel should be further dredged and improved in order to meet the necessities of commerce.

The amendment was agreed to.

The next amendment was, on page 124, after line 16, to insert:

Big Black River from the Alabama and Vicksburg Railroad bridge to the mouth of the river.

The amendment was agreed to.

The next amendment was, under the subhead "Missouri," on page 125, after line 2, to strike out:

The Mississippi River Commission shall examine and report upon the feasibility of the establishment of a system of reservoirs to be located in the St. Francis Basin, which reservoirs shall be large enough to cut some 10 feet off the top of the greatest floods at the junction of the Mississippi and Ohio rivers, or to reduce the extreme flood level to about the equivalent of a 42-foot stage on the gauge at Cairo.

The amendment was agreed to.

The next amendment was, under the subhead "New Jersey," on page 125, after line 14, to insert:

Rancocas River, with a view to obtaining a 6-foot channel from its mouth to Moores Landing, on the Lumberton Branch.

The amendment was agreed to.

The next amendment was, on page 125, after line 17, to insert:

Raritan Bay, with a view to obtain a depth of 22 feet of water, 400 feet wide at mean low tide, from South Amboy to tail of Great Beds.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 126, after line 5, to insert:

East River, at the narrowest part on the eastern side, at Ravenswood, Long Island, New York, at and near Rainey's cofferdam, for a distance of 1,200 to 1,500 feet, with a view to widening and deepening the channel at that part of the river to 600 feet of width and at least 15 feet of depth; also for deepening the channel to 26 feet at mean low water.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 127, after line 1, to insert:

Northeast River from Wilmington to the Wilmington and Weldon Railroad bridge at Castle Haynes, with a view to securing a depth sufficient to admit the navigation of the same by vessels entering the port of Wilmington.

The amendment was agreed to.

The next amendment was, on page 127, line 9, after the word "necessary," to insert:

And the Secretary of War is hereby authorized, in his discretion, to cause this waterway to be improved by dredging at any time in order to permit the navigation of said Indian Island Slough, and for that purpose he is authorized to divert a sufficient sum therefor out of the appropriation of $25,000 heretofore appropriated in this act for improving Pamlico and Tar rivers, North Carolina.

So as to make the clause read:

Indian Island Slough, from Pamlico River to mouth of South River, with a view of obtaining a depth of 7, 8, and 9 feet, respectively, and 100 feet wide, or as wide as may be necessary. And the Secretary of War is hereby authorized, in his discretion, to cause this waterway to be improved by dredging at any time in order to permit the navigation of said Indian Island Slough, and for that purpose he is authorized to divert a sufficient sum therefor out of the appropriation of $25,000 heretofore appropriated in this act for improving Pamlico and Tar rivers, North Carolina.

The amendment was agreed to.

The next amendment was, on page 127, after line 17, to insert:

Perquimans River.

The amendment was agreed to.

The next amendment was, on page 127, after line 18, to insert:

Shallowbag Bay.

The amendment was agreed to.

The next amendment was, on page 127, after line 19, to insert:

Carrot Island Slough, beginning at a point opposite Middle Marshes and thence through Carrot Island Slough and Lewis Thoroughfare to the main channel in Newport River, with a view of obtaining a navigable depth of 7, 8, 9, and 10 feet at mean low water.

The amendment was agreed to.

The next amendment was, on page 127, after line 24, to insert:

Point Harbor, at the south end of Currituck County.

The amendment was agreed to.

The next amendment was, under the subhead "Oregon," on page 128, line 9, after the word "Bay," to strike out:

Outer bar: The Secretary of War is directed to cause a survey and an estimate of the cost of securing channels across said bar of 15 and 20 feet in depth, respectively.

And insert:

With a view to securing channels across said bar of 15 and 20 feet in depth.

So as to make the clause read:

Tillamook Bay, with a view to securing channels across said bar of 15 and 20 feet in depth.

The amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk, to come in at the end of line 13 on page 129, after the amendment just adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Under the head of "Oregon," on page 129, after line 13, it is proposed to insert:

Scappoose Bay.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Pennsylvania," on page 129, after line 16, to insert:

The Beaver River, in Beaver County, Pa., from the Ohio River to the northern end of Beaver Falls Borough, a distance of about 4 miles, with a view to provide for slack-water navigation of said Beaver River connecting with that of the Ohio River.

The amendment was agreed to.

The next amendment was, under the subhead "South Carolina," on page 130, after line 12, to insert:

Charleston Harbor, South Carolina, with a view to extending the jetties so as to provide a harbor of refuge and a channel into the harbor of not less than 30 feet at low water.

The amendment was agreed to.

The next amendment was, on page 130, after line 23, to insert:

Wateree and Santee rivers, from Camden to the mouth of the Santee, with a view of providing a navigable depth of 6 feet at dead low water.

The amendment was agreed to.

The next amendment was, under the subhead "Tennessee," on page 131, after line 4, to insert:

Hiawassee River, from the mouth of the Ocoee River to the ferry at head of Jenkins Island.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 131, after line 12, to strike out:

Ship channel from the mouth of the Sabine and Neches rivers to Sabine Pass, on the west side of said lake at or near the margin of said lake thereof, and a report shall be made of the probable cost of excavating a channel from the mouth of said rivers to said Sabine Pass of a depth of 9, 12, 18, and 25 feet, and a report shall also be made as to the practicability and feasibility of connecting the channel proposed above with the channel or canal now known as the Port Arthur Canal, extending from Sabine Pass to Port Arthur, and what it will cost to excavate the proposed channel to and connect with the said Port Arthur channel, and shall examine and report upon other matters touching the construction, excavating, and desirability of the channel herein proposed, as may be deemed worthy or material, and shall report such other facts in connection with the construction of said canal as the engineers may deem proper.

The amendment was agreed to.

The next amendment was, on page 132, after line 3, to insert:

Ship channel from the mouth of the Sabine and Neches rivers to Sabine Pass, on the west side of said lake at or near the margin of said lake thereof, with a view to excavating a channel from the mouth of said rivers to said Sabine Pass of a depth of 9, 12, 18, and 25 feet, and as to the practicability and feasibility of connecting the channel proposed above with the channel or canal now known as the Port Arthur Canal, extending from Sabine Pass to Port Arthur, and as to other matters touching the construction, excavating, and desirability of the channel herein proposed which may be deemed worthy or material, and as to such other facts in connection with the construction of said canal as the Secretary of War may deem proper.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 133, after line 1, to insert:

Nandua Harbor.

The amendment was agreed to.

The next amendment was, on page 133, after line 5, to insert:

The mouth of York River, with a view to deepening and improving the channel known as Sandbox or Thoroughfare.

The amendment was agreed to.

The next amendment was, on page 133, after line 7, to strike out:

WASHINGTON.

Nooksack River, with a view to constructing a dam to divert the flow of the river into Bellingham Bay.

The amendment was agreed to.

The next amendment was, at the top of page 134, to insert:

TERRITORY OF HAWAII.

The following harbors: Hilo, Kailua, and Hookena harbors, on the island of Hawaii; Lahaina and Kahului harbors, on the island of Maui; Honolulu Harbor, on the island of Oahu; and Waimea, on Kauai.

The reading of the bill was concluded.

Mr. NELSON. I have another amendment to offer, on page 60, line 14, after the word "Wilmington," to strike out the remainder of the paragraph and insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 14, after the word "Wilmington," it is proposed to strike out:

Continuing improvement and for maintenance, $10,000.

And to insert:

In accordance with the report submitted in House Document No. 180, Fifty-sixth Congress, second session, $250,000, to be expended in obtaining a navigable channel from Wilmington to Fayetteville, having a depth of 8 feet at mean low water.

The amendment was agreed to.

Mr. BUTLER. On page 127, after line 25, under the head of "North Carolina," I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 127, after line 25, it is proposed to insert:

Neuse River, from Goldsboro to Newbern, with a view to securing a depth of 3 feet.

Mr. BUTLER. I will state that that simply provides for a survey.

The amendment was agreed to.

Mr. KENNEY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 43, line 20, it is proposed to insert the following:

Improving St. Jones River, Delaware, in accordance with the report submitted in House Document No. 156, Fifty-sixth Congress, first session, $20,000.

The amendment was agreed to.

Mr. McENERY. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 11, page 66, after the word "Louisiana," it is proposed to insert "and in addition thereto there is appropriated the further sum of $20,000."

Mr. VEST. Where is that to come in?

The SECRETARY. On page 66, line 11, after the word "Louisiana."

Mr. VEST. Let the amendment be again stated.

Mr. GALLINGER. I suggest that that had better be inserted as a separate paragraph.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. After the word "Louisiana," in line 11 on page 66, it is proposed to insert "and in addition thereto there is appropriated the further sum of $20,000;" so that the clause as amended would read:

The unexpended balance of the amounts heretofore appropriated for removing the aquatic plant known as the water hyacinth from the navigable waters of the States of Florida and Louisiana, and in addition thereto there is appropriated the further sum of $20,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NELSON. I ask that the bill may be printed with the Senate amendments in it, and that they be numbered.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the bill be printed with the Senate amendments, and that the amendments be numbered. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 323) granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one-quarter section of public land on said reservation as pasture or grazing land.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902.

The message also announced that the House had passed a bill

(H. R. 13843) to amend section 7 of an act to establish circuit courts of appeal, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes, approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898;

A bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company;

A bill (H. R. 149) referring to the Court of Claims the claim of William C. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

A bill (H. R. 1860) for the relief of the trustees of Carson Newman College, at Mossy Creek, Tennessee;

A bill (H. R. 12840) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes;

A bill (H. R. 13907) to revive and amend an act entitled "An act to authorize the Georgia Pine Railroad of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.;"

A bill (H. R. 13992) authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.; and

A bill (H. R. 14144) to authorize the construction of a bridge across Pearl River at Monticello, Miss.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALDRICH. In the absence of the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, who is detained in his committee room on public business, I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of the bill known as the sundry civil appropriation bill.

Mr. HOAR. There is no occasion, it seems to me, to displace the pending order. I suggest that it be informally laid aside.

Mr. ALDRICH. I did not know there was any pending order.

Mr. HOAR. Certainly there is. I ask unanimous consent that the pending order may be temporarily laid aside.

Mr. ALDRICH. What is the pending order referred to by the Senator?

Mr. HOAR. The judges' salary bill, which is on the Calendar as unfinished business. I ask unanimous consent——

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the special order, the title of which will be stated.

The SECRETARY. A bill (S. 3450) to fix the salaries of certain judges of the United States.

Mr. JONES of Arkansas. What is the proposition?

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] asks unanimous consent for the present consideration of the special order, being the bill fixing the salaries of certain judges.

Mr. JONES of Arkansas. I thought the sundry civil appropriation bill had been called up. I object to the bill of the Senator from Massachusetts being considered now.

Mr. HOAR. Mr. President, I asked unanimous consent that the special order be informally laid aside for the present, so that the appropriation bill might be proceeded with, and the special order not be displaced. I think it is my duty to preserve the rights of that bill. Very likely we may not reach it; but instead of displacing it by a formal motion, I ask that the bill be informally laid aside in the usual way.

Mr. JONES of Arkansas. I have no objection to that. I did not understand the proposition.

The PRESIDENT pro tempore. The Senator from Massachusetts regards the bill to fix the salaries of certain judges of the United States courts, under the ruling of the Chair, the formal unfinished business?

Mr. HOAR. Yes.

Mr. GALLINGER. And it is so stated on the Calendar.

The PRESIDENT pro tempore. The Chair is informed it is so stated on the Calendar. The Senator from Massachusetts asks unanimous consent that the unfinished business may be temporarily laid aside while the Senate proceeds to the consideration of the sundry civil appropriation bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CHANDLER. Will the Senator yield to me for a moment?

Mr. ALDRICH. Before yielding, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and that order is made.

SENATOR FROM MONTANA.

Mr. CHANDLER. I desire to give notice that on Saturday evening at 8 o'clock I shall ask leave to submit some remarks upon Senate resolution 284, Calendar No. 1038, a resolution that William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. PETTUS. I object, Mr. President.

Mr. COCKRELL. What was the request of the Senator from New Hampshire?

The PRESIDENT pro tempore. The Senator from New Hampshire simply gave a notice.

Mr. COCKRELL. Very well.

ADMINISTRATION OF MILITARY JUSTICE.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Strike out the matter inserted by said Senate amendment; and also after the word "witness," in line 7, page 2, strike out the following:

"At the rate of 5 cents a mile from his place of residence to the place of trial and $1.50 for each day required for such travel shall be tendered him, and that after testifying he shall be paid at the same rate for returning and $1.50 per day while in attendance on the court-martial," and insert in lieu thereof: "And his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness."

THOMAS H. CARTER,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

R. WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

DISPOSITION OF REAL ESTATE IN THE DISTRICT.

Mr. MARTIN. I ask unanimous consent for the present consideration of bill (S. 6061) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That in all cases when one or more persons is or are entitled to an estate for life or years, or to an estate tail, fee simple, conditional, base, or qualified fee, or any particular limited or conditional estate in lands, and any person or persons is or are entitled to a remainder or remainders, vested or contingent, or an executory devise or devises, or any other interest vested or contingent in the same land, on application of any of the parties in interest a court of equity may, if all the parties in being are parties to the proceeding, decree a sale or lease thereof, if it shall appear to be advantageous to the parties concerned, and shall direct the investment of the proceeds of sale or the limitations of the reversion and rent, as the case may be, so as to inure in like manner as by the original grant to the use of the same parties who would be entitled to the land sold or leased; and all such decrees, if all persons or parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons, whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited, or conditional estates, with remainders or executory devises, were created.

SEC. 2. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTUS. I desire to know by what committee that bill is reported?

The PRESIDENT pro tempore. It was reported by the Committee on the District of Columbia.

Mr. PETTUS. I object to the bill, Mr. President.

Mr. MARTIN. I am sure if the Senator understood the bill he would not object. It is copied from the Maryland statute——

Mr. PETTUS. I understand the bill perfectly. It cuts off the estate of a man who is not born. That is what the bill does, and I object to it.

Mr. MARTIN. I will state to the Senator that it is a copy of

the Maryland statute, and that similar statutes are in force in almost every State of the Union. There are quite a number of titles in the District of Columbia that are now involved in trouble because of the omission in the statutes to make such provision as is made in every State of the Union. The bill has been carefully examined, and I am sure it does no injustice to any right whatever. It protects the rights of the unborn remainder-man.

Mr. PETTUS. It takes the land and converts it into money. That is the way it preserves the estate.

Mr. CHANDLER. The estate is converted into money, but where does the money go?

Mr. MARTIN. The money goes into court, and the court takes charge of it.

The PRESIDENT pro tempore. The consideration of the bill is objected to, and it is not before the Senate.

CHARLES M. KENNERLY.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (H. R. 5220) for the relief of Charles M. Kennerly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Charles M. Kennerly, of Henry County, Tenn., $600, in full for property taken or seized by United States officers, belonging to Charles M. Kennerly.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL FEDERATION OF WOMEN'S CLUBS.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 5715) granting a charter to the General Federation of Women's Clubs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. VEST. Is it a corporation of the District?

Mr. HOAR. It is. An amendment to that end is to be inserted by direction of the committee.

Mr. VEST. Of this District?

Mr. HOAR. It is.

The first amendment of the Committee on the Judiciary was, in the list of those constituting the General Federation of Women's Clubs, page 1, section 1, line 2, to strike out "Mrs. Charlotte Emerson Brown, New Jersey (deceased);" in line 8 to strike out "Henry" and insert "Ellen," so as to read "Mrs. Ellen M. Henrotin, Illinois;" and in line 14 to strike out "Mary E. Mumford."

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 18, before the word "by," to insert "of the District of Columbia;" so as to read:

Are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name, etc.

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 14, after the word "pleasure," to strike out "provided the same shall not conflict with any law of the United States or any State in which said corporation may do business;" so as to make the section read:

SEC. 3. That said corporation shall have a constitution, and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said constitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

The amendment was agreed to.

The next amendment was to strike out section 4 in the following words:

SEC. 4. That nothing in this act contained shall authorize said corporation to exercise the corporate powers hereby conferred or to do its business in such a manner as to conflict with the laws of any of the several States in which said corporation may be engaged.

The amendment was agreed to.

The next amendment was to insert as section 4 the following:

SEC. 4. That the said corporation shall annually report proceedings to the Smithsonian Institution.

Mr. HOAR. The committee authorize me to withdraw the amendment providing for sending reports to the Smithsonian Institution.

The amendment was rejected.

Mr. PETTUS. This is a corporation to live forever, and I suggest to the Senator from Massachusetts that its capital should be limited.

Mr. HOAR. It is limited so as not to exceed $200,000.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES KELLY.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (H. R. 7760) for the relief of James Kelly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That James Kelly shall be held and considered to have been mustered into the military service of the United States as a member of Company E, One hundred and eighteenth Regiment Ohio Infantry Volunteers, on the 15th day of December, 1862, as a substitute for and in the place of Joseph V. Swearingen, and to have been honorably discharged as a member of said company and regiment on the 1st day of August, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to correct the records of said company and regiment accordingly, and to issue to the said Kelly a certificate of honorable discharge as of the said 1st day of August, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HEIRS OF WILLIAM RYAN AND JOHN S. TAYLOR.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. ALLISON. I shall not object if it is a brief bill and leads to no debate. Otherwise, I shall be obliged to object and call for the regular order.

Mr. KEAN. It appropriates no money.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims for adjudication the claims of the widows and children of William Ryan and John S. Taylor, deceased, for compensation for the death of said decedents, on or about the 1st day of September, 1896, while they were employed by the United States in connection with the construction of a battery at Finns Point, New Jersey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. ALLISON. I desire now to call up for consideration the sundry civil appropriation bill.

The PRESIDENT pro tempore. The bill is before the Senate, and unanimous consent has been given that its first reading may be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

Mr. TILLMAN. May I have the indulgence of the Senator from Iowa for a moment?

Mr. ALLISON. I desire to say to the Senate now that if we can proceed with the appropriation bill for an hour or an hour and a half I shall not ask a night session for its consideration.

Mr. HOAR. I desire to appeal to the Senator from Iowa to allow a bill, which is very necessary in some parts of the country and which will not take three minutes, to be taken up as other bills have been. It is a bill simply to allow deputy clerks to administer oaths.

Mr. TILLMAN. The Senator from Massachusetts has already passed one special bill.

Mr. HOAR. The Senator from Georgia [Mr. BACON] is in charge of the bill. I am merely making the request as chairman of the Judiciary Committee. It is interesting wherever there is a deputy clerk, and it will not take two minutes. It is only three lines long.

Mr. ALLISON. On the appeal of the Senator from Massachusetts and the Senator from Georgia as well, I will yield to the passage of the bill to be called up by the Senator from Georgia, and also to a bill which the Senator from South Carolina desires to have passed. Then I shall ask that the consideration of the appropriation bill be proceeded with.

Mr. FORAKER. Let me appeal to the Senator from Iowa to allow a bill of just about ten lines to be passed.

Mr. ALLISON. There will be ample time to pass all these bills. I hope the Senator from Ohio will not press his request now. I could not fail to yield to the appeal of the Senator from Massachusetts, who I understand is to be absent.

Mr. FORAKER. I will not consume any more time.

The PRESIDENT pro tempore. Will Senators allow the Chair as a Senator to suggest that when the appropriation bills are all in conference there will be quite a number of hours, ordinarily twenty-four hours, when these bills can be taken up?

Mr. ALLISON. There will be hours each day from now until the close of the session when there will be ample opportunity for these brief bills to be considered.

Mr. TILLMAN. Under these circumstances I will give way.

Mr. ALLISON. Thank you, sir. I will see that the Senator has an opportunity to call up his bill.

Mr. HOAR. For the convenience of the Senate generally, I wish to have the chairman of the Committee on Appropriations announce what is his desire as to a night session, or as to the length of the session this afternoon. It will be to the convenience of all Senators to know now, if the Senator can tell us.

Mr. ALLISON. If we can in any reasonable time reach the sundry civil bill, I shall ask to have it considered for an hour or an hour and a half, and then I will move that the Senate adjourn.

ADMINISTRATION OF OATHS.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 13803) to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE MOUNTAIN APACHE RESERVATION.

Mr. THURSTON. I desire to call up for consideration the conference report on House bill 10899.

The PRESIDENT pro tempore. The Chair lays before the Senate the report indicated by the Senator from Nebraska, which will be stated.

The SECRETARY. Conference report on the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

The PRESIDENT pro tempore. The report has been printed in the RECORD, and the question is on agreeing to it.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 13843) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900, was read twice by its title, and, on motion of Mr. TELLER, referred to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

Mr. ALLISON. I wish to say to Senators that should any controverted question arise upon amendments I will allow the amendments to be passed over until to-morrow.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, after line 22, to insert:

For post-office at Butte, Mont.: For completion of building under present limit, $75,000.

The amendment was agreed to.

The next amendment was on page 3, after line 11, to insert:

For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for six months ending June 30, 1902, for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, $20,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 24, to insert:

For buildings on Ellis Island, and work in connection with said island necessary to properly complete the immigrant station, $175,000, to be paid from the immigrant fund, which sum is hereby transferred to the appropriation for immigrant station at Ellis Island, New York.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "post-office," to insert "and court-house;" so as to make the clause read:

For post-office and court-house at Joplin, Mo.: For completion of building under present limit, $25,000.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "dollars," to insert "for boarding vessel, $50,000; in all, $62,000;" so as to make the clause read:

Quarantine stations: For quarantine station, Reedy Island, Delaware River: For reclamation of ground and additional quarters, $12,000; for boarding vessel, $50,000; in all, $62,000.

The amendment was agreed to.

The next amendment was, on page 11, line 1, after the word "station," to strike out "For boarding vessel, $40,000," and insert "The Secretary of the Navy is hereby directed to furnish for duty as a boarding vessel at Port Townsend quarantine station a suitable vessel for said service from the list of purchased vessels now in the Navy Department;" so as to make the clause read:

For Port Townsend quarantine station: The Secretary of the Navy is hereby directed to furnish for duty as a boarding vessel at Port Townsend quarantine station a suitable vessel for said service from the list of purchased vessels now in the Navy Department.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Tender for the engineer of the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for construction and repair service in the Seventh light-house district, $85,000. And the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this act; such draftsmen to be paid from and equitably charged to the appropriations for building said vessels; such employment to cease and determine on or before the date when, the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

Steamer for Mobile Ship Channel: For the construction of a small steel steamer to attend lights and for other service in Mobile Ship Channel and other places in the Eighth light-house district, $40,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Tender for the inspector Ninth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a steam tender for buoyage, supply, and inspection, heretofore authorized for the Ninth light-house district, at a total cost not exceeding $115,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to insert:

Tender for the engineer Ninth light-house district: The total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $115,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

Fort Winfield Scott fog signal, California: To establish on Fort Winfield Scott, Fort Point, California, a fog signal, $7,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to insert:

Point Dume, California: For the establishment of a light and fog-signal station provided for by the act approved February 20, 1901, $63,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

Tender for the Tenth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Tenth light-house district, $120,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Relief light vessel for the Twelfth and Thirteenth light-house districts (Pacific coast): For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, $90,000.

The amendment was agreed to.

The next amendment was, under the subhead of "Light-House Establishment," on page 18, after line 16, to insert:

Maintenance of lights on channels of Great Lakes: To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain lights necessary for the safe navigation of those channels in the connecting waterways of the Great Lakes which have been constructed or artifically improved by the Government of the United States, where the same can not properly be lighted from the American side, $4,000.

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "hundred," to strike out "and fifty;" and in the same line, after the word "dollars," to insert:

And the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the establishment of additional light-house and fog-signal stations in Alaskan waters at an additional cost of $250,000.

So as to make the clause read:

Light-house and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to continue to establish, under the direction and supervision of the Light House Board, light-house and fog-signal stations in Alaskan waters, $100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the establishment of additional light-house and fog-signal stations in Alaskan waters at an additional cost of $250,000.

The amendment was agreed to.

The next amendment was under the subhead "Revenue-Cutter Service," on page 24, after line 13, to insert:

For the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of the third class for service on the St. Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river, $37,500; and the total cost of said vessel, either by purchase or under a contract, which is hereby authorized therefor, shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

To enable the Secretary of the Treasury to purchase or build a suitable vessel to be used as a revenue cutter of the third class at Boston, Mass., as provided in the act approved February 4, 1901, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 30, line 7, before the word "And," to strike out "In all, for field expenses, $250,000;" and in line 14, after the word "reimbursed," to insert "in all, for field expenses, $250,000;" so as to make the clause read:

And hereafter the Secretary of the Treasury is authorized to purchase, from the appropriation for the United States Coast and Geodetic Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said Survey and the appropriation reimbursed; in all, for field expenses, $250,000.

The amendment was agreed to.

The next amendment was, on page 32, line 4, before the word "aids," to strike out "twenty-three" and insert "eight;" and in line 6, before the word "hundred," to strike out "twenty-seven thousand two" and insert "sixteen thousand four;" so as to make the clause read:

For 8 aids, at $720 each; in all, $116,460.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 36, line 21, after the word "dollars," to insert:

That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

So as to make the clause read:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, printing and publishing results of researches, not exceeding 1,500 copies, repairs and alterations of buildings, and miscellaneous expenses, $12,000. That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "thousand," to strike out "and forty" and insert "four hundred;" so as to make the clause read:

For rent of workshops and temporary storage quarters for the National Museum, $4,400.

The amendment was agreed to.

The next amendment was, under the head "Fish Commission," on page 48, after line 7, to insert:

Green Lake (Maine) Station: For the construction of additional ponds and procurement of increased water supply; for building railway and boathouse for steamer *Senator*, and for repairs to that vessel; for extension of wharf, repair of main flume, and construction of road from station to county road, $4,000.

The amendment was agreed to.

The reading of the bill was continued to line 11, page 49.

Mr. ALLISON. On page 49, line 11, I move to strike out "six" and insert "eight," before "thousand;" so as to make the paragraph read:

For the purchase of additional land and water rights and construction of additional ponds at the San Marcos, Tex., station, $8,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 49, after line 14, to insert:

For the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, $25,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 19, to insert:

For the establishment of a fish-cultural station in the State of Idaho, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, $25,000.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

For constructing and equipping a lobster hatchery upon the coast of Maine, including the purchase of land and water rights, authorized by the act approved February 4, 1901, $10,000.

The amendment was agreed to.

The next amendment was, under the head "Miscellaneous objects under the Treasury Department," page 52, line 4, to strike out "one hundred and ninety-two thousand one hundred and five" and insert "two hundred and twenty-three thousand nine hundred and fifty-five;" and in line 11, before the word "dollars," to strike out "forty-seven thousand five hundred and thirty-five" and insert "seventy-eight thousand three hundred and eighty-five;" so as to make the clause read:

For payment of the public debt of the Republic of Hawaii lawfully existing at the date of the passage of said resolution, $3,255,429.69; for payment of interest accruing thereon after June 15, 1900, the date on which the act to provide a government for the Territory of Hawaii went into effect, until paid, or so much thereof as may be necessary, $223,955.48; for payment of commissions and all other expenses incurred in carrying into effect the terms of said resolution, or so much thereof as may be necessary, $20,000; in all, $3,478,385.17, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 56, line 4, before the word "dollars," to strike out "thirty-five thousand" and insert "eighty-six thousand two hundred;" so as to make the clause read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, $1,086,200; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of St. Paul and St. George, Alaska, $19,500.

The amendment was agreed to.

The next amendment was, on page 60, line 22, after the word "compensation," to strike out "and $1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation;" so as to make the clause read:

Enforcement of the Chinese exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," $200,000, of which sum $1,000 per annum shall be paid to the collector of customs at Port Townsend as additional compensation.

The amendment was agreed to.

The next amendment was, on page 63, line 14, before the word "dollars," to strike out "thirty-four thousand two hundred and fifty" and insert "thirty-seven thousand five hundred and thirty;" so as to make the clause read:

For the Capitol: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and not exceeding $50 for the purchase of technical and necessary books, $37,530.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to strike out:

For re-covering with copper the roof of the central portion of the Capitol, $18,200, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 63, after line 18, to insert:

For reconstructing and fireproofing the roof of the central portion of the Capitol building, including the restoration in fireproof construction of the ceilings of the Supreme Court room and Statuary Hall; for material and labor and necessary expenses incident thereto, $153,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert:

For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service, and elevators, under the supervision of the Architect of the Capitol, $2,150.

The amendment was agreed to.

The next amendment was, on page 65, after line 12, to insert:

For repairs to the elevator in the Maltby Building, including new steel guides, car platform, and cage and safety devices, and for labor and material, $1,550.

The amendment was agreed to.

The next amendment was, on page 65, line 24, after the word "Representatives," to strike out "and;" in the same line, after the word "rooms," to insert "and the office of the Sergeant-at-Arms;" and on page 66, line 1, before the word "thousand," to strike out "fifty-eight" and insert "sixty-one;" so as to make the clause read:

For refurnishing the Hall of the House of Representatives, the Speaker's rooms, and the office of the Sergeant-at-Arms, and for furniture for the new committee rooms in the old library portion of the building, $61,000, to be immediately available and to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 66, after line 10, to insert:

The Clerk of the House of Representatives, on written notice from any member of the House of Representatives of the Fifty-sixth Congress that he desires to purchase any one of the desks now used in the House, shall withhold such desk from public sale, and shall deliver the same to such member on his payment of an amount equal to the average price received at public sale for the remaining desks, and all money so received shall be accounted for and paid into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 67, line 19, after the word "dollars," to insert the following proviso:

Provided, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

So as to make the clause read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public

lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $125,000: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, under the subhead "Protection and administration of forest reserves," on page 68, line 9, after the word "dollars," to insert the following proviso:

Provided, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, on page 68, line 24, after the word "game," to insert the following proviso:

Provided further, That any person residing within the limits of any forest reservation in Colorado, Montana, or Wyoming, or any person who did reside therein at the time of its creation, or whose live stock had ranged within the area covered by such reservation prior to its creation and still ranges within its limits, shall be permitted to graze live stock continuously within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

Mr. McCOMAS. Before that amendment is agreed to, I wish to call the attention of the chairman of the committee to the language of the amendment. It gives, by act of Congress, to individuals whose live stock has ranged within the area covered by such reservation, permission to graze live stock continuously within the limits of such reservation, etc.

Why not make that simply permissive from year to year? It is a very important right to give to people such an estate in the public lands. The committee does not intend that, I presume, but the language here does so all the same.

Mr. TELLER. I do not hear what the Senator from Maryland says, and I should like to hear him, because this is a very important subject.

Mr. McCOMAS. I will repeat what I tried to say. There is in the language of this amendment an estate for life given to that class of persons who reside in a certain forest reservation, or those who did reside there at the time of the creation of a certain forest reservation. The language as to them is:

Shall be permitted to graze live stock continuously within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires, etc.

Of course that is a condition which merely indicates a purpose that the man who might graze cattle there might perhaps be useful in case of forest fires; but it might happen that he would be the cause of starting the fires. After the words "graze live stock" the word "continuously," it seems to me, should be stricken out.

Mr. TELLER. If the Senator will wait until he knows something about the question——

Mr. McCOMAS. I know something about the meaning of the word "continuously."

Mr. TELLER. Very well; but the Senator does not know why that language was put in the bill.

Mr. McCOMAS. No.

Mr. TELLER. The Department has made the regulation that these cattle might be grazed on the reservation for nine months and be taken off in winter. This is to permit them to graze there continuously. I want to say to the Senator that it creates no estate whatever. It is simply a statute that might be repealed to-morrow or the next day or any other day. We are only ceding to the people there what the United States has given to its settlers all over the country since we have had any public-land laws.

Mr. McCOMAS. Then the Senator means that these people are to be permitted to graze cattle there twelve months instead of nine months?

Mr. TELLER. That is all it means.

Mr. McCOMAS. The Senator could accomplish his purpose by using the phrase "throughout the year."

Mr. TELLER. I have no objection to the Senator's amendment to insert the words "throughout the year." That is the intention.

Mr. COCKRELL. Why not put in a proviso that this section shall not give any vested or permanent rights?

Mr. TELLER. It does not give any such rights whatever.

Mr. COCKRELL. Why not put such a proviso in, though?

Mr. TELLER. It is not worth while for us to tie it up in that way.

Mr. SHOUP. I ask the chairman of the committee to agree to insert, after the name "Montana," the name "Idaho."

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is the amendment proposed by the Senator from Idaho accepted by the committee?

Mr. TELLER. I understood that that was to be done in committee, if the Senator from Idaho wanted it.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Idado [Mr. SHOUP].

The SECRETARY. On page 68, line 25, after the word "Montana," it is proposed to amend the committee amendment by inserting "Idaho."

The amendment to the amendment was agreed to.

Mr. TELLER. I want to know whether the amendment suggested by the Senator from Maryland [Mr. McCOMAS] has been adopted?

Mr. McCOMAS. I understand that it was accepted by the chairman of the committee.

Mr. ALLISON. The amendment may be adopted; I have no objection.

Mr. McCOMAS. Then I move the amendment.

Mr. RAWLINS. I should like to have the provision read as it now stands, so that we may understand it.

The PRESIDING OFFICER. The Secretary will read the amendment as it is proposed to be amended.

The SECRETARY. It is proposed to amend the committee amendment on page 69 by striking out the word "continuously," before the word "within," in line 4, and inserting the words "throughout the year;" so that the amendment, if adopted, would read:

Provided further, That any person residing within the limits of any forest reservation in Colorado, Montana, Idaho, or Wyoming, or any person who did reside therein at the time of its creation, or whose live stock had ranged within the area covered by such reservation prior to its creation and still ranges within its limits, shall be permitted to graze live stock throughout the year within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

Mr. RAWLINS. I would ask the Senator from Iowa in charge of the bill if he will not accept an amendment so as to include Utah? I think the same reason would apply to Utah as to the other States included in the amendment.

Mr. TELLER. The same reason exactly.

Mr. HEITFELD. Why not make it universal?

Mr. ALLISON. I wish to suggest to the Senator from Maryland [Mr. McCOMAS] that I think the word "continuously," in line 4, should not be stricken out, but the words "throughout the year" inserted after the word "continuously." That will show that it is to continue through the year.

Mr. McCOMAS. That will answer the same purpose.

Mr. ALLISON. Then I suggest that after the word "continuously," in line 4, on page 69, there be inserted the words "throughout the year." I move that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Utah moved an amendment to insert in line 25, after the word "Idaho," the word "Utah." The question is on agreeing to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HANSBROUGH. I ask the Senator from Iowa to allow me at this point to offer an amendment to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection the amendment will be received, and ordered to lie on the table, and be printed.

Mr. PETTIGREW. I should like to know what was done with the amendment in regard to forest reservations? I wish that to go over. I may want to discuss that question somewhat.

The PRESIDING OFFICER. The amendment has already been adopted by the Senate.

Mr. ALLISON. If the Senator from South Dakota desires to discuss that amendment, it may be passed over until to-morrow.

Mr. PETTIGREW. I wish to have it passed over until to-morrow. I may not then want to discuss it, but I want time to examine it.

The PRESIDING OFFICER. In the absence of objection the vote by which the amendment as amended was agreed to will be regarded as reconsidered, and the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Surveying the public lands," on page 70, line 24, after the word "lines," to insert "to be immediately available and to continue available until expended;" on page 71, line 12, after the word "agriculture," to insert "lines of reservations;" on page 72, line 19, after the word "select," to insert "at such compensation and such per diem allowance in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe;" and on page 73, line 2, after the word "making," to insert "by such competent surveyors such;" so as to make the clause read:

For surveys and resurveys of public lands, $325,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, to be immediately available and to continue available until expended: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual setters and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and, second,

to surveying under such other acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture, lines of reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines. The provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon are hereby extended to all of the above-named States and Territories and district. And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation and such per diem allowance in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors such fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The next amendment was, on page 73, after line 22, to insert:

For pay of a custodian of Fort Sherman abandoned military reservation, Idaho, $480.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

For survey of and marking, under the direction of the Secretary of the Interior, the unsurveyed portions of the northern and western boundaries of the Yellowstone National Park, estimated at 60 miles, at not exceeding $50 per mile, $3,000, and for the examination of said survey in the field, $300; in all, $3,300.

The amendment was agreed to.

The next amendment was, under the head "United States Geological Survey," on page 74, line 10, before the word "thousand," to strike out "six" and insert "five;" and in line 22, before the word "thousand," to strike out "thirty-two" and insert "thirty-one;" so as to make the clause read:

Office of the Director of the Geological Survey: For Director, $5,000; chief clerk, $2,250; chief disbursing clerk, $2,400; librarian, $2,000; photographer, $2,000; 3 assistant photographers, 1 at $900, 1 at $720, and 1 at $480; 2 clerks of class 1; 1 clerk, $1,000; 4 clerks, at $900 each; 4 copyists, at $720 each; watchman, $840; 4 watchmen, at $600 each; janitor, $900; 4 messengers, at $480 each; in all, $31,300.

The amendment was agreed to.

The next amendment was, in the appropriations for "general expenses of the Geological Survey," on page 75, line 24, before the word "thousand," to strike out "thirteen" and insert "twenty;" so as to make the clause read:

For pay of skilled laborers and various temporary employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 76, line 14, before the word "dollars," to strike out "fourteen thousand" and insert "sixteen thousand two hundred and eighty;" so as to make the clause read:

For the preparation of the illustrations of the Geological Survey, $16,280.

The amendment was agreed to.

The next amendment was, on page 76, line 17, after the word "phosphates," to insert "which report shall be published in one volume;" so as to make the clause read:

For the preparation of the report of the mineral resources of the United States, including phosphates, which report shall be published in one volume, $50,000.

The amendment was agreed to.

The next amendment was, on page 76, line 21, after the word "purposes," to insert "not to exceed $1,000;" and in line 23, before the word "thousand," to strike out "six" and insert "five;" so as to make the clause read:

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, not to exceed $1,000, and the payment for the transmission of public documents through the Smithsonian exchange, $5,000.

The amendment was agreed to.

The next amendment was, on page 77, line 2, before the word "thousand," to strike out "seventy" and insert "seventy-five;" so as to make the clause read:

For engraving and printing the geological maps of the United States, $75,000.

The amendment was agreed to.

The next amendment was, on page 77, line 5, after the word "wells," to insert "in arid and semiarid sections;" and in line 8, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $150,000.

Mr. FORAKER. In line 4, on page 77, if it be in order, I move to amend by inserting after the words "United States" the words "including Porto Rico."

Mr. ALLISON. I ask the Senator from Ohio to withhold the amendment for the present, as the understanding was that the committee amendments should be first acted upon.

The PRESIDING OFFICER. The Chair will state that unanimous consent was given that the committee amendments should be first considered.

Mr. FORAKER. I was not here when that agreement was made. I will withhold the amendment.

Mr. HANSBROUGH. I ask that that provision may be passed over for the present. I have offered an amendment to it.

The PRESIDING OFFICER. The amendment proposed by the committee will be temporarily passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 77, line 10, after the word "been," to strike out "or may hereafter be;" so as to make the clause read:

For continuation of the survey of the public lands that have been designated as forest reserves, $130,000, to be immediately available.

Mr. BUTLER. I ask that that committee amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over if there be no objection.

The next amendment was, on page 77, line 16, to increase the total appropriation for the United States Geological Survey from $936,490 to $998,770.

The amendment was agreed to.

The next amendment was, on page 77, after line 24, to insert:

Eleventh Census: For arranging and binding the population schedules of the Eleventh Census, to be expended under the supervision of the Secretary of the Interior, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects," on page 80, after line 13, to insert:

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "available," to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre.

So as to make the clause read:

For continuing the work of the extension of the hospital sufficient to provide for 1,000 patients, as authorized by the sundry civil appropriation act approved June 6, 1900, $225,000, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre.

Mr. LODGE. I ask that that amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over, in the absence of objection.

The next amendment was, on page 83, after line 17, to insert:

For entire completion of excavating rock, earth, and other matter from tailrace of the Government water-power dam at the Rock Island Arsenal below the junction of the tailraces of the Moline and Government dams of said power, $130,500.

The amendment was agreed to.

The next amendment was, on page 84, after line 18, to insert:

Schuylkill Arsenal, Philadelphia, Pa.: For the construction of one fireproof building for storage and other purposes, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and Grounds in and around Washington," on page 88, after line 23, to insert:

For the employment of an engineer by the officer in charge of public buildings and grounds, $2,400.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 92, line 13, before the word "dollars," to strike out "one million," and insert "nine hundred thousand;" so as to make the clause read:

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for

the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, $900,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 2, to insert:

For continuing work of rebuilding quarters, and for rebuilding commanding officer's quarters at Fort D. A. Russell, Wyo., to be expended under the direction of the Secretary of War, $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 6, to insert:

For the construction of permanent buildings at Fort Meade, S. Dak., and for other necessary improvements, $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 9, to insert:

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort MacKenzie, in the vicinity of Sheridan, Wyo., $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 13, to insert:

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort Lincoln, at Bismarck, N. Dak., $75,000.

The amendment was agreed to.

The next amendment was, on page 96, line 24, after the word "dollars," to insert:

Of which amount the sum of $2,500, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site for said park.

So as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $100,000, of which amount the sum of $2,500, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site for said park.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 97, line 18, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, $400,000.

The next amendment was, on page 104, line 3, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, $1,500.

The amendment was agreed to.

The next amendment was, on page 106, line 4, after the word "dollars," to insert:

For the erection and equipment of a power house and nurses' home to be erected at Providence Hospital, $50,000, to be expended under the direction of the Commissioners of the District of Columbia; in all, $69,000.

So as to make the clause read:

Support and medical treatment of destitute patients: For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000; for the erection and equipment of a power house and nurses' home, etc.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after the word "dollars," to insert:

For pointing up and painting all the interior walls and ceilings of the isolating wards for minor contagious diseases at the Garfield Hospital, $1,750; in all, $20,750;

So as to make the clause read:

Garfield Memorial Hospital: For maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000; for pointing up and painting all the interior walls, etc.

The amendment was agreed to.

The next amendment was, on page 107, after line 21, to insert:

Memorial bridge across Potomac River: To enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, or property adjacent thereto, $100,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 3, to insert:

Statue of Gen. John A. Logan: To defray the expenses attending the unveiling of the statue of Gen. John A. Logan, lately erected in Iowa circle, in the city of Washington, D. C., $1,500, or so much thereof as may be necessary, to be expended under the direction of the commission charged with the selection of a site and erection of a pedestal for said statue, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 108, after line 11, to insert:

Statue of Gen. George B. McClellan: For the preparation of a site and the erection of a pedestal for a statue of the late Maj. Gen. George B. McClellan in the city of Washington, said site to be selected by and said pedestal erected under the supervision of the chairman of the Joint Committee on the Library, the Secretary of War, and the chairman of the McClellan statue committee of the Society of the Army of the Potomac, $50,000: *Provided*, That any part of this sum not required for the site and pedestal may be used and expended for the completion of the statue of General McClellan: *And provided further*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The amendment was agreed to.

The next amendment was, on page 108, after line 24, to insert:

Payment to Custer, Mont.: To pay to the county of Custer, Mont., in full settlement of all demands against the United States for the construction of a steel bridge across the Tongue River for the accommodation of the Fort Keogh Military Reservation, $4,350.

Mr. ALLISON. I desire to move to amend the amendment by inserting, in line 25, after the word "to" where it occurs the first time, the words "the county of;" so as to read "to the county of Custer."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 109, after line 5, to insert:

Relief of destitute in Alaska: To enable the Secretary of War, in his discretion, to care for the indigent sick and destitute in the district of Alaska, $25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," on page 110, line 3, to increase the appropriation for current expenses at the Central Branch at Dayton, Ohio, from $51,750 to $53,400.

The amendment was agreed to.

The next amendment was, on page 112, line 15, to increase the total appropriation for the Central Branch of the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, from $628,750 to $630,400.

The amendment was agreed to.

The next amendment was, on page 112, line 20, to increase the appropriation for current expenses at the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, at Milwaukee, Wis., from $28,750 to $30,400.

The amendment was agreed to.

The next amendment was, on page 113, line 13, to increase the total appropriation for the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, at Milwaukee, Wis., from $289,750 to $291,400.

The amendment was agreed to.

The next amendment was, on page 113, after line 14, to strike out:

That the jurisdiction over the places purchased and used for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by the authority of an act of Congress approved March 21, 1866, in Milwaukee County, State of Wisconsin, and upon which said Branch Home is located, and by authority of an act of Congress approved July 5, 1888, in the county of Leavenworth, State of Kansas, and upon which said Branch Home is located, is hereby ceded to the respective States in which said Branches are located, and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers or rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places.

The amendment was agreed to.

The next amendment was, on page 114, line 10, to increase the appropriation for the Eastern Branch of the National Home for Disabled Volunteer Soldiers, at Togus, Me., from $30,000 to $31,650.

The amendment was agreed to.

The next amendment was, on page 115, line 12, to increase the total appropriation for the Eastern Branch of the National Home for Disabled Volunteer Soldiers, at Togus, Me., from $295,450 to $297,100.

The amendment was agreed to.

The next amendment was, on page 115, line 17, to increase the appropriation for the Southern Branch of the National Home for Disabled Volunteer Soldiers, at Hampton, Va., from $31,000 to $32,650.

The amendment was agreed to.

The next amendment was, on page 116, line 11, to increase the total appropriation for the Southern Branch of the National Home for Disabled Volunteer Soldiers, at Hampton, Va., from $354,250 to $356,000.

The amendment was agreed to.

The next amendment was, on page 116, line 16, to increase the appropriation for the Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., from $40,700 to $42,350.

The amendment was agreed to.

The next amendment was, on page 117, after line 4, to insert:

For one barrack, $30,000.

The amendment was agreed to.

The next amendment was, on page 117, line 12, to increase the total appropriation for the Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., from $343,200 to $374,850.

The amendment was agreed to.

The next amendment was, on page 117, line 18, to increase the appropriation for the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $27,500 to $29,150.

The amendment was agreed to.

The next amendment was, on page 118, line 12, to increase the total appropriation for the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $260,500 to $267,150.

The amendment was agreed to.

The next amendment was, on page 119, line 22, to increase the appropriation for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., from $28,750 to $30,400.

The amendment was agreed to.

The next amendment was, on page 120, line 11, to increase the total appropriation for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., from $276,250 to $278,000.

The amendment was agreed to.

The next amendment was, in the appropriation for National Home for Disabled Volunteer Soldiers, on page 121, line 15, after the word "million," to strike out "and seventy-three thousand one hundred and forty-four" and insert "one hundred and fourteen thousand six hundred and ninety-four;" and in line 17, after the word "dollars," to insert the following proviso:

Provided, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers shall be audited by the Board of Managers of said Home in the same manner as is provided for the accounts of the various Departments of the United States Government, and thereupon immediately transmitted directly to the proper accounting officers of the Treasury Department for final audit and settlement.

So as to make the clause read:

In all, $3,114,694: *Provided*, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers, etc.

The amendment was agreed to.

The next amendment was, at the top of page 122, to insert:

To enable the Board of Managers of the National Home for Disabled Volunteer Soldiers to locate, establish, and construct a Branch of the National Home, to be used as a sanitarium for disabled volunteer soldiers, within the limits of the town of Hot Springs, in the county of Fall River, in the State of South Dakota, $75,000; and the total cost of locating, establishing, and constructing said Branch Home, complete, under a contract which is hereby authorized therefor, shall not exceed $150,000.

The amendment was agreed to.

The next amendment was, on page 122, after line 10, to strike out:

Hereafter the Board of Managers of the National Home for Disabled Volunteer Soldiers may, in their discretion, designate and authorize an officer at each or any of the several Branches of the National Home for Disabled Volunteer Soldiers to perform such duties in connection with the offices of the treasurer and quartermaster at any such Branch as they may direct, and in the necessary absence or inability of either of said officers from any cause whatever to have power to act in their places and perform all of the duties connected with the said respective offices. All officers so designated and authorized to act as provided hereunder shall give bond to the general treasurer of the National Home for Disabled Volunteer Soldiers in such amount as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

The amendment was agreed to.

The next amendment was, at the top of page 123, to strike out:

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: All honorably discharged officers, solders, and sailors who have served in the regular or volunteer forces of the United States, who are disabled by wounds, disease, or otherwise, and are without adequate means of support, and by reason of such disability are incapable of earning their own maintenance and support.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert:

Conference for the Protection of Industrial Property: For the expenses of the conference under the Convention for the Protection of Industrial Property concluded at Paris, March 20, 1883, to be held in the city of Washington at such time as may be arranged, including such compensation of one or more delegates to the conference to be appointed by the Secretary of State as the said Secretary may determine, $10,000.

The amendment was agreed to.

The next amendment was, on page 125, after line 11, to insert:

Payment to Mexico: For repaying to the Government of Mexico money erroneously claimed by and paid to the United States on account of the awards, adjudged to have been fraudulently made, in the La Abra and Weil claims, $412,572.70, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 127, after line 2, to insert:

UNDER THE DEPARTMENT OF AGRICULTURE.

Buildings for laboratories, Department of Agriculture: For all labor, materials, heating and power apparatus, plumbing, lighting, ventilating, and other necessary expenses in erecting and fitting up suitable fireproof laboratory buildings for the use of the United States Department of Agriculture, on reservation No. 2, in the city of Washington, D. C., all plans and specifications to be approved by and the work to be done under the supervision of the Secretary of Agriculture, $200,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 129, after line 20, to insert:

Traveling expenses, Territory of Hawaii: For the actual and necessary expenses of the judge, district attorney, and clerk in the district of Hawaii when traveling within the district in the discharge of their official duties, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," page 132, line 12, after the word "dollars," to strike out the following proviso:

Provided, That this appropriation, and the like appropriation for the fiscal year 1901, shall be available for the payment, upon approval of the Attorney-General, of expenses of United States district attorneys, or their regular assistants, in connection with services rendered or to be rendered within the fiscal years 1901 and 1902, respectively, in cases before the Supreme Court of the United States.

So that the clause will read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $410,000.

The reading of the bill was continued to line 10, on page 135.

Mr. ALLISON. Having made very good progress with the bill, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 1, 1901, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 28, 1901.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL CLERK FOR COMMITTEE ON ENROLLED BILLS.

Mr. BAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint one additional clerk to said committee for the remainder of the session, to be paid out of the contingent fund of the House, at the rate of $6 per day.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if any additional clerk has yet been appointed?

Mr. BAKER. This is customary at the close of the session. Two years ago the chairman of the Committee on Enrolled Bills had four additional clerks, while this will only make three.

Mr. RICHARDSON of Tennessee. I have no objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

APPEALS IN CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13843) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900.

The Clerk read as follows:

Be it enacted, etc., That the seventh section of the act entitled "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and again amended by act approved June 6, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district court or in a circuit court, or by a judge of a district court or of a circuit court in vacation, an injunction shall be granted or a receiver shall be appointed, or an injunction or receivership shall be continued, refused, or dissolved, or an application to dissolve an injunction or receivership shall be refused by an interlocutory order or decree, an appeal may be taken from such interlocutory order or decree granting an injunction or appointing a receiver, or continuing, refusing, dissolving, or refusing to dissolve an injunction or receivership, to the circuit court of appeal: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court or by the appellate court, during the pendency of such appeal: *And provided further*, That the court below may, in its discretion, require, as a condition of the appeal, an additional bond."

SEC. 2. That this act shall be in force from and after its passage.

With the following amendment recommended by the committee:

Insert after the word "decree," in line 6, page 2, the following:

"Whether an appeal in such cases from the final decree would be to the circuit court of appeals or to the Supreme Court."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana if the bill has been considered by the Judiciary Committee?

Mr. OVERSTREET. It has been considered by the Judiciary Committee and comes before the House with practically a unanimous report. The gentleman from Missouri [Mr. DE ARMOND] reserved the right to object; but no minority report has been filed. It is a lawyers' bill for the purpose of granting a right of appeal to either the plaintiff or the defendant in both injunction and receivership proceedings.

Mr. SULZER. I observe that the gentleman from Missouri is present, and gladly give way to him.

Mr. DE ARMOND. If I can have a few minutes on the bill, I shall have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I will yield to the gentleman from Missouri five minutes.

Mr. DE ARMOND. Mr. Speaker, this bill, as stated by the gentleman from Indiana [Mr. OVERSTREET] is one amending the law to provide for an appeal from orders or decrees refusing to grant an injunction or appoint a receiver.

The existing law does not provide for an appeal where there is a refusal by a judge in vacation or the court in term time to appoint a receiver or grant an injunction. In my judgment no right of appeal ought to be given from a decree refusing to appoint a receiver or grant an injunction for two reasons:

First. There is no limit upon the right to apply for a receiver or an injunction. There may be a refusal to-day and a new application to-morrow. So that the right of appeal is unnecessary to preserve anything to the party who has applied and whose application has been rejected. That is one point.

Second. If an appeal be allowed from an order or a decree made in term or in vacation, refusing to grant an injunction or to appoint a receiver, the effect in many instances, perhaps in most instances, will be the same as if the order appointing the receiver or granting the injunction had been made. In other words, with unlimited right to make fresh application or to renew the application at will, if this bill be passed it will enable the applicant to have in effect, without the responsibility and liability which attaches to the affirmative act, all that he would get, in many instances, from the appointment of the receiver or the granting of the injunction. The opposing party whose property or rights are involved often will be seriously affected by the pendency of an appeal from an order or decree refusing to appoint a receiver or grant an injunction, while, upon the other hand, the mutuality is lacking, because the party applying for a receiver or an injunction, as already stated, if refused to-day, can apply again to-morrow, and just as often as he pleases. For these reasons, stated briefly, I believed the bill ought not to pass. I think the law is better as it is than it would be if this bill were passed.

Mr. RAY of New York. Mr. Speaker, the gentleman's logic is good so far as it goes. If the application for the appointment of a receiver should be denied upon the merits—that is, upon the facts presented—then the party could strengthen his case, amend his papers, and apply again, although there might not be opportunity for some little time.

But here is a case which ought to be provided for, and can not be provided for in any other way than by the passage of this bill. To illustrate—and I would like to hear what the gentleman may have to say in reply to this suggestion—to illustrate, I go to the court or judge with a set of papers, asking for the appointment of a receiver. The judge looks over the papers and denies my application, not upon the facts set forth, but upon some legal proposition—some question of law. Now, I might apply again and again and again, but I can not change the facts. The judge or the court—to whichever I may make application—denies my application upon legal propositions. Now, I am without remedy unless I can have an appeal and have the question of law passed upon by the appellate court and my legal right to a receiver or an injunction determined.

The SPEAKER. The time of the gentleman from Missouri [Mr. DE ARMOND] has expired.

Mr. OVERSTREET. I yield the gentleman three minutes more.

Mr. DE ARMOND. In reference to the suggestion of the gentleman from New York, I would say, first, that this bill does not make the discrimination which he makes in what he has just suggested; and, next, that applications for the appointment of receivers or for injunctions are usually, almost invariably, granted or refused upon the judgment of the court or the judge in chambers upon the facts presented. The power to appoint a receiver and the power to grant an injunction are both undoubted. Ordinarily an application fails or is sustained according to the judgment of the judge in vacation or of the court in term time as to the sufficiency or insufficiency of the allegation of fact contained in the application.

Mr. SULZER. Is it not a fact that the object of this bill is to give the United States district and circuit judges additional power regarding injunctions and receiverships?

Mr. DE ARMOND. Well, I do not know whether it would have especially that effect, but it would have the effect of permitting a person to appeal when an appeal is not necessary for his protection but prejudicial to his adversary, where, though he give bond, the liability can be only nominal and theoretical. This bill will give the effect of an order or decree, though such order or decree be denied, and an affirmance by the higher court will entail no responsibility for substantial damages, however great in fact the damages may be. At least that is my opinion, and for these reasons I am opposed to the bill.

Mr. OVERSTREET. Mr. Speaker, this bill has received the indorsement of the National Bar Association. It merely seeks to place the plaintiff and the defendant upon an equality in matters of appeal. There is no additional power granted the circuit or district courts, and the same method of procedure in appeals will obtain in this particular as obtains at present in other cases. Proper safeguards are provided in the measure requiring additional bonds, and there is nothing further involved than the privilege of appeal to either party upon meeting the requirements of the court in the matter of the bond.

Mr. DE ARMOND. I wish to ask the gentleman from Indiana [Mr. OVERSTREET] whether the liability upon a bond given upon an appeal from a refusal to appoint a receiver or to grant an injunction would not be theoretic and nominal rather than substantial?

Mr. OVERSTREET. I can conceive no difference in the liability on the bond as between the plaintiff and the defendant.

Mr. DE ARMOND. Let me suggest this: Suppose the court refuses an injunction; the party applying for it appeals and gives bond, and the action of the court is sustained by the higher court. Now, what is the measure of liability? It will not do to go into court suing upon the bond and say, "That is not a substantial ground of damage," although it may be substantial in fact. It will not do to plead that the adverse party has suffered to the same extent or has suffered to a considerable extent on account of the appeal. The only liability will be the liability for the costs involved in the appeal. That is my judgment.

Mr. OVERSTREET. The original act did not grant the privilege of appeal to the plaintiff. By amendment a few years subsequent to the enactment of that law there was accorded to either party an equity of appeal. A still further amendment to this act undertook to give the same privilege in proceedings under receiverships as in injunctions; but—evidently by an inadvertence—the original act was examined, and not the act as subsequently amended, and the right of appeal to the plaintiff, not only in receiverships but in injunction proceedings as well, was withdrawn from the law. This bill seeks to remedy both those defects. As I say, it has been drawn under the recommendation of the National Bar Association, and meets practically the unanimous support of the Committee on the Judiciary.

The committee recommends two amendments, one of which does not appear in the printed bill, but which I shall ask the House to pass, providing that the bill, instead of going into effect upon its passage, shall not take effect until July 1, 1901, thus foreclosing the privilege of appeal in any judgment in such cases as may have been made within the last few months prior to the act taking effect. That is to say, this right of appeal will not exist till after July 1, 1901.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. OVERSTREET. Certainly.

Mr. LACEY. What will be the effect of this bill in a case where injunctions have heretofore been refused or receivers have been denied?

Mr. OVERSTREET. The bill will not go into effect until the 1st day of July, 1901.

Mr. LACEY. That does not answer the question.

Mr. OVERSTREET. I think it will not affect them unless the case has been continued or is pending after the 1st of July, 1901.

Mr. LACEY. You can take an appeal to the Supreme Court of the United States in two years. Now, this act goes into effect on the 1st of July. Is this broad enough that in a case where an injunction has been refused at any time within two years from the 1st of July it can be appealed?

Mr. OVERSTREET. I think not.

Mr. MORRIS. I would like to ask the gentleman from Indiana this question: This bill provides for appeals from interlocutory orders, does it not?

Mr. OVERSTREET. Yes.

Mr. MORRIS. Suppose an interlocutory order granting an injunction, a preliminary order granting an injunction, is obtained. You know that that is done. The court will grant a preliminary order and will subsequently have a hearing, and then may either continue the injunction or deny it. Now, does this bill provide for a case where an appeal is taken in such cases as that? Suppose a

case of this kind: I get a preliminary order of injunction from the court, a temporary injunction; an order is then issued to the other side to show cause why it should not be made permanent. A hearing is had, and the court decides that its award of injunction, a temporary injunction, was improperly made, and decides not to make it permanent. Now, an appeal is taken from that order, and bond is given. Does that continue the injunction? Has that been provided for in this bill?

Mr. DE ARMOND. No, sir.

Mr. MORRIS. Ought there not to be a provision in this bill providing that such a bond as that shall not continue an injunction?

Mr. RAY of New York. This bill does not continue an injunction when denied and an appeal is taken. It does not interfere with the effect of the decision at all. This bill leaves the law as it is except to provide for a review on appeal. It provides that in case the judge or court refuses an injunction or a receiver the party who applies may appeal in order that he may have the question of his legal right to the remedy asked passed upon by the appellate court; and unless this bill becomes a law, it is a practical denial of justice to some litigants who seek to obtain injunctions, etc., because if the judge happens to take an erroneous view of the law, then they are denied justice and can not have the legal proposition reviewed.

Now, it is always fair and just that when the court below, the single judge, passes upon a question of law, which decision must be final and decisive unless reversed, that the defendent party have a hearing in the appellate court upon that question of law. It is familiar to all lawyers that the appellate court does not consider the question of evidence and of fact and reverse or affirm because it does not exactly agree with the lower court on the facts. It usually regards the facts found by the court below as conclusive on it. But when a party applies to the court for a receiver or an injunction and the judge passes upon the matter if, as a question of law, the facts being undisputed, he ought to have the right to have the decision reviewed in the appellate court if it be against him.

Mr. MORRIS. Granted.

Mr. RAY of New York. That being the forum, that settles that question of law.

Mr. MORRIS. I agree with the gentleman from New York upon that; but would ask, when an order has been entered by the court refusing to make permanent the injuction, the temporary injunction—in other words dissolving the temporary injunction—and an appeal has been taken from that order and bond given, would that have the effect of continuing the temporary injunction until the appeal could be heard?

Mr. RAY of New York. It would not, because until the appellate court had decided that there ought to be an injunction, the injunction would not be in force, the judge below in refusing to continue it not making provision that it should be in force until the determination of the court of appeals on the giving of bond to pay all damages that might occur. The court or judge, refusing to make the order permanent, might possibly continue it until the determination of this appellate court.

Mr. MORRIS. Then there is no right of stay on the order of the court dissolving the temporary injunction?

Mr. RAY of New York. If I understand you, this is your point: If the plaintiff applies for an injunction and a receivership, and obtains that order——

Mr. MULLER. A temporary injunction.

Mr. RAY of New York. A temporary injunction——

The SPEAKER. The gentleman from New Jersey calls up a conference report.

MILITARY JUSTICE.

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent that the statement of the House conferees be read instead of the report.

The SPEAKER. The bill will be reported by its title first.

The Clerk read as follows:

A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: Strike out the matter inserted by said Senate amendment, and also after the word "witness" in line 7, page 2, strike out the following:

"At the rate of 5 cents a mile from his place of residence to the place of trial and $1.50 for each day required for such travel, shall be tendered him, and that after testifying he shall be paid at the same rate for returning and $1.50 per day while in attendance on the court-martial."

And insert in lieu thereof:

"And his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness."

RICHARD WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
Managers on the part of the House.

THOS. H. CARTER,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

Statement as to the conference report on H. R. 7571, being "A bill to prevent the failure of military justice, and for other purposes."

The House bill provided that witnesses on courts-martial should be paid fees therein named, which are those ordinarily allowed witnesses in the United States district courts. The Senate amendment added a proviso for higher fees in certain States and Territories where they are allowed by special statute.

The conference report strikes out both the Senate amendment and the fixed rates of the House bill, and provides for payment to a witness of the same fees as he would receive in the district court of the same district. This was the intention of both Houses.

Respectfully submitted.

RICHARD WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
House Conferees.

FEBRUARY 26, 1901.

The SPEAKER. Without objection, the reading of the report will be dispensed with. [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I desire the gentleman from New Jersey briefly to state to the House the amendment which the Senate put in the bill.

Mr. PARKER of New Jersey. The House provided that witnesses at courts-martial should be paid 5 cents a mile and a dollar and fifty cents a day. Those are the ordinary fees in the United States district court. The Senate, knowing that certain of the Western Territories pay higher fees, provided higher fees for those Territories.

As there might be changes in these fees from time to time, we thought it better not to stick to those details, but simply strike them out and provide that the witnesses at courts-martial should be paid the same fees and mileage as paid to witnesses of the district courts of the same district. That was in the statement signed by the conferees, if the gentleman had heard it.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the report was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I submit the conference report on the Post-Office appropriation bill.

Mr. HEPBURN. I desire to reserve all points of order on the report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all of amendment numbered 2, lines 3, 4, 5, 6, and 7, page 1, of said amendment, and insert in lieu thereof: "The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining, as a part of the postal service, the delivery of mail in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best method thereof; and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of amendment numbered 3, lines 9, 10, 11, 12, 13, 14, and 15, page 1, and lines 1, 2, and 3, page 2, of said amendment, and insert in lieu thereof: "The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of connecting a telegraph and telephone system with the postal service and the probable cost of the same;" and the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

E. O. WOLCOTT,
WM. E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

Amendment numbered 2: The House receded, with the following amendment: Strike out all of said amendment and insert the following: "The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining as a part of the postal service the delivery of mail in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best method thereof."

Amendment numbered 3: The House receded, with the following amendment: Strike out all of amendment numbered 3 and insert the following: "The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of

connecting a telegraph and telephone system with the postal service and the probable cost of the same."

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Conferees on the part of the House.

Mr. LOUD. We have but two amendments upon which there has been an agreement finally reached which are legislation placed upon an appropriation bill by the Senate, and ultimately the House conferees had to give away on these two propositions, with such a modification of the same that I do not believe them to be dangerous. I do, however, believe that legislation of this character should not be placed upon an appropriation bill if either House should object to them. They could not have been placed upon this appropriation bill in the House. The amendment numbered 2 provides for the experiment in cities, towns, and villages that have not now free delivery to deliver mail through depositories or compartment boxes.

The House conferees think that even the modification that is made in here by agreement should not have been adopted, because if it means anything it does commit us to the adoption of free delivery in every city, town, and village in the United States that has not now free delivery. Of course, some gentlemen say, Why not? I assume that rural free delivery outside of cities, towns, and villages will cost the postal department $25,000,000 a year. I assume that delivery in the cities, towns, and villages will cost us at least $25,000,000 a year more. But, I say, the amendment has been so modified by striking out these boxes, which it seems somebody desired Congress to adopt, and yet it will be left to Congress to determine in the future whether we desire to embark in this character of delivery or not.

Amendment No. 3 committed Congress to the adoption of the postal-telegraph and postal-telephone system. Personally I have always been bitterly opposed and am to-day to the Government embarking in any more business enterprises than it has now. I think the example of the English Government in its experiment with the postal-telegraph system ought to be sufficient to cause Congress to halt before it even makes an intimation that it will embark in the postal-telegraph system. The English Government by reason of its form of government is much more competent to advantageously manage a postal-telegraph system than a government like ours. Since 1870 it has taken on the postal-telegraph system, returning a profit the first two years to the Government, but has now gotten so far in the line of deficit that it amounts to more than $3,000,000 each year. They have had a deficit since they took that system up of £7,235,000, in round numbers.

When I first came to Congress the postal-telegraph system seemed nearly ready to be adopted. We have heard nothing of it, I am glad to say, for four or five years. Unfortunately, the other body having, as they say, but a few hours to determine the many great questions, and rather than be compelled to listen to long speeches which might provoke an extra session, thought it was advisable to take the modified form of the amendment which we here provide. The form of the amendment is this:

> The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of connecting a telegraph and telephone system with the postal service and the probable cost thereof.

Now, the only objection to that is that the Postmaster-General may, in an unguarded moment, submit a cost of telegraphic and telephonic service which will be so far out of the way that it may possibly mislead Congress, because I assume that the Postmaster-General, without a very full investigation, could not determine within one or two hundred millions of dollars what the postal and telegraph system may cost. But we have faith in the Postmaster-General. We hope, and in that hope alone we trust, that he may report to Congress all that he can intelligently report—that he has no means of knowing anything about it.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from California a question.

Mr. LOUD. What is it?

Mr. SULZER. Is this the final report of the conferees?

Mr. LOUD. It is.

Mr. SULZER. Is there any appropriation in the bill at the present time that provides for a continuance of the pneumatic-tube mail service in the city of New York?

Mr. LOUD. There is not. The Senate did not adopt that provision. The House did not provide for any pneumatic-tube service and neither did the Senate. Whatever may have been the desire, the conferees could not put anything of that kind into the bill.

Mr. SULZER. If this bill, then, becomes a law the pneumatic-tube service in New York City during the next fiscal year will have to be discontinued?

Mr. LOUD. I hope the officers of the Post-Office Department will so construe a plain law and not act in defiance of the mandate of Congress. The original contract was entered into without any warrant of law whatever.

Mr. SULZER. Then, sir, in this connection, as a Representative from the great city of New York, I desire to most emphatically protest against this unjust discrimination to that city, and I would like to have a few moments to state what the people of New York City think about it. It is an outrage.

Mr. LOUD. I hope the protest will be duly entered. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as to the details of this report, just now made, of course it is impossible for the average member to have any knowledge. Two or three things suggested by the chairman of the committee deserve more than a passing notice, even at this late day of the session. One is his criticism of the practice, very prevalent, of putting general legislation upon appropriation bills.

Another is his criticism, somewhat modified, of the practice, so nearly universal, of the House conferees conceding to the Senate the right, or at least the power, to do the legislating for the Congress of the United States.

This putting of general legislation upon appropriation bills has grown out of two or three distinct, particular things. One, if I may be permitted to suggest it, is that in these latter days but little opportunity is given for the consideration, independently, in this body of matters of general legislation. A large number of them can not be considered at all; others can be considered only when O. K.'d by the supreme power in the House. The natural result is that persons desiring general legislation seek to avail themselves of the avenues of the general appropriation bills for the passage of such measures as they can get upon them. Then, after the bill is passed through the House, the work of legislation really begins. Then it is determined what the Senate will have as the law, and later on it is determined how soon or how late, with how much or how little delay, the conferees of the House will accede to the Senate demands. And then, later on, in the ordinary formula, comes the registering in the House, with some protest here and there against the Senatorial will; and the measure goes to the President for approval or rejection.

The gentleman from California [Mr. LOUD], in speaking of the purposes of the postal-telegraph and postal-telephone inquiry, has suggested that our Government is not so well adapted as the British Government to the inauguration and carrying forward of this system of postal telegraphy and postal telephony. If he regrets this fact, he ought to take some comfort out of the other fact that we are approaching as rapidly as possible, over the Constitution and every precedent, to conform our actions and mold and shape our Government after the English formula. If now we are not prepared to do these things as well as the English do, we are progressing Englishward with tremendous strides.

But without going into the details of this measure—and I am not going to discuss them—I have been of the belief that our Government could establish postal telegraphs and postal telephones; that the rates of service for the people would be made very much less, the service itself very much more valuable.

I shall be glad if the inquiry into these matters be made, and I hope the inquiry may be searching and the report intelligent and comprehensive. I believe that even if we should reverse the present process and move back toward the Republic of the fathers, or move forward in the way of the Republic of the fathers toward the mighty Republic of the future, instead of shaping our form of government as nearly as possible after the English model, still we might provide for the people by Government telephones and telegraphs and other utilities to meet the growing interests which our population and business demand.

Mr. LOUD. Mr. Speaker, I now yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, I wish to reply to that part of the chairman's remarks relating to Great Britain and its postal telegraph system. In Great Britain, as I understand, the Government rate for telegrams is just 1 cent a word, and the Government of Great Britain and practically every government of Europe has made the telegraph and the telephone a part of the postal system. To-day in the Dominion of Canada they are trying to arrange and create a surplus revenue sufficient to add the postal telegraph to the Dominion postal service.

They have added it in Australia; they have added it in New Zealand. The other day a correspondent of the New York Journal, who has recently been traveling in New Zealand, in a letter to his paper used this language:

> One of the pleasantest features of a railway ride in this country is witnessing the children flocking to the train in going to and returning from school. They get on the train as if they owned it, and no one asks them for tickets. They ride free of charge. Stations are provided at frequent intervals, and each one is a post-office and a savings bank as well as railway and express office, as the government conducts all these classes of business. Think of the saving in office expenses by the system, and you will be able to comprehend why the railroad fares and parcels post are so much cheaper here than in America. In spite of the great expense of the construction and equipment of railroads in this land of high wages and short hours, the railway passenger rate is only about three-fourths of the average price in the States, while the parcels post and telegraph rates are far cheaper.

And, sir, Frank Carpenter, the correspondent of the Evening Star of this city, writes to his paper along the same line, and it is shown that the telegraph rate in Australia and New Zealand is only 1 cent a word.

Now, suppose that Great Britain does have a deficit of $5,000,000 after saving the people $30,000,000 in telegraphing, it still leaves to the credit of the system $25,000,000. The telegraph system, the telephone system, the savings-bank system constitute some of the democratic features of the English Government. It seems that some of our friends run after the monarchical features and run away from the democratic and the people's features of the English Government.

Mr. LOUD. Does the gentleman assume that the telegraphic rates in England are cheap?

Mr. BELL. Yes, sir.

Mr. LOUD. Well, what are they?

Mr. BELL. The telegraphic rates in England, according to statistics gathered by Senator Hill a few years ago, show the average rate to be 1 cent per word all over the island.

Mr. LOUD. The average rate is a shilling for 20 words, including the address and the signature; and it will generally be found that you have more words in your address and signature than in the body of your telegram.

Mr. BELL. Well, that report was made in the Senate; and that body a few years ago came very near adopting a similar system, or a system limiting the rate of telegraphing to 1 cent a word, and Australia and other governments have same rate.

Senator Hill, formerly the president of Brown University, an eminent scholar and a very rich man, came to the Senate from the State of Colorado; and so nearly did he succeed in passing the bill to which I have referred that the telegraph combinations poured the State of Colorado full of money in an effort to punish him for serving the people, and defeated for reelection one of the brightest men that ever graced the Senate of the United States and one of the most polished and educated gentlemen that ever occupied a place in either House of Congress.

If this is such a bad thing for the people, why is it that the people constantly clamor for it? Why do they clamor for its continuance in New Zealand, Great Britain, and other countries where the people control every branch of the government? Why are they clamoring for it in the Dominion of Canada, if it is so detrimental to the public interest of the mother country?

I have pointed out some of the benefits that the people are to enjoy from this system. For the sake of avoiding a little surplus of five or six million dollars, we are not to be driven from the adoption of a telegraphic rate of about one-fourth of what is charged by the private companies.

Mr. LOUD. I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I concur substantially in what the gentleman from Missouri [Mr. DE ARMOND] has so well said. In my judgment it would be for the best interests of the great majority of the people of the United States if they had control, in connection with the post-offices and as a part of the Postal Department, of the telegraph and the telephone. I believe it would be in the interest of and a great saving to the people. I believe it would put an end to two great selfish monopolies, and would give the people of this country cheaper telephone rates and lower telegraph rates. I am unalterably opposed to all private monopolies. But more about this when I can get more time. Now, sir, in the few minutes allowed me by the gentleman from California I want to enter my most emphatic protest regarding the unjust discrimination contained in this bill against the great city of New York.

For several years the post-office authorities of the city of New York have used the pneumatic-tube service. That service has been a great success, has facilitated the carrying and the distribution of the mails, and has given great satisfaction to the people. It has been a great convenience to the merchants, and every association of business men, the boards of trade, the chamber of commerce, and in fact all the various chambers of industry, have petitioned Congress to continue the pneumatic-tube service. I have filed many of the petitions and resolutions. This bill has eliminated this desirable service, and the merchants and citizens of the city of New York are to be deprived of the service and compelled to waste and lose from five to twelve hours in every twenty-four in receiving and transmitting their mail. I protest against this outrage—this failure to live up to implied obligations.

The city of New York has the greatest post-office in this country—a post-office which pays, over and above expenses, a revenue to the Government every year of over $5,000,000. We have asked, and asked in vain, for a new post-office building in that city. We should have it. But this Congress will do nothing for New York City. The present old post-office building there is a disgrace and a menace to the health and lives of the people employed in the building. We must have a new post-office. We will get one, I trust, in the next Congress. But this pneumatic-tube service should not be discontinued. It should be now continued by an appropriation in this bill. I regret exceedingly that the Post-Office Committees of the House and the Senate, after adopting this service, propose now at this late day to discontinue it. It is wrong and a very shortsighted economical policy.

Mr. BURKE of Texas. Does my friend know the cost to the Government for every mile of pneumatic-tube service laid down in New York City?

Mr. SULZER. Yes; I know. The figures are given in the report of the Post-Office Department; and with those figures before it, that Department recommended in the strongest terms the continuance of this service. In the hope of getting this relief I shall vote down this conference report.

[Here the hammer fell.]

Mr. LOUD. I yield to the gentleman from Illinois [Mr. CANNON] such time as he may desire.

Mr. CANNON. I shall occupy a few minutes—two or three or five.

Mr. SULZER. Take your own time.

Mr. CANNON. Mr. Speaker, I wish to make a remark in the shape of a protest against a system which is probably commenced in this bill. The bill provides that—

> The Postmaster-General is authorized and directed to investigate the cost of establishing and maintaining as a part of the postal service the delivery of mails in cities, towns, and villages which are not free-delivery offices, and shall report to Congress the feasibility and best methods thereof.

Now, this provision starts a movement to have the free-delivery service in every city, town, and village in the United States. I do not believe it should have been started, even by inquiry.

Mr. KING. Does not my friend think we had better vote the report down?

Mr. CANNON. The gentleman from California in presenting this conference report protests against the provision; and I believe that if the House should see proper to reject this report, he could go again into conference and in sixty minutes could return with this provision stricken out. It is legislation; the Senate proposes it, and therefore if the House insists the Senate must recede under the universal rule.

Now, then, we have, in round numbers, 80,000 post-offices in the United States. I undertake to say at a rough estimate that there are at least 50,000 of these in cities, towns, or villages—and that is wonderfully broad, you can see—where the free-delivery service can not now be under law, where it could be made under law if provision was made for the service as contemplated, or at least to be inquired about in this provision. Now, what will that cost?—and I will give it under instead of over. Fifty thousand free-delivery offices, little boroughs, two to each one; and that is under instead of over. They have now, say, one at $1,000 a year, or they soon will have—$50,000,000. If I say two, it would be $100,000,000; and it would be more than two. Now, you know we have got to have officeholders enough to do the business of the Federal Government; but the officeholders of a great government like ours are numerous and strong enough to dominate frequently the political situation. And it is an open secret that the salaries of Federal officials—I do not mean the people occupying the great places, but the average salary of the average official—is one-third to one-half more than that of those who pay the taxes to pay the salaries.

Mr. KING. Put it at double.

Mr. CANNON. The gentleman says, "Put it at double." I think I could have done that, but I wanted to be conservative. You remember also that we have established, and it is substantially written in law, thirty days' leave of absence on full pay; soon to be written into law, now already in part, thirty days more sick leave. Who pays it? Seventy-six million of people who live by the sweat of their faces, and who get but very little over half the pay of the officials. Of course the people who want to hold these places are for it, and all who want to dispense the patronage will be for it; and I believe here and now that we had better call a halt before there is even an assault upon the beginning touching this matter, because when it once starts there will never be a stop put to it. It is like Mickey Free's father. You recollect he told Malloy that he had saved his last 40 shillings because his "riverince" had told him his father was caught between the door and the jamb. Says he: "If my father was caught between the door and the jamb, there is nothing between hell and Connaught that would kape him." [Laughter.] Start this thing and there is nothing that will keep it out.

Now, let me show it to you. Free rural delivery is in. I do not believe there is a man within the sound of my voice but what would, if he is honest, he would say—he must say—I am sorry. But it is started. Nothing can stop it. It is to add inside of the next decade, in my judgment, $50,000,000 to the postal expenditures. Why, they started at $400 for this carrier and he furnishes a buggy. It will be and ought to be a thousand, because it is more expensive, don't you see, than the city carrier.

Mr. SULZER. In a little while they will want automobiles.

Mr. CANNON. I merely want to refer to it. We have got it. I think now, if ever, is the time to give a quietus to this proposition,

and so far as I am concerned, I stand ready to vote down this conference report upon that one provision, namely, universal free delivery carrier service in all the little boroughs, cities, and towns in the United States. If we do that, of course the Senate will have to recede, and not have any delay as to time. There is a motion to adopt the conference report. Now, then, if that motion is voted down——

The SPEAKER. The gentleman from Illinois will suspend until gentlemen take their seats.

Mr. BUTLER. A point of order. If the gentleman from Illinois would not turn his back to us we would appreciate very much what he says and would be pleased very much to hear what he has to say.

The SPEAKER. That is not a point of order.

Mr. CANNON. Well, I think I am subject to just criticism. But it is pretty hard to talk in the House this morning, and I talked immediately to those in front because it seemed I had their attention.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if this does not refer to house delivery and depositing mail in boxes? The gentleman spoke of rural free delivery?

Mr. CANNON. Merely by way of an illustration.

Mr. WILLIAMS of Mississippi. But this is urban and village delivery.

Mr. CANNON. And will give free village delivery. We are all in favor of free rural delivery. That has come, and nothing short of the power of Almighty God can put it out. I only spoke of that by way of illustration. This is a new thing, and I do not believe that the taxpayers of the United States are willing to commence a system of free delivery in every little village and borough in the United States, at a cost of a hundred million dollars a year, and, therefore, in that condition of affairs, so far as I am concerned, I will vote against the adoption of this conference report, knowing if it is not adopted that I do no violence to the feelings of the gentleman from California as expressed touching this matter.

Mr. LOUD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-five minutes.

Mr. LOUD. I yield ten minutes to the gentleman from Virginia.

Mr. SWANSON. Mr. Speaker, I am one of the conferees on this report that is contained on the Senate amendment. I believe in this item of the Senate amendment providing for an appropriation of $20,000 to make an experiment in delivery in towns, cities, and villages where they have not either boxes or compartments. We refused to accede to that, and also to committing us to the telegraph and telephone system as part of the system of the postal service. We disagreed, came back to the House, disagreed again, and the Senate has insisted on its amendment.

Now, what is the proposition before this House? I want to read to this House and let you see the small matter that the chairman of the Committee on Appropriations has made a great clamor about. Now, let me read it, and let every member of the House hear; and I am satisfied when it is read to you that there will be no objection to its adoption.

Mr. Speaker, here is the provision:

> The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining, as part of the postal service, the delivery of mails in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best methods thereof.

Now, under that amendment the Postmaster-General is directed in the interim to investigate, to acquire information, to get the facts, so that this House can act intelligently as to whether it is good or bad.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. SWANSON. I will.

Mr. CANNON. Is it not good policy, when we have come to the conclusion that we believe and are satisfied that the service ought not to be inaugurated in any event, to throttle it in its conception?

Mr. SWANSON. Mr. Speaker, in reply to that I say that it is the duty of this House to get full and complete information on all questions that may come before it. This does not carry one cent or one item of appropriation—not a dime, not a nickel, not a cent. This is to get at the facts in small towns and villages that have not now free delivery. It is to get information and statistics, to get the probable cost, and let the Postmaster-General make a full and complete report to this House.

If it is wrong, the House can throttle it; if it is right, the House can adopt it. Is there objection from any source to getting information without the expenditure of one dime or one cent? I want to say, in behalf of the House conferees, it was difficult to get the Senate conferees to even make the concession not to make an appropriation for the experiment of $20,000.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SWANSON. Certainly.

Mr. LACEY. Under the free-delivery system there is a double price paid for drop letters mailed in the town. What is the intention of this provision in that respect? Will the double-price rule apply to letters delivered under this system?

Mr. SWANSON. There is no intention of starting it, no method devised, not a cent of money appropriated. It simply directs the Postmaster-General to make an investigation and report to Congress on the feasibility or nonfeasibility of it and the cost of it. Nothing is done. This does not commit the Government to it, but is simply trying to acquire information as to the facts and the cost for the future judgment of this House in the matter.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. SWANSON. Yes.

Mr. BROMWELL. The gentleman referred to the demand which is coming from the people of cities and villages and others who are to be benefited by the introduction of this system.

I will ask whether there has been a single demand from a single citizen, in any city, in any town, or any village in the United States; or whether it is not, as a matter of fact, a scheme that has been introduced through the Senate provision into this bill, originally on behalf of the patentee of a particular kind of a post-office compartment box? Whether the actuating motive of getting this into the bill is not for the benefit of the patentee of this box, and not at the request of any citizen?

Mr. SWANSON. I do not know whether that is true or not, but I want to say that I never received any request from any village or town, because I have no town but that can receive free rural delivery. The Senate provision provided for boxes and compartments and we insisted that that should go out, and this was all the compromise we could get. It is nothing but an estimate; there is no appropriation, there is no committal of the Government to any such policy. It simply asks for information to be brought to us.

Any man would have a right by unanimous consent to request the Postmaster-General to give this information, and you would not object to it. If a man were to come in here and ask unanimous consent for the Postmaster-General to send him information as to the cost and feasibility and the advisability of this plan, it would go through by unanimous consent and he would send in his report, and that is all this is.

The second provision in regard to the telephone and telegraph system simply requires the Postmaster-General to report if he has sufficient available information to enable him so to do to Congress concerning the advisability and the cost of connecting the telephone and the telegraph system with the postal service of the United States.

There is not a man in this House that could not come in here and introduce a resolution asking information on both of these subjects, have it sent to a committee, and brought back here and passed unanimously. It simply is a request for information, without a dime or a cent or a nickel being appropriated or any committal whatever to the service.

I want to say that it was difficult for us to get these two resolutions cut down to the harmless terms in which they now are. I want to say for one that I can not see why anybody should object to full and complete information on this subject. That is all that this does; it simply directs information to be brought into this House.

Mr. LOUD. I now yield five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, I should be very glad if this House would follow the suggestion of the chairman of the Committee on Appropriations and vote down this conference report if there is any possibility of the Senate receding from these two provisions. Now, on their face they appear to be perfectly harmless, and yet we all know, those of us who have had experience in legislation in this body, that the danger in all this legislation is in the inception.

Mr. SWANSON. The only danger that can occur is the fact that the House may get such information as to enable it to adopt this service. I think that is a reflection on the intelligence and judgment of this House.

Mr. BROMWELL. The gentleman is entitled to his opinion, but I appeal to the sober sense and judgment and experience of this House as to whether this does not mark the beginning of a policy; and the mere form in which it is put in the bill, directing the investigation and report, to that extent at least, commits this House to the pursuance of that policy.

Now, we have had this experience in other years. I do not propose to say a word against rural free delivery; that is the way it started. I do not propose to say anything about the pneumatic-

tube service; that is the way it started. I do not propose to say anything about the free-seed distribution, it was an experiment in the first place; it started as an investigation and experiment, and that is what this means.

As the chairman of the Committee on Appropriations has shown, it will mean an expenditure of at least ten or twenty million dollars for additional carrier service, and, worse than all that, it means an addition to the immense army of officeholders which we now have in this country of a hundred thousand men.

Now, as to the other provision of this bill which constitutes a difference between the conferees—investigation into the postal telegraph and postal telephone features. As chairman of a subcommittee on the Post-Office Committee some two or three years ago, this subject came before me and I gave it very thorough investigation. I am satisfied that it would mean to this Government as much as $100,000,000 of expense to merely start the general telephone and general telegraph system in the United States. That means also an additional army of telephoners and telegraphers all over the country, subject to the same political influences and all having the same political power that the other employees of this Government have.

Mr. Speaker, I am opposed to any further increase in this direction. The gentleman from California has frankly said that the experiment in public telegraph and public telephone under the control of the Government has proved in England to be a failure, and that instead of its being a source of revenue to the Government it is an additional source of expense. Now, we are not ready for this, and especially are we not ready to act upon this suggestion in this appropriation bill. The gentleman says it will furnish us information. That information can be obtained by a resolution of the two Houses, not tacked on as a provision on an appropriation bill, which gives it a sanctity and standing which it ought not to have. Let the gentleman introduce a resolution for that purpose; let it be thoroughly considered in good time in all its phases; and then if we, after cool judgment and deliberation and information, desire it, it can be obtained. But let us as a body stand against yielding, as we have done on like appropriation bills, to the Senate in the way of putting in general legislation, which under our rule of the House we are absolutely prohibited from doing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 249. Joint resolution providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition; and

H. J. Res. 259. Joint resolution to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 64.

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 extra copies of the atlas of the Chickamauga and Chattanooga battlefields, with such additional positions as have been identified, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the use of the Secretary of War and the Chickamauga and Chattanooga National Military Park Commission.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 113.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. I now yield five minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, as one of the conferees on this bill I desire to say to the members of the House that the conferees have worked faithfully and earnestly in the conference with the Senate conferees in endeavoring to reach an agreement on the amendments which were submitted to the conference. There are but two, as has been stated, about which there seems to be any question in the minds of any of the members present. Those are the ones relating to free delivery in towns, cities, and villages which are not now entitled to free delivery under the law. As the Senate amended the bill which was passed in the House, your conferees would not agree to that at all. It was provided in that amendment attached in the Senate that—

For the experiment in cities, towns, and villages not now free-delivery offices of the delivery of mail through mail repositories or compartment boxes, including the cost of the boxes, repository, and salary of person to serve such box or repository, $20,000.

We considered that that would fasten upon us in the future the necessity of adopting this system of free delivery in cities, towns, and villages not now entitled to it, and the provision made an appropriation of $25,000 for carrying on that experiment. It may be in the future that free delivery will be extended to all such places; but your conferees did not believe and do not believe that the time has come when we should embark upon such a proposition, and we were wholly unwilling to appropriate any money for experiments in that direction. Hence, we insisted upon disagreeing with the Senate conferees and reported our disagreement to this House. Another conference was had, and in that conference we offered an amendment to the Senate amendment, which, after considerable discussion, was accepted by the Senate conferees. By that amendment we struck out the appropriation provided for in the Senate amendment and relieved it of that phase which would indicate to the committee that we intended to embark upon free delivery at this time or in the near future.

In the report which we have submitted to the House this morning we consider there is no danger whatever. As has been stated, this amendment as agreed to does not commit us in any manner—does not make any appropriation—but calls on the Postmaster-General for his views upon the subject. He is directed to furnish us such information as he may be able to furnish relative to the advisability or feasibility of embarking on that line of free delivery. I certainly hope that the House will not vote down this report of the conference committee on this proposition. It can not hurt us, and all of us know that legislation is made up to a considerable extent of concessions on the one side or the other. It is a matter of compromise, and your conferees having compromised with the Senate conferees on Senate amendments Nos. 2 and 3, we trust the report may be adopted. There is nothing in amendment No. 3 as agreed to by the conference committee which in any manner commits Congress to the adoption of a postal telegraph or telephone system in connection with the postal service. We only call on the Postmaster-General for such information as he may now have on the subject for the benefit or information of Congress.

The SPEAKER pro tempore (Mr. GROSVENOR). The time of the gentleman from Illinois has expired.

Mr. LOUD. I yield three minutes to the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. Mr. Speaker, I hope the House will disagree to the Senate amendment, for the reason that, as I believe, the object is to side track rural free delivery. I think that what this House ought to do is to pass a bill giving free city delivery to all towns of not less than 5,000 population, or whose post-office receipts do not fall below $5,000, and then give free rural delivery to all incorporated towns of less population or receipts.

Mr. SWANSON. The proposition in this report simply asks an investigation and report.

Mr. LATIMER. But, in my judgment, the object of the provision is to establish substations with lock boxes. At those substations some one will have to be employed to distribute the mails in the boxes, and under that system only those who rent the boxes will be accommodated. There will be no postmaster at any such substation to deliver the mail. The mail will simply be deposited in those boxes that have been rented, and those who wish to enjoy the benefits of the system will have to rent boxes. I say that such a proposition is in the teeth of the system of free rural delivery or free city delivery.

Under the system of free rural delivery the carriers can leave the post-office in a small town by one street and return by another and thus accommodate the citizens without one dollar of extra expense to the Government. I hope the House will nonconcur in the Senate amendment and not waste this $20,000 appropriation.

Mr. HAY. Does not one of these amendments make a beginning for the Government ownership of telegraph and telephone lines?

Mr. LATIMER. I do not know anything about that subject. The object of the amendment which I have been discussing is, as I understand, to provide for the establishment of substations at which there will be lock boxes.

Mr. HAY. But there is another amendment in regard to telephones and telegraphs.

Mr. LATIMER. I hope the House will vote down the amendment that attempts to accomplish the object to which I have just stated my objections.

Mr. LOUD. I yield the remainder of my time to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, it seems to me that our conferees have gained quite a diplomatic victory over the conferees of the

Senate. They have pulled the teeth of the provision that the Senate had placed in this bill. I do not mean by this remark that the House should stop with what our diplomats have succeeded in doing. We ought to praise them for what they have done, and then we ought to go forward and do what is proper in the case by cutting out this thing entirely.

I do not believe that the chairman of the Post-Office Committee really at heart wants this conference report adopted, though as a loyal member of the conference committee he feels obliged to stand up for the report the best way he can. We know his opinions on this question. Why should we go forward and by the adoption of any amendment of this kind lay the foundation for future work in the same direction when we do not want that work begun at all? I believe the chairman of the Post-Office Committee of this House and other members of the committee will be delighted to see the House back them in their real opinions by voting down the conference report. Let the conferees go back to the Senate and tell them that the House will not accept this provision in even the modified shape in which it has now been put.

One other point. The gentleman from Virginia says that this provision will simply give us some information for us to act upon or not, as we may choose. I submit that when the Congress of the United States undertakes to investigate a project the adoption of which would involve the expenditure of millions and millions of dollars, it will not act upon such information as is called for here. It will not act upon the personal opinion of the Postmaster-General of this or any other Administration. It will insist upon some regularly constituted committee of this House or a commission of Congress making inquiry—a complete examination—into all the facts and details and bringing us here something that we can accept as final.

The opinion of one man, I do not care though he be the Postmaster-General of the United States, upon a question of this kind will not for purposes of future legislation be worth the paper on which it is printed. Then why should we call for such a report from the Postmaster-General? Why put upon him such useless work? Why throw such responsibility on him? The only purpose of our conferees in accepting this proposition was to pull the teeth of the more obnoxious measure which the Senate had ingrafted upon this bill. Our conferees have done good work. Now let us back up their work by voting down this report and sending them back into conference in full confidence that they can get better terms than they have already obtained.

Mr. LOUD. Mr. Speaker, I call for a vote.

Mr. BROMWELL. A parliamentary inquiry. If the motion to concur should be voted down, will this bill then go back to conference?

The SPEAKER. That will depend upon whether the House asks a conference.

A MEMBER. It will go back to the Senate.

The question being taken upon agreeing to the report submitted by Mr. LOUD, it was rejected, there being—ayes 42, noes 78.

Mr. LOUD. Mr. Speaker, I move that the House further insist on its disagreement, and ask for a conference.

The SPEAKER. The gentleman from California moves that the House further insist on its disagreement to the two amendments, and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair appoints the following managers on the part of the House: Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14017) making appropriation for the support of the Army, in order to put it into conference.

Mr. KING. I object.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the amendments of the Senate, and ask for a conference. Is there objection?

Mr. KING and Mr. HAY and others. I object.

The SPEAKER. Objection is made by several gentlemen; the request is denied. The unfinished business is the bill called up by the gentleman from Indiana [Mr. OVERSTREET].

APPEALS FROM CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES.

Mr. RAY of New York. Mr. Speaker, the gentleman from Indiana is called out. He is on a special committee and has left the bill in my charge.

The SPEAKER. The gentleman from New York is recognized.

Mr. RAY of New York. Now, Mr. Speaker, I ask for order for a few moments. I want the House to fully understand this bill.

Mr. RICHARDSON of Tennessee. I did not hear the motion of the gentleman.

Mr. RAY of New York. The bill was explained briefly by the gentleman from Indiana [Mr. OVERSTREET].

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon; my attention had been diverted.

Mr. RAY of New York. I assure the House, in the first instance, that all that this bill does or attempts to do is to give an equality of benefits or rights to the plaintiffs and defendants. In the second place, it is demanded by and meets the unanimous approval of the Bar Association of the United States and the bar associations of many of the States. It can do no harm. It will permit an appeal where, upon the questions of law, decisions are made against plaintiffs seeking the remedy. Now, the gentleman from Georgia [Mr. FLEMING] desires a little time, and I will ask, Mr. Speaker, how much time remains for the discussion of this bill?

The SPEAKER. Forty minutes.

Mr. RAY of New York. I yield five minutes to the gentleman from Georgia, if he desires that much.

Mr. FLEMING. Mr. Speaker, this bill was very thoroughly considered in the Committee on the Judiciary, and the committee had no difficulty about recommending its passage. For the purpose of thoroughly understanding the changes that will be made in the existing law by this bill, I would have preferred that the bill or report should have been drawn in a way to show exactly what the language of the previous law was and exactly the wording that had been introduced in the new law different from the old one. But inasmuch as the form of the bill and report give us only the language of the section as it will be when finally amended, that will make it necessary for a perfect understanding of the situation to show how the law formerly stood.

The circuit court of appeals was created in 1890, and the act creating it is found in the statutes which are here before me. That act allowed no appeal from an interlocutory order under receivership or under refusal of an injunction. In 1895 it was amended so as to include refusals and dissolutions of injunctions as well. In 1900 a bill was passed extending this right of appeal to the appointment of a receiver. But that act of 1900 seems to have been drawn with only the act of 1890 in view and without regard to the amendment by the act of 1895, which act of 1895 did allow an appeal in injunction cases whether granted or refused. The act of 1900, therefore, to some extent repeals the act of 1895. Now, the purpose of the present act is to leave the law practically in the condition where it was intended it should be left by all of these acts; or, in other words, the main purpose is to restore the provision which was unintentionally left out by the act of June, 1900.

Mr. GILBERT. Is the appointment of a receiver made a final order, if it is on an interlocutory order, as to whether appeal shall be allowed or refused?

Mr. FLEMING. Yes; and it is only fair and proper and in accordance with all right principles of jurisprudence that when two litigants go into a civil court with a contest over property rights or other rights they have at stake both parties should be given the same privilege, the same access to the courts of appeal.

Now, the question of the bond is something not at all new in this bill. The bond was provided for in the previous law. The stay proceedings were provided for in the previous law. This bill does not affect that part of the proceedings in any way whatever. The language of this bill is precisely the same from line 15 to the close of the bill that it is in the existing law, and the change in the law is made for the purpose of allowing equal rights of appeal to both sides of each issue.

Mr. RAY of New York. Mr. Speaker, I want to say again that this bill makes no change in the law except as I explained. I want to say further that it restores the law exactly as it was previous to the time when by an inadvertence in making an amendment this part we propose to restore was stricken out. I therefore call for a vote.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. RAY of New York. There was an amendment suggested by the gentleman from Indiana, to change the time when this act shall take effect, in section 2, so that it read:

This act shall be in force from and after June 30, 1901.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 25, page 2, strike out the words "its passage" and insert "June 30, 1901."

Mr. RAY of New York. I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DE ARMOND. Division.

The House divided; and there were—ayes 68, noes 20.

So the bill was passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 1493.

Mr. HEPBURN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Iowa asks for the regular order, which is equivalent to an objection.

Mr. HEPBURN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering House bill 5499.

Mr. RAY of New York. Let me appeal to the gentleman from Iowa to withhold that until I can make an explanation to him.

Mr. HEPBURN. I decline to yield.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. UNDERWOOD. I ask if this motion is voted down if it will have the same effect as a vote not to consider the bill?

The SPEAKER pro tempore. It would prevent the further consideration of the bill.

Mr. LOUD. That would be unfortunate.

Mr. MANN. Mr. Speaker, I move to postpone the continuing order on the revenue-cutter bill until Saturday, the 2d day of March.

Mr. SULZER. I make a point of order on that, Mr. Speaker.

The SPEAKER pro tempore. The Chair thinks that motion is not in order.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 60, noes 42.

Mr. MANN. I demand the yeas and nays, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays. All those in favor of the motion will rise. [After counting.] Thirty-one gentlemen rising—a sufficient number.

Mr. HEPBURN. I make the point of order, Mr. Speaker, that it requires 35 to order the yeas and nays.

The SPEAKER pro tempore. It requires one-fifth of the last vote.

Mr. HEPBURN. One-fifth of a quorum.

Mr. SULZER. Let us have the other side, Mr. Speaker. [Cries of "Too late!" "Too late!"]

Mr. SULZER. It is never too late for justice. [Laughter.]

The SPEAKER pro tempore. The gentleman from New York demands the other side. As many as are opposed to taking the yeas and nays will rise. [After counting.] On this question the yeas are 31 and the nays are 51—a sufficient number; and the yeas and nays are ordered.

The question was taken; and there were—yeas 157, nays 92, marked "present" 3, not voting 101, as follows:

YEAS—157.

Acheson,	Fletcher,	Livingston,	Ruppert,
Adams,	Foster,	Loudenslager,	Russell,
Adamson,	Gardner, Mich.	Lovering,	Ryan, N. Y.
Allen, Ky.	Gardner, N. J.	Lybrand,	Ryan, Pa.
Ball,	Gaston,	McAleer,	Scudder,
Bankhead,	Gibson,	McCleary,	Shattuc,
Barber,	Gillet, N. Y.	McClellan,	Sherman,
Barham,	Gordon,	McDowell,	Showalter,
Barney,	Graham,	Maddox,	Smith, Iowa
Bartholdt,	Green, Pa.	Mahon,	Smith, H. C.
Bellamy,	Greene, Mass.	Meekison,	Smith, Wm. Alden
Berry,	Griffith,	Mercer,	Southard,
Brantley,	Grosvenor,	Mesick,	Sparkman,
Breazeale,	Grow,	Meyer, La.	Sperry,
Brick,	Hall,	Miller,	Stallings,
Brosius,	Hamilton,	Minor,	Stark,
Burleigh,	Hedge,	Moody, Oreg.	Stewart, N. J.
Calderhead,	Hepburn,	Morgan,	Stewart, N. Y.
Capron,	Hill,	Morrell,	Stewart, Wis.
Clayton, Ala.	Hitt,	Morris,	Sulzer,
Cochrane, N. Y.	Hoffecker,	Mudd,	Swanson,
Connell,	Hopkins,	Muller,	Talbert,
Cooper, Wis.	Howard,	Naphen,	Tawney,
Corliss,	Jack,	Norton, Ohio	Taylor, Ala.
Cousins,	Jenkins,	Norton, S. C.	Thayer,
Crowley,	Jones, Va.	O'Grady,	Thomas, Iowa
Cummings,	Jones, Wash.	Olmsted,	Thomas, N. C.
Cusack,	Joy,	Otey,	Tompkins,
Davenport, S. A.	Kahn,	Overstreet,	Van Voorhis,
Davenport, S. W.	Kleberg,	Packer, Pa.	Vreeland,
Davey,	Kluttz,	Payne,	Waters,
Davidson,	Lane,	Polk,	Weaver,
Davis,	Latimer	Powers,	Weymouth,
De Graffenreid,	Lawrence,	Ransdell,	White,
Dick,	Lentz,	Ray, N. Y.	Wilson, N. Y.
Driggs,	Lester,	Richardson, Ala.	Young.
Emerson,	Levy,	Richardson, Tenn.	Ziegler.
Esch,	Lewis,	Riordan,	
Fitzgerald, Mass.	Littauer,	Roberts,	
Fitzgerald, N. Y.	Littlefield,	Robinson, Nebr.	

NAYS—92.

Atwater,	Cooper, Tex.	Hemenway,	Pierce, Tenn.
Bailey, Kans.	Cowherd,	Henry, Conn.	Rhea, Ky.
Bailey, Tex.	Cox,	Henry, Miss.	Rhea, Va.
Benton,	Cromer,	Henry, Tex.	Rixey,
Bishop,	Crumpacker,	Hull,	Robb,
Bowersock,	Dayton,	Kitchin,	Robertson, La.
Brenner,	De Armond,	Knox,	Robinson, Ind.
Brewer,	Denny,	Lacey,	Rucker,
Bromwell,	Dinsmore,	Landis,	Salmon,
Brown,	Dougherty,	Lanham,	Shafroth,
Brownlow,	Dovener,	Little,	Sheppard,
Brundidge,	Eddy,	Lloyd,	Sims,
Burke, Tex.	Finley,	Long,	Slayden,
Burkett,	Fleming,	Loud,	Smith, Ill.
Burleson,	Fordney,	McCall,	Snodgrass,
Burnett,	Fox,	McCulloch,	Spalding,
Burton,	Freer,	Mann,	Stephens, Tex.
Caldwell,	Gaines,	Marsh,	Terry,
Cannon,	Gilbert,	Metcalf,	Underwood,
Carmack,	Gillett, Mass.	Miers, Ind.	Vandiver,
Clayton, N. Y.	Graff,	Mondell,	Watson,
Cochran, Mo.	Griggs,	Moody, Mass.	Williams, Miss.
Cooney,	Hay,	Moon,	Zenor.

ANSWERED "PRESENT"—3.

Boutell, Ill.	Haugen,	Smith, Ky.

NOT VOTING—101.

Aldrich,	Driscoll,	McRae,	Steele,
Alexander,	Elliott,	May,	Stevens, Minn.
Allen, Me.	Faris,	Needham,	Stokes,
Allen, Miss.	Fitzpatrick,	Neville,	Sulloway,
Babcock,	Foss,	Newlands,	Sutherland,
Baker,	Fowler,	Noonan,	Tate,
Bartlett,	Gamble,	Otjen,	Tayler, Ohio
Bell,	Gayle,	Parker, N. J.	Thropp,
Bingham,	Gill,	Pearce, Mo.	Tongue,
Boreing,	Glynn,	Pearson,	Turner,
Boutelle, Me.	Grout,	Pearre,	Underhill,
Bradley,	Hawley,	Phillips,	Wachter,
Broussard,	Heatwole,	Prince,	Wadsworth,
Bull,	Howell,	Pugh,	Wanger,
Burke, S. Dak.	Jett,	Quarles,	Warner,
Butler,	Johnston,	Reeder,	Weeks,
Campbell,	Kerr, Md.	Reeves,	Wheeler.
Catchings,	Kerr, Ohio	Ridgely,	Williams, J. R.
Chanler,	Ketcham,	Rodenberg,	Williams, W. E.
Clark,	King,	Shackleford,	Wilson, Idaho
Conner,	Lamb,	Shelden,	Wilson, S. C.
Crump,	Lassiter,	Sibley,	Woods,
Curtis,	Linney,	Small,	Wright.
Cushman,	Lorimer,	Smith, Samuel W.	
Dahle,	McDermott,	Spight,	
Dalzell,	McLain,	Sprague,	

So the motion was agreed to.

The following pairs were announced:

Mr. BULL with Mr. MCRAE.

Mr. CRUMP with Mr. CATCHINGS.

For the 27th and 28th:

Mr. TAYLER of Ohio with Mr. CAMPBELL.

For this day:

Mr. HEATWOLE with Mr. TATE.

Mr. LORIMER with Mr. LASSITER.

Mr. BURKE of South Dakota with Mr. CHANLER.

Mr. FOSS with Mr. MCDERMOTT.

Mr. HOWELL with Mr. SHACKLEFORD.

Mr. KETCHAM with Mr. GAYLE.

Mr. DRISCOLL with Mr. MAY.

Mr. ALLEN of Maine with Mr. FITZPATRICK.

Mr. SAMUEL W. SMITH with Mr. SPIGHT.

Mr. WEEKS with Mr. SUTHERLAND.

Mr. STEVENS of Minnesota with Mr. TURNER.

Mr. WADSWORTH with Mr. UNDERHILL.

For this vote:

Mr. GARDNER of Michigan with Mr. JOHNSTON.

Mr. BOREING with Mr. SMITH of Kentucky.

Mr. PUGH with Mr. QUARLES.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. WOODS with Mr. KLEBERG.

Mr. RUSSELL with Mr. WHEELER.

Mr. BABCOCK with Mr. NOONAN.

Mr. BUTLER with Mr. ALLEN of Mississippi.

Mr. CONNER with Mr. BELL.

Mr. BOUTELL of Illinois with Mr. BROUSSARD.

Mr. DALZELL with Mr. JETT.

Mr. FARIS with Mr. GLYNN.

Mr. GAMBLE with Mr. MCLAIN.

Mr. SHELDEN with Mr. KING.

Mr. PARKER of New Jersey with Mr. RIDGELY.

Mr. STEELE with Mr. JAMES R. WILLIAMS.

Mr. WRIGHT with Mr. WILSON of Idaho.

Mr. WANGER with Mr. WILLIAM E. WILLIAMS.

Mr. PRINCE with Mr. STOKES.

Mr. SULLOWAY with Mr. CLARK.

Until further notice:

Mr. GILL with Mr. WILSON of South Carolina.

Mr. REEDER with Mr. NEVILLE.

Mr. BOUTELLE of Maine with Mr. BRADLEY.

Mr. FOWLER with Mr. BARTLETT.
Mr. WACHTER with Mr. SMALL.
Mr. HEPBURN. Pending the announcement of the vote, I desire to move that all general debate upon the pending bill, No. 5499, be closed after there shall have been two hours of debate in all—that will be after twenty-five minutes of further debate.
Mr. MANN. I raise the point of order on that, that this is not a proper time to make that motion.
Mr. UNDERWOOD. What was the gentleman's motion?
Mr. MANN. The gentleman can not make a motion during a roll call.
Mr. HEPBURN. Mr. Speaker, the Chair will remember that over and over again a motion is made, and pending that motion another motion is made to limit debate. I desire to make my motion before the announcement, and it seems to me that the difference is so inconsequential that it is in order.
The SPEAKER. It is customary pending a motion to go into Committee of the Whole to make a motion to limit debate.
Mr. MANN. It is true that upon a motion to go into Committee of the Whole House a motion can be made to limit debate. That is because the second motion takes precedence of the first motion. The gentleman can make both motions, but the vote must be taken on the motion that has the precedence. Here is a case where a motion has been made and a roll call ordered, and pending the announcement of that roll call it is not in order to make any other motion.
Mr. SHERMAN. Mr. Speaker, let me ask my friend if it is not possible to agree by unanimous consent upon some time to close debate. There is no desire on the part of the advocates of this measure to use it to block any other measure.
Mr. UNDERWOOD. I call for the regular order, Mr. Speaker.
The SPEAKER. The Chair is of opinion that there is this difference which the gentleman from Iowa perhaps overlooks. When a motion is made to go into Committee of the Whole House, before that motion is put it has been usual to say, "Pending that, I move to close debate." But this is not that situation. The motion has been put and voted upon, and it seems to the Chair that must be announced before another motion can be made.
No one knows yet whether we are going into committee or not until the announcement is made. The House does not know whether this matter is to be considered or not, and it seems to the Chair that after having been taken, his first duty is to announce the result of that vote. On this question the yeas are 157, the nays 92, answering present 2; the ayes have it, and the motion is carried.
Mr. DALZELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.
Mr. UNDERWOOD. I make the point of order that the House has declared that it would go into Committee of the Whole, and, pending that, it is not in order to consider any other business. The House has decided to go into the Committee of the Whole. I make the point of order that the only thing for the Speaker to do is to call the Chairman of the Committee of the Whole to the chair; that it is not in order to submit any other proposition at this time, and I insist on the regular order.
The SPEAKER. The Chair would be glad to hear the gentleman from Pennsylvania.
Mr. DALZELL. The action of the House, Mr. Speaker, has not been executed. The House is in session, the Speaker is in the chair, and the report from the Committee on Rules is in order at any time.
Mr. UNDERWOOD. The House has directed that the Chairman of the Committee of the Whole shall take charge of the House.
Mr. DALZELL. And I undertake, with a privileged report from the Committee on Rules, to arrest that action of the House.
Mr. UNDERWOOD. The Speaker has no right to arrest the action of the House; the House has directed the Chairman of the Committee of the Whole to preside over it. It is not for the Speaker to overrule the action of the House.
Mr. MANN. I take it, Mr. Speaker, that it is precisely as if the Committee on Rules had reported a rule after a motion had been put and carried to adjourn.
Mr. DALZELL. But the House is still in session.
Mr. MANN. So the House would be in session then.
The SPEAKER. The Chair takes this view of it: The Chair has announced that the motion to go into the Committee of the Whole House on the state of the Union is carried. That, it seems to the Chair, removes the House and substitutes the committee. While it is true that reports of the Committee on Rules are of the highest order and take precedence, still we must be in the House in order to consider them, in the opinion of the Chair. There is an easy remedy for it. If it is the pleasure of the committee, it has a right to rise and go back into the House. The Chair is very clear, however, that the House is in Committee of the Whole and would not be in a position to entertain a motion to adjourn even, which is a motion of the highest privilege if made in good faith, and therefore the Chair sustains the point of order and calls upon the gentleman from Ohio [Mr. GROSVENOR] to take the chair.
The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of House bill No. 5499.
Mr. HEPBURN obtained the floor and said: I yield to the gentleman from New York [Mr. SHERMAN].
Mr. SHERMAN. I would like to be recognized in my own right as the member who made the report on this bill.
Mr. UNDERWOOD. I make the point that the last recognition was on that side of the House, and that we are entitled to recognition on this side.
Mr. HEPBURN. The gentleman is mistaken about that.
Mr. SHERMAN. The case is just the reverse.
Mr. UNDERWOOD. I do not know of anyone having been recognized on this side——
Mr. HEPBURN. Let me remind the gentleman——
Mr. DALZELL. I move that the committee rise.
The CHAIRMAN. The last recognition upon this bill was to the opponents of the bill. The gentleman from Pennsylvania [Mr. DALZELL] moves that the committee now rise.
Mr. SHERMAN. I rise to a parliamentary inquiry. Can the gentleman from Pennsylvania take the floor for the purpose of making this motion while it is undetermined whether the Chair recognizes the gentleman from Alabama or the gentleman from New York?
Mr. HEPBURN. I understood that I was recognized.
The CHAIRMAN. The Chair will state that there was a controversy going on between members as to which side was entitled to recognition; and pending that controversy the gentleman from Pennsylvania made the motion that the committee rise, which motion the Chair will recognize. The question is on the motion that the committee do now rise.
Mr. HEPBURN. One moment. Will the gentleman from Pennsylvania explain whether any considerable time will be occupied on the proposition which he desires to bring up in the House?
Mr. DALZELL. My judgment is that very little time will be consumed. It can not be more than forty minutes at the outside.
Mr. SULZER. I make the point that the motion of the gentleman from Pennsylvania is dilatory. [Laughter.]
The CHAIRMAN. The Chair overrules the point of order. The question is on the motion of the gentleman from Pennsylvania.
The question being taken, there were—ayes 69, noes 114.
Mr. DALZELL. I call for tellers.
Mr. RICHARDSON of Tennessee. I make the point that the call for tellers is clearly dilatory.
The CHAIRMAN. The Chair would hardly like to sustain that point of order, when tellers may be called for in order to verify the count of the Chair.
Mr. RICHARDSON of Tennessee. I have known the Chair to sustain that point several times—not the present occupant of the chair, but others.
Tellers were ordered; and Mr. DALZELL and Mr. HEPBURN were appointed.
The committee again divided; and the tellers reported—ayes 50, noes 132.
So the Committee of the Whole refused to rise.
The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is recognized.
Mr. UNDERWOOD. I call the attention of the Chair to the fact that while there have been several recognitions on the other side, no one on the Democratic side of the House has been recognized on this bill. I insist that we are entitled to recognition.
The CHAIRMAN. With all due respect to the gentleman from Alabama, the Chair does not recognize that any question between the Democratic side and the Republican side enters into this matter. It was announced just before the close of this debate, when the question was last under consideration, that the opponents of the bill had occupied one hour and the friends of the bill thirty-five minutes; and the last recognition was given to the opponents of the bill. Therefore the Chair recognizes the gentleman from Iowa.
Mr. HEPBURN. I move that all general debate upon the pending bill be closed after two hours.
Mr. MAHON. I raise the point of order that the motion to close general debate can only be made in the House—not in the Committee of the Whole.
Mr. HEPBURN. The Chair will remember that we have a rule prescribing that all the rules of the House shall be in force and shall govern the proceedings of the Committee of the Whole so far as they are applicable. I think it would be difficult to show why this rule in regard to closing general debate should not be applicable to the proceedings of the Committee of the Whole as well as any other.
Mr. MANN. It has been frequently ruled, Mr. Chairman, that general debate in Committee of the Whole can only be closed by

order of the House; and there is no ruling, I believe, to the contrary effect.

Mr. UNDERWOOD. Mr. Chairman, the situation of the Committee of the Whole on this point of order is very evident, as shown by the position of the gentleman from Iowa himself. Before we went into Committee of the Whole—that is, before the Speaker had called the Chairman to the chair—the gentleman from Iowa moved in the House to limit general debate to two hours, evidently showing that at that time he recognized the fact that we could not limit such debate after we had gone into the Committee of the Whole.

It has been the universal custom, and it is in accordance with the rule, for the Committee of the Whole to limit debate on a paragraph of a bill pending under the five-minute rule. But the universal practice of this House always has been that any motion proposing a limitation of general debate in the Committee of the Whole on the state of the Union must be made in the House itself. We are now in the Committee of the Whole, not considering a bill under the five-minute rule, but we are in the stage of general debate; and I contend under these circumstances that until the general debate is concluded—as long as there is any gentleman desiring recognition on the floor of the House to debate the bill—the Committee of the Whole can do nothing in the way of closing debate except by rising and going back into the House. There is no power vested in the Committee of the Whole to limit general debate.

Mr. HEPBURN. Allow me to call the attention of the Chair to clause 8 of Rule XXIII:

> The rules of proceeding in the House shall be observed in the Committee of the Whole House, so far as they are applicable.

Now, if gentlemen can cite some rule or give some reason why this rule is not now applicable, while we are in the present condition, I shall be glad to hear it stated. I know it is customary to make the motion to close general debate while we are in the House, and in pursuance of that custom—not an invariable one—I made that motion. But that fact argues nothing as to what the rule may be when it is invoked—when we see fit to call it into exercise.

Mr. MANN. The gentleman desires, as he says, to invoke the rule. I call the attention of the Chair to section 5 of Rule XXIII, which begins:

> When general debate is closed by order of the House.

There is a clear contemplation in the rule that general debate shall be closed by order of the House. I call the attention of the Chair further to section 6 of Rule XXIII, which provides that:

> The committee may by a vote of the majority of the members present, at any time after the five-minute debate has begun upon a proposed amendment, close debate upon that amendment.

Here are two rules of the House, one providing that the Committee of the Whole may close debate under the five-minute rule upon an amendment or a section of a bill; and another rule of the House providing that the House may order that general debate be closed in Committee of the Whole. The inference is inevitable that it was not the intention of the rule to permit the Committee of the Whole to close general debate in the committee, because it is expressly provided what powers the Committee of the Whole shall have in regard to closing debate, and it is also provided that general debate may be closed in the House.

Mr. RICHARDSON Tennessee. I desire to be heard, if the Chair is in any doubt on this point.

The CHAIRMAN. The Chair has not any doubt.

Mr. RICHARDSON of Tennessee. The Committee of the Whole has never undertaken to close general debate since I have been a member of the House.

The CHAIRMAN. Looking to the long practice of the House, so far as it has come under the observation of the present occupant of the chair, it has been uniform to the effect that the Committee of the Whole has no power to limit debate except debate under the five-minute rule upon items of a bill.

Now, the fifth subdivision of Rule XXIII provides that "When general debate is closed by order of the House any member shall be allowed," etc. But there is nowhere any provision for the limitation of general debate in the Committee of the Whole House.

Now, take these two rules together, one providing by inference for closing debate in the Committee of the Whole, the other providing for the limitation of debate under the five-minute rule, it seems to the Chair there can be no doubt that the two construed together has the effect of bringing this result, that the House may decide to go into Committee of the Whole for the consideration of a bill and make a limit of time during which general debate shall proceed; but when without limitation the House goes into Committee of the Whole, the Chair is of the opinion that there is no power of limitation of general debate beyond the ordinary motions to rise, and other motions of that character. Therefore the Chair sustains the point of order made by the gentleman from Illinois.

Mr. HEPBURN. I yield twenty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, in my judgment the bill now under consideration is one of the best bills which has ever been presented to this House for consideration. It is a measure in the interest of fair play. It seeks to reward faithful public service and do justice to the brave and fearless men employed in our Revenue-Cutter Service. In now doing justice to these heroic men, who for years and years have been serving the Government, we are simply rewarding merit earned long ago and too long deferred.

The Revenue-Cutter Service is almost coeval with the foundation of our Government, and all of our history, in war and in peace, is intertwined with the services these men have rendered the people of this country. In every war they have been true sailors and brave fighters for the flag. The record they have made is the priceless heritage and the proud boast of every true American. In time of peace they perform and have performed duties such as no other public servants of our Government perform. There is no day in the week, no month of the year, that these men in the revenue-cutter employ of the Government do not practically take their lives in their hands when they go to sea.

The Revenue-Cutter Service is not under the civil service, except for the fact that, as a matter of convenience, it is so classified in making the appropriation for its maintenance. No civil employee is compelled to fight for his country except he volunteers; yet every Revenue-Cutter officer is, simply by direction of the President, as provided by law, required to cooperate with the Navy in any duty whatsoever.

Never has a war been fought upon the seas by this country that the Revenue-Cutter Service has not taken an active part, whether it wanted to or not. Can this be said of any other branch of the civil service? When Congress, as a reward to volunteers on sea and land, voted two months' extra pay to each, did the Revenue-Cutter Service receive such extra compensation? The Auditor for the Navy and the Comptroller of the Treasury promptly decided that this service is a part of the regular establishment for the defense of the Government, and as such could in no way come under the classification of volunteers.

Where is there another branch of the Government, other than the Army, the Navy, or the Revenue-Cutter Service, whose employees are drilled daily in the manual of arms, in the handling of machine guns, and in the evolutions of fighting? The same drills and exercises embraced in the daily routine on a vessel of the Navy are carried out on all vessels of the Revenue-Cutter Service.

Its men are uniformed the same as those of the Navy, drilled the same, and have almost exactly similar duties to perform. What, then, is the difference? Simply that the officers and men of the Cutter Service are deprived of longevity pay, of the pension list, and of the retired list, those very essential emoluments to any military service.

Not only in times of war, but in times of peace, the Revenue-Cutter Service is called on to cooperate with the Navy. Just prior to the Spanish-American war, revenue cutters and naval vessels acted jointly in the suppression of filibustering along our southern coast. In the Bering Sea patrol for several years revenue cutters and Navy gunboats operated together, and under the same commander. Now, and for six years past, this duty is performed by revenue cutters alone.

The duties of revenue cutters in times of peace appeal to the public more forcibly than in times of war. At the present time, and during this inclement weather, a cordon of cutters is cruising along our Atlantic coast, not to suppress smuggling, as that has been almost entirely stamped out, but in the interest of humanity, to rescue the shipwrecked mariners, to lend aid to vessels in distress, and to destroy those menaces to life and property on the seas, the numerous derelicts, whose specter-like forms are almost daily encountered along the ocean highways.

These are the men who are asking us for relief—who are asking us to pass this bill—men who share equal danger with their more favored brothers in the Army and Navy in times of war, and who, in times of peace, having no sinecure to drop into on shore, are daily performing the most hazardous duties at sea in the interest of humanity. Will you not give to these brave officers the same consideration you give to the Army and the Navy? Yes; and more than that—given even to policemen and firemen in almost every large city in this country.

Under this bill what do these men want? They simply ask to be treated the same as the men in the Navy are treated. These men are now doing, and have always done, more work than the naval officers. There is not a man in the Revenue-Cutter Service of our country who is not compelled to do duty every day; and if you will take the record of the Navy you will find on the Naval Register graduates from Annapolis who have not been on board of a ship and who have not been on sea duty for thirty years.

The graduates from Annapolis, however, according to Admiral Sampson, are "gentlemen." They lead the cotilion here in Washington; they dance the german; they take tea with the ladies; they attend banquets; they wear good clothes; they have been

educated for four years at Annapolis, at the expense of the taxpayers, and hence they are "gentlemen." They are consequently entitled to all the rights, to all the privileges, and to all the emoluments of a "gentleman" in the Navy. Their blood is bluer, and they know more than any other ordinary mortal.

But the sailors, the men behind the guns, the men who fight and win the battles, the men who protect the interests of the people in the harbors and on the high seas, in sunshine and in storm, in trial and in triumph—these men, according to the new order of things, are not "gentlemen." They must not hope, they must not aspire; they must simply be content, because a snobbish naval cadet declares they can not go in polite society. They are not graduates of Annapolis, and, forsooth, they should not receive the rights, the privileges, and the emoluments that are given by law to graduates from Annapolis.

Who oppose this bill? A few upstart and parvenu naval cadets. The President of the United States in message after message to Congress recommended and advocated the passage of this bill. The Secretary of the Navy has advocated the passage of the bill in annual report after annual report. Every man who has looked into the matter, who is familiar with the situation and knows the condition of the service is in favor of this bill. Who are opposed to it? Just a few selfish and ungrateful officers of the Navy who do not comprehend the spirit of our democratic institutions.

Mr. SIMS. Will the gentleman allow me to ask him a question on that line?

Mr. SULZER. Certainly; but I have only a few minutes.

Mr. SIMS. Is Sampson?

Mr. SULZER. Yes; he belongs to that insufferable class of snobs. I understand Admiral Sampson is opposed to any one in the Navy being made an officer "who has not had social advantages."

What an asinine spectacle this man Sampson has made of himself. First, trying to steal the glory of that gallant hero of Santiago, Admiral Schley, and now trying to detract from the gallantry and the heroism of the men who have made the American Navy a glorious page in the world's history! I put an editorial from the New York Journal in the RECORD the other day that sums up my estimation of Sampson.

Now, sir, if four years' training at Annapolis can make a "gentleman" out of a clodhopper or a milksop, with all the "social advantages" necessary to make a good naval officer, then I say that four years' drilling, studying, and preparing preliminary to entering the Revenue-Cutter Service, and thirty years' active service at sea thereafter, will make an experienced sailor, fighter, and navigator that the country can depend on in the hour of danger, the afternoon tea dudes, who wear sailor hats but never go to sea, to the contrary notwithstanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. I yield the gentleman fifteen minutes more.

Mr. SULZER. I thank the gentleman from Iowa. Now, then, I say thirty years' service in the Revenue-Cutter employment of this Government will make a man so familiar with duties at sea, so familiar with the running of a ship, so familiar with the guns, so familiar with the law of the ocean and of public duty, that he is entitled to stand, and ought, at least, to stand equal under the law with the young man who graduates from Annapolis after being there four years.

Shall we defeat this bill and say to our constituents, "Sampson is right; no one shall have the right to hope, no one shall ever aspire to preferment unless he graduates from Annapolis?" There were gentlemen before Annapolis was established, and there will be gentlemen after it is forgotten. When we consider what an investigation has developed at West Point and the hazing at Annapolis in connection with the statement Admiral Sampson has made, referring to Mr. Morgan, I stand here and declare, as an American citizen, that I would rather see West Point and Annapolis abolished forever than have such brutalities continued and such insults repeated. What true "gentleman of refinement" and "of social advantages" would be guilty of indulging in either?

I am opposed to class distinctions and to class legislation. This bill is as democratic as it is just—it gives industry, bravery, and worthy manhood under the dome of the Union sky a chance. It plants in the breast of every struggling American boy who wants a chance in the Revenue-Cutter Service the star of hope. Some one says this bill will establish a precedent. I am not afraid of precedents. I want to do what is right. I want to do justice, precedent or no precedent. That is the sound position to take. And I affirm that when the people of this country send a young man to West Point or to Annapolis and educate him at Government expense for four years he should be grateful, and when he goes in the service of his country not forget that he is only a public servant.

We have too many autocrats in the Navy—too many martinets in the Army. Some of them so far forget themselves as to demonstrate their ignorance by insulting the people who pay their salaries. Some of these "gentlemen" who know no better should be court-martialed and dismissed from the service of the people, whose intelligence, whose generosity, and whose gratitude they forget and disgrace.

I am not in sympathy with the aristocratic, autocratic, and snobbish ideas of Admiral Sampson. He does not speak for America. I am in sympathy with the hopes, the rights, the ambitions, and the aspirations of every true and honest boy in America. I want him to be a man—not a cad. I want to give every boy a chance, no matter how poor and how humble he may be; and if he has the ability, if he has the hope, the courage, and the ambition, I want that young man to have the avenues of opportunity opened to him at all times, so that he can go forward and reach the very pinnacle of fame in the Army, the Navy, and in all the walks of life. Brains tell in this country; and in the hour of trial stout hearts win the battle.

I am in favor of this bill because I believe it is just, because these brave fellows have earned this reward and this recognition, and because I know the service the men on the revenue cutters of the United States do year in and year out. From the icy waters of Alaska to the coral strands of Florida, these men are always on deck, always on duty, always earning their pay, always in the service of their country. These men in time of peace do a great work saving lives, enforcing the law, and looking after wrecks and derelicts on the high seas. Their work is never done. They have no time for cotilions and afternoon teas.

Mr. Chairman, the Cutter Service was organized in 1790. One of the leading features of its organization was to place its vessels and crews upon the footing, in drills, discipline, and armament, of regular vessels of war. There being then no Navy Department in existence, nor for about eight years thereafter, the service was, as a matter of convenience simply in the discharge of public business, attached to the Treasury Department, where it has remained ever since. The act of Congress of July 1, 1799, authorized the President to "cause the revenue cutters to be employed to defend the seacoast and to repel hostility to vessels and commerce within their jurisdiction."

In 1798 the President, "with a view to producing concert of action of the naval forces of the United States, placed the revenue cutters at the disposal of the Secretary of the Navy," and seven of them were accordingly employed in the West Indies during the quasi French war and afterwards in the suppression of piracy in that quarter.

By act of Congress of March 2, 1799, the President was authorized to direct the Cutter Service to cooperate with the Navy, as well in peace as in war.

In the war of 1812 revenue cutters were employed as dispatch boats and for coast defense. On several occasions they engaged the enemy and fought with great bravery and skill, notably in the case of the cutter *Surveyor*, which was captured by an overwhelming force from the British frigate *Narcissus*, after a defense so desperately brave as to cause the British captain to return to Captain Travis, of the *Surveyor*, his sword, with a letter bearing admiring testimony to his gallant conduct.

In 1815, and for a number of years thereafter, some of the most active and gallant officers of the Navy sought and obtained commissions in the Cutter Service, and found excellent scope for the seamanship and gallantry which distinguished the officers of the Navy at that time. Few officers of the Navy have had imposed upon them more responsible, delicate, and important duties than were devolved upon Lieutenant Paine, who, in command of a revenue cutter, represented the United States in the waters contiguous to the British provinces on our northeastern frontier during the fishery troubles that ensued after the treaty of 1818, and none have discharged such with more credit than he. In 1836 several vessels of the service participated in the Seminole war and maintained a high reputation.

Under the law of 1837 requiring the President to assign public vessels to service on the coast during the winter months for the relief of storm-driven vessels of commerce, ships of war were at first designated, but could not perform the work, and were soon replaced by the fleet of revenue cutters, and the Cutter Service has performed this hazardous work every year since.

In the war with Mexico several cutters served in cooperation with the Navy.

In 1858 the steam cutter *Harriet Lane*, commanded by Capt. John Faunce, of the Revenue-Cutter Service, served in the squadron of the Paraguay expedition and was pronounced, in a letter from the commodore commanding to Captain Faunce, the most efficient ship in the fleet.

During the civil war the cutter *Harriet Lane* shared in the attack on Newport News and Hatteras Inlet, the cutter *Miami* in that on Sewells Point, while the *E. A. Stevens*, also known as the *Naugatuck*, was with the ironclads in the attack on Fort Darling with Rogers.

Several revenue cutters performed valuable service in the Chesapeake Bay in cooperation with the Potomac flotilla in preventing

the transportation of supplies from North to South, and Capt. Thomas M. Dungan, of the cutter *Reliance*, was killed in action near the Virginia shore.

It thus appears that the military character of the Cutter Service has been established by law in its employment in warlike operations in every war in which the country has been engaged.

The military character of the Revenue-Cutter Service was officially stated by the Treasury Department in the report of the service in 1881, as follows:

> The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.
>
> Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so direct; neither are the vessels of the Navy.

The status of the Revenue-Cutter Service is therefore that of a coast-guard navy, as the Navy proper is an ocean navy. The one polices the coast and the other the ocean.

There is no duty performed by naval vessels in time of peace that can not be and has not been performed by vessels of the Revenue-Cutter Service, while in time of war they have taken part with the sister service.

The seizure of smugglers and the prevention of illicit trade—the only duty of the service that has direct relation with the collection of customs—is precisely similar to the duty of naval officers in seizing vessels engaged in contraband trade in time of war. Other duties of the Revenue-Cutter Service—such as the enforcement of the neutrality laws, the suppression of piracy and of mutinies in merchant vessels—are now actually imposed on and performed by the Navy in common with the Cutter Service.

We are all familiar with the good work done by the Cutter Service during the Spanish-American war.

There were with the Navy 13 revenue cutters, carrying 61 guns, 98 officers, and 562 enlisted men. Of these, 8 cutters (43 guns), 58 officers, and 339 men were in Admiral Sampson's fleet and on the Habana blockade; 1 cutter (6 guns), 10 officers, and 95 men were in Admiral Dewey's fleet at Manila, and 4 cutters (12 guns), 30 officers, and 128 men cooperated with the Navy on the Pacific coast.

At the battle of Manila the *McCulloch*, Capt. D. B. Hodgsdon, Revenue-Cutter Service, efficiently performed the duties assigned by Admiral Dewey. It was the *McCulloch* that carried to Hongkong the dispatches announcing to the Government and to the world that glorious and signal victory. Admiral Dewey has officially commended the commander of the *McCulloch* for the value and efficiency of his command.

At the battle of Cardenas, May 11, the revenue cutter *Hudson*, Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, sustained the fight against the gunboats and shore batteries of the enemy side by side with the naval torpedo boat *Winslow*, and when Ensign Bagley and half the crew of the latter-named vessel had been killed and her commander wounded, rescued from certain destruction the vessel and the balance of the crew, under the furious fire of the enemy's guns.

On the same day (May 12) the *Windom*, Captain Maguire, Revenue-Cutter Service, engaged the enemy's shore batteries at Cienfuegos, demolished the light-house, and destroyed the rendezvous of the Spanish troops there. During this engagement the senior naval officer present, in appreciation of the fine work of the *Windom*, signaled from his flagship, "Well done, *Windom*."

The *Manning*, Capt. F. M. Munger, Revenue-Cutter Service, commanding, was in many engagements with shore batteries of the enemy, and Captain Todd, United States Navy, has officially bestowed upon her commander generous praise for the efficiency of his command and for effective and meritorious services. Rear-Admiral Howell and Commodore Remey have officially commended the efficiency of the service in cooperation.

In addition to services rendered by vessels with the naval forces, there were 7 others, carrying 10 guns, 33 officers, and 163 men, with the Army, engaged in patrolling and guarding mine fields in various harbors from Boston to Mobile and New Orleans.

The Revenue-Cutter Service had in active cooperation with the Army and Navy throughout the war 20 vessels, carrying 71 guns, 131 officers, and 725 men. There were 3 other vessels—25 officers and 210 men—ordered to be transferred to the Navy, but because of unavoidable delay by contractors in finishing their work the vessels could not be sent to the front.

This, sir, is the glorious record of the revenue-cutter men, and what American is not proud of that brilliant chapter of achievements? There should be no opposition to this bill. The brave and deserving men of the Cutter Service have earned this just reward, and we would be false to ourselves and ungrateful as the representatives of the people if we did not pass it.

These men are always in danger in what they have to do, and why should they not receive some recognition? Should these men be discriminated against simply because there are a few naval officers in the country who do not want this bill to pass? I believe that the man who has served thirty years in the Revenue-Cutter Service of this Government knows more about a ship, more about the guns, and is more competent to command a ship, in time of peace or war, in the harbors or on the high seas, than the fledgeling from Annapolis who spends most of his time leading cotillions and being, as Sampson says, "a gentleman" in Washington. I am heartily in favor of this bill and I hope it will pass. It should be a law. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12846. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902;

H. R. 13850. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902;

H. R. 13801. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902; and

H. R. 12394. An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14144. An act to authorize the construction of a bridge across Pearl River at Monticello, Miss.;

H. R. 13992. An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;

H. R. 13907. An act to revive and amend an act entitled, "An act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.; and

H. R. 13707. An act authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 2799. An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;

S. 323. An act granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one quarter section of public land on said reservation as pasture or grazing land; and

S. 3288. An act for the relief of Daniel Coonan.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. HEPBURN. I yield five minutes to my colleague on the committee, the gentleman from Michigan.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BOUTELL of Illinois having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 27, 1901:

H. R. 10700. An act to confirm a lease with the Seneca Nation of Indians.

On February 28, 1901:

H. R. 5137. An act authorizing the Secretary of the Interior to sell a certain lot in the District of Columbia at public auction.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. CORLISS. Mr. Chairman, the merits of this measure, it seems to me, hardly need any discussion to secure favorable recognition by this House. This is one of the oldest branches of the service. It was for eight years the only Navy of our country. It was established before the Navy Department, and served in that capacity for eight years. It has been an ally of the Navy and engaged in every war since that day. They are not only the bulldogs in war time, but they are the watchdogs of the Treasury in times of peace for the protection of the revenues of our country.

They are the bloodhounds of the water to search out the violators of our laws, not only in merchant marine, but the quarantine laws are enforced by this branch of our Government. They are the greyhounds of the water to take important messages in times of war and carry them with safety and dispatch. They have proved their loyalty to our country and their bravery; their ships are commanded like the ships of the Navy, the men are trained like the men in the Navy, and they are exposed in times of war to the same dangers as the men in the Navy.

We have in past years recognized the loyal services of the officers and men of the Navy and given them the benefit which is now attempted to be extended to this service, and that is right. If it is right for the Navy, I should think it right for the Revenue Service to obtain a recognition of its services and the advantages embraced in this bill. The service is made up in the same manner of enlistment and service in time of war, and in time of peace it is better and more valuable to the Government.

I desire, so far as my influence can extend in this House, that this measure shall be given favorable consideration and adopted; that the service may be recognized and honored for the loyal service rendered for one hundred and twenty years. Mr. Speaker, I reserve the balance of my time.

Mr. HEPBURN. I now yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I consider this bill one of the fairest measures that have been presented for our action during this session of Congress. I am heartily in favor of its passage, and being somewhat familiar with the history of the Revenue-Cutter Service, and the duties which its officers have performed and are now performing, I propose to vote for the measure and to speak, as forcibly as I am able, in its support.

The bill has been favorably reported by the Senate and House Committees on Commerce and Interstate Commerce, respectively. The history of the service has been traced in these reports, and no one who admires heroism and devotion to duty under the most trying circumstances will deny or belittle the value of the service rendered by the revenue-cutter officers in time of war or its continuous and great importance in time of peace, and I regret to have been compelled to listen to the scant praise which the gentleman from Illinois gave to the officers of this service for their gallantry in the late war with Spain and for their constant endeavor to protect the coast trade of the United States and the lives of those engaging in it.

This service, organized in 1790, has been called into active use in every war or disturbance which the United States has been involved in, and as a coast defense, as dispatch carriers, as sea scouts, and in actual engagements in defense of the flag it has accounted for itself as gallantly as the officers of the naval or military arm of the Government. It has done well the work assigned to it, and it has been commended for the doing of it, and no more can be said of any service of the United States. It is ready at all times to undertake the hardest duties, and its work in the Arctic compares with any work of the Army in the West or the Navy in tropical climates. Its demands for proper recognition are just, and not incommensurate with the necessities of the service nor unwarranted by the actual service rendered.

Briefly, the bill proposes, first, to fix and define the rank of the officers of the service as compared with the officers in the Army or Navy. No reasonable objection can be urged against the first proposition. Without regard to the rank of the officers of the Army and Navy, the bill proposes to define expressly what grades or rank shall exist in the service, and to what ranks in the Army and Navy they shall correspond. It has been objected that this will put companies of the Army in the time of war under the command of a Revenue-Cutter officer, whose whole life has been given to other subjects. What these subjects are has not been stated, but I can state what subjects and what course of training a Revenue Cutter officer devotes his whole life to, and I can see nothing in this education or training which would make him unfit to command any detachment of infantry, or even a gunboat.

Candidates for lieutenancies in the Revenue-Cutter Service must be American citizens not over 25 years of age. They must pass an examination in spelling, geography, history, and the Constitution of the United States. They must be proficient in algebra, geometry, physics, and chemistry, and after passing a successful examination in these branches of studies, they are then assigned to the receiving ship, where two years are spent in the practice of seamanship, gunnery, and military drill, and an extended cruise. Having completed this prescribed course of study and practice, and after a final examination, an appointment as third lieutenant is made. I do not think the master of any sailing vessel, or the mate of such a vessel, reaches his position through such a course of training; and I think this knowledge, acquired during years of service in the Cutter Service, gives officers of the Revenue-Cutter Service a little more general and technical information than is possessed by masters or mates of vessels sailing the seas. And I think everyone will agree with me that the education is technical as well as practical.

It is also proposed to increase the pay of the officers 10 per cent for each five years of service, not to exceed 40 per cent of the compensation of the grade to which the officers belong.

The pay now received by these officers does not permit them to dispense the ordinary acts of hospitality which is required of them, and if the rank is to be fixed it must naturally follow, if they are to be subject to the same official consideration and exactions as naval officers, and are expected to maintain the same social courtesies, that the pay must be in keeping with the duties expected of them. The only question to be decided is whether the service rendered is worth the proposed increase of compensation. Those most familiar with the service say it is, and a perusal of the varied services rendered will, I think, convince any fair-minded man that the hardships which these officers are compelled to face, and which they are ever ready to face, is worth every cent of the compensation which it is proposed to give them.

I have personal knowledge of the fact that one officer who served in the Revenue-Cutter Service during the civil war, and who was left a substantial fortune, died in that service from the effects of the hardships and changes of climate necessary to be borne in performance of his duty, whose widow was left absolutely penniless, with no pensionable status commensurate with the rank of the officer whose fortune had been spent in dispensing the courtesies which were necessary to make efficient the service to which he devoted his life. His widow received $8 a month pension, which Congress has subsequently increased to $20 a month. And this pension would not have been granted had not the officer been engaged in actual hostilities and received wounds which hastened his death.

The extension of all official honors and courtesies now enjoyed by the officers of the Army and Navy to commissioned officers of the Revenue-Cutter Service need not be discussed here. The personnel of the Cutter Service embraces gentlemen of the highest standing socially and mentally, and they deserve the same consideration that is extended to officers of the other branches of the service of the United States, and I hope they will receive it.

I have made these few remarks to emphasize how heartily I am in favor of the passage of the bill. I know many of the officers of the Revenue-Cutter Service, and I know them to be men of education, technical and practical, faithful servants of the United States, ever alert for the interests of our people on the seas, and who have earned by years of the hardest service the meager reward which both committees of Congress say they should receive.

I submit for the consideration of the House as a part of my remarks a record of some of the more notable cases of assistance rendered by the Revenue-Cutter Service from 1872 to 1895:

ASSISTANCE RENDERED THE STEAMSHIP METIS BY THE REVENUE STEAMER MOCCASIN.

On August 30, 1872, the commanding officer of the *Dexter* received information while at Newport, R. I., that the steamship *Metis* had been wrecked off Watch Hill Light with 130 persons on board. He at once proceeded to the scene of the wreck and cruised in its vicinity, a heavy sea running at the time. The *Moccasin* rescued 42 of the passengers and crew, who were in the water and on temporized rafts, and 17 bodies of those who had perished. In recognition of the services rendered by the *Moccasin* on this occasion Congress passed the following resolution:

"*Resolved, etc.*, That the thanks of Congress are due, and are hereby tendered, to Capt. David Ritchie, commanding the revenue steamer *Moccasin*, and to the officers and men under his command for their heroic and humane action in saving the lives of 42 human beings and rescuing 17 dead bodies from the wreck of the steamer *Metis* on the waters of Long Island Sound, on the morning of the 31st of August, 1872."

Approved, January 24, 1873.

RESCUE BY THE REVENUE STEAMER WOODBURY OF SIX OF THE CREW OF THE WRECKED SCHOONER ADA BARKER, JANUARY 13, 1881, OFF GREEN ISLAND, COAST OF MAINE.

The *Woodbury* discovered the remains of the wrecked schooner *Ada Barker* in the breakers off Green Island, and perched on a rock above the

reach of the waves were noticed six shipwrecked men. A heavy southeast sea was running, and the rock being surrounded by jagged bowlders and spurs, created a terrific breaker running at least 30 feet high. The force of the sea was so great that no boat could live therein a moment. The *Woodbury* put back to Portland, obtained two dories, and the sea having subsided somewhat upon her return, the first cutter of the *Woodbury* and the two dories were manned and worked their way through the violent sea, and rescued the six men at the imminent peril to the boats and the lives of those manning them.

CITY OF COLUMBUS.

The steamship *City of Columbus*, from Boston for Savannah, at 3.30 a. m., January 18, 1884, struck on Devils Bridge Reef, off Gayhead, Mass., and sunk almost immediately. At 12.35 p. m., same date, the revenue steamer *Dexter*, Capt. Eric Gabrielson, commanding, discovered and headed for the wreck. The weather was piercing cold, the wind blowing very hard, and the sea so rough that when the *Dexter* came to she rolled rails under water. The survivors of the wreck were clinging to the rigging, and were numb and exhausted from their long exposure. Owing to the conditions of weather and sea prevailing, they could only be rescued by jumping into the water and being picked up by the *Dexter's* boats, with the assistance of a lifeboat from Gayhead, which had come off to the wreck. In this way 19 were rescued and received on board the *Dexter*. Two men were yet in the rigging, evidently dead, or unable to speak or move. Second Lieut. John U. Rhodes, of the *Dexter*, volunteered to release them. After several efforts he reached the rigging, cut the ratlines, and the two men fell into the water and were picked up by the *Dexter's* boats. When picked up they were yet breathing, but both expired before the boat reached the *Dexter*. For this service Captain Gabrielson, his officers and crew, received the thanks of the National House of Representatives and the Department, and Lieutenant Rhodes was advanced 21 numbers in his grade for his gallant conduct.

ASSISTANCE RENDERED BY THE GALVESTON TO SUFFERERS IN THE FLOODED DISTRICTS OF THE BRAZOS RIVER, TEXAS, IN 1899.

During the month of July, when the district bordering the Brazos River was inundated by the heavy rains near the head waters of that stream, the *Galveston* at once proceeded to the scene of the flood to afford such relief as lay within her power. She remained upward of two weeks upon the scene and was able to perform services which called forth the highest expressions of appreciation from the citizens. These services were mainly performed by Lieut. S. P. Edmonds, Revenue-Cutter Service, who was detailed for that purpose, and who succeeded in bringing immediate relief to upward of a thousand persons.

The following is a copy of a resolution adopted at a public meeting of the citizens of Velasco, Tex., held July 17, 1899, which expresses their gratitude for his heroic services in behalf of the distressed people in the flooded districts; also a copy of a letter of W. F. Blunt, M. D., State health officer and surgeon-general of the State of Texas:

"At a meeting of the citizens of Velasco on July 17, 1899, the following resolutions were unanimously adopted:

"*Resolved*, That the citizens of Velasco, Brazoria County, Tex., do hereby formally express to Lieut. S. P. Edmonds, of the U. S. revenue cutter *Galveston*, their profound appreciation of and gratitude for his heroic efforts in helping to rescue many of the people along the Brazos River from a watery grave and in aiding to supply them with means of sustenance for days until sufficient provisions could be got for them.

"That Lieutenant Edmonds was out from noon on Saturday, July 8, 1899, until noon Saturday, July 15, 1899, during which seven days he, in hot July weather, with every danger and discomfort which the situation could produce, spared not any energy or effort to aid in rescuing 189 people from danger and relieving the suffering of about 1,000 unfortunates who had lost their all in the terrible flood of water which devastated the valley of the Brazos River. His cool courage and undaunted resolution in such a time of danger and almost unendurable conditions of heat and other physical menaces to health mark Lieutenant Edmonds as much a hero as any of our gallant men who fought at Manila or Santiago. Coming among us as an entire stranger, with no motive save that of a noble soul moved by the sufferings of a common humanity, he has endeared himself to our people and has marked himself as one of our most efficient officers.

"*Resolved*, That the report made by Lieutenant Edmonds is received and his acts fully approved.

"L. R. BRYAN,
"*Chairman, and others.*"

AUSTIN, TEX., *July 20, 1899.*

DEAR SIR: I can not refrain from personally expressing to you my appreciation of your services in carrying relief to the unfortunate sufferers from the Brazos floods at Brazoria, Columbia, and other places, as observed by me while engaged in the same work. Your actions were noted by the people there and will not soon be forgotten by them. Your work was not only well timed, but was arduous, painstaking, and effectual to an unusual degree, and was accomplished with no little labor, exposure, and personal danger.

Yours, truly,

W. F. BLUNT, M. D.,
State Health Officer and Surgeon-General State of Texas.

Lieut. S. P. EDMONDS,
Revenue-Cutter Galveston, Galveston, Tex.

RESCUE OF THE OFFICERS AND CREW OF THE BRITISH S. S. SUTTON BY THE REVENUE STEAMER ONONDAGA, JANUARY 20–21, 1900.

On the evening of January 21 the *Onondaga* discovered the British S. S. *Sutton* wrecked outside Fenwicks Island Shoal off the coast of Delaware, with her bow sunk in 5 fathoms of water and stern afloat, and during the night, in a thick fog and with a heavy sea prevailing, rescued 24 persons, comprising the officers and crew of the *Sutton*, for which service the commanding officer of the *Onondaga*, his officers and crew, received the thanks of the Department.

ASSISTANCE RENDERED BY THE REVENUE STEAMER GRESHAM TO THE BARK FRATERNIDATE, AUGUST 16, 1900.

While the *Gresham* was cruising from Newport to New London on this date, the bark *Fraternidate* was discovered anchored dangerously close to rocks, Black Point, Rhode Island. This vessel was bound from Brava, Cape Verde Islands, for New Bedford, with 103 persons on board. She had a favorable passage until off Montauk Point, where unfavorable winds kept her beating for seven days, when, the weather becoming threatening, the captain tried to make harbor, as he was short of provisions, water, and fuel, and the vessel was leaking. He missed stays off Black Point, and, as he was only a thousand yards from the rocks, he let go his port anchor, the chain of which instantly parted. The starboard anchor was then tried, but dragged until the ship finally fetched up within a hundred yards of the rocks. The heavy sea, with the increasing force of the winds, made her position one of greatest peril, with the [almost] certain loss of all on board. The *Gresham* went to her assistance, and, notwithstanding the violence of wind and sea and the proximity to dangerous rocks, succeeded in getting a line to the imperiled vessel and dragged her off into deep water, where her starboard anchor was got aboard and the vessel towed into Newport Harbor.

During the fiscal year ended June 30, 1888, the vessels of the Revenue-Cutter Service assisted 526 vessels, whose value, together with their cargoes, was $7,328,793, and the number of persons on board the vessels thus assisted and whose lives were imperiled was 4,041.

During the year ended June 30, 1886, the number of vessels assisted was 313. Their value, together with their cargoes, was $6,738,569; the number of persons on board 2,888, while the number actually taken out of the water and thus saved from drowning was 154.

WORK OF THE REVENUE STEAMERS WOODBURY AND DALLAS.

During the winter season of 1887–88 the revenue steamer *Woodbury* assisted 268 different vessels, whose value, together with their cargoes, was $3,508,650. The number of persons on board these vessels whose lives were imperiled and who were rescued and taken to places of safety was 2,066.

The *Dallas*, during the season of 1894–95, assisted 55 vessels in distress, whose value, together with their cargoes, was $329,600, and the number of persons on board and assisted, whose lives had been imperiled, was 272.

Mr. HEPBURN. I now yield five minutes to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Chairman, it seems to me that in a bill of as much importance as this we should consider carefully all the provisions and propositions contained therein before enacting it into law. I believe the bill, with certain amendments, ought to be enacted into law. It seems to me it is only fair, just, and right, when we recognize the fact that two of the most famous Admirals of the civil war, Porter and Farragut, were members of this service, that we should not at this late day refuse to acknowledge that the Revenue-Cutter Service has developed men of great credit and great honor to the nation.

I believe it only right and fair that the officers of this service should come to Congress and ask for an increase in pay. One of the provisions of this act does increase their pay. It places the captain of the Revenue-Cutter Service on a par with the major and lieutenant-commander in the Navy, and so on down to grade of third lieutenant. That may sound all very well—"places them on a par"—but if you will notice the pay at present of the three relative divisions you will see that the major in the Army and the lieutenant-commander in the Navy receive $3,500 salary each, and we only propose in this bill to pay to the captains of the Revenue-Cutter Service the same compensation.

Mr. MANN. Will the gentleman allow an interruption?

Mr. DRIGGS. Yes.

Mr. MANN. Does not the gentleman know that the lieutenant-commander gets $2,500 a year and 10 per cent for each five years up to twenty years additional?

Mr. DRIGGS. I am frank to say I did not know it.

Mr. MANN. The pay of a lieutenant-commander is $2,500 a year and 10 per cent added for each five years, making 40 per cent additional, and that is the same with a captain in the Revenue-Cutter Service.

Mr. DRIGGS. If they are on the same footing as far as pay is concerned I am satisfied. But this report does not show it to be so.

I am taking this statement from the report and what I have learned at the Treasury Department in relation to it. Now, I hope the gentleman from Illinois will not take up any more of my time; I have but five minutes, and he had one hour, and made his speech.

Mr. MANN. If the gentleman does not want his statements correct, I am sure I do not care about it.

Mr. DRIGGS. I am making my statement from the report and the bill, which state that it is proposed to place these men on less pay while on the retired list, while in active service they are to receive the same pay. That is the way I understand the proposition. I am willing, however, to concede what the gentleman says, that they are on the same pay as the majors in the Army will receive. If that is correct and they are to receive the same compensation, I have nothing further to say upon that point, and thank the gentleman from Illinois [Mr. MANN] for the information.

I will go on to the next proposition, and that is as to the technical education given the cadets of the Revenue-Cutter Service as compared with the technical education given the cadets of the Naval Academy. One of the chief reasons for opposing this bill that I personally had was the lack of knowledge in reference to the education the cadets of the Revenue-Cutter Service received.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HEPBURN. I have three minutes' time left, which I will yield the gentleman.

Mr. DRIGGS. Now, Mr. Chairman, I desire to call the attention of the House to the education given the cadets of the Revenue-Cutter Service in order that they may thoroughly understand that young men who become third lieutenants in the service are as thoroughly competent and capable of taking care of a ship as a junior officer, an ensign, in the Navy is competent and capable. Before the cadet in the Revenue-Cutter Service can receive a commission he has to pass an examination in seamanship, in gunnery, and in navigation, and the examination in seamanship and in navigation, I have been informed by the best posted nautical men

in Washington, is far more severe and far more drastic, both in its practicability and in its technicalities, than the examination given the cadets at the Naval Academy prior to their graduation.

As far as the technical knowledge of gunnery is concerned, I would like to allude to the general scope of instruction that is given cadets in the Revenue-Cutter Service from the rules and regulations governing the course of instruction on one of their practice ships, the *Chase*. (See report on Revenue-Cutter Service.) So, too, in navigation and mathematics you will find the course of study severe and drastic. But the chief feature of the general scope of instruction to cadets on board the practice ship is the thoroughness of their practical nautical education.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SOUTHARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11161. An act to refund excessive postage paid on certain newspapers; and

H. R. 1860. An act for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 4306) for the relief of settlers under the public land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. Mr. Chairman, I desire to yield thirty minutes to the gentleman from Iowa [Mr. HEPBURN]. I understand that gentleman does not wish to occupy the time at present. I wish to take a moment to correct a statement which I made the other day. I wish to say that the term of tuition is two years, as stated at that time by the gentleman from Illinois [Mr. MANN]—not three years.

Mr. MANN. I rise to a parliamentary inquiry. The gentleman from New York [Mr. SHERMAN] has already occupied time yielded to him by the gentleman from Iowa. I suppose under the rules the gentleman from New York is entitled to recognition for his full hour.

Mr. SHERMAN. Certainly I am. But I propose to yield one-half hour to the gentleman from Iowa, to be used when he desires to use it, and to reserve the whole hour. I would be glad if gentlemen on the other side would use some time now if they intend to use any at all.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] has a right to reserve his hour, of which he can yield any part to the gentleman from Iowa [Mr. HEPBURN] when he desires it.

Mr. SHERMAN. I wish, then, to reserve my time.

Mr. UNDERWOOD. I ask recognition.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. HEPBURN. Before the gentleman from Alabama proceeds, I would like to ascertain whether we can not reach some arrangement as to the time to be occupied in general debate on this question.

Mr. UNDERWOOD. I think that arrangement had better be made after I have used the time for which I have been recognized.

Mr. HEPBURN. Why not make it now? The gentleman has been recognized for an hour, and we have an hour on this side. I assume the gentleman does not want anything more than reasonable debate.

Mr. UNDERWOOD. Certainly not.

Mr. HEPBURN. It would seem to me that two hours more of debate ought to be enough to bring this matter fairly to the attention of the House. The gentleman has been recognized for an hour, and my colleague on the committee [Mr. SHERMAN] has an hour which he has reserved. Will not that be sufficient?

Mr. UNDERWOOD. Later on, after I have had an opportunity to consult with gentlemen on this side as to how much time they want, I may be able to enter into some agreement, but I can not do so now. I yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, according to my understanding of this bill its purpose is to increase the rank and pay of officers of the Revenue-Cutter Service and to impose upon them a military character and stamp. I have carefully read the bill, and studied its provisions as best I could; yet I am unable to understand in what respect the efficiency of this department of the public service will be enhanced by the measure.

The Revenue-Cutter Service is, I think, essentially a civil service. It was originally created for the purpose of assisting in the collection of our revenues, and by its very nature it became a sort of ocean police—a patrol of the sea. Its equipment was such that it had the facilities for discharging other functions along with the primary duty in assisting in the collection of revenue; and additional duties and responsibilities were imposed upon it. It became a part of the duty of the Revenue-Cutter Service to assist in the enforcement of the navigation laws, to assist in the suppression of piracy and the prevention of smuggling, to assist wrecked vessels, and also to assist in the Life-Saving Service.

But the members of this House ought always to bear in mind the fact that the primary function of the Revenue-Cutter Service is altogether civil in its character; that it is for the collection of revenues; and I am opposed to the policy of imposing on branches of the public service which are purely civil in their origin and character the aspects of the military service.

This bill will involve an increased annual expenditure of over $200,000. I have listened to the arguments which have been made thus far in favor of the measure, and I have failed to discover a single feature in all its provisions that will improve the efficiency of the service.

The salaries now paid are fixed by law. They will be increased at the rate of 40 per cent all along the line. Members of this service will be placed on the retired list, and as was abundantly demonstrated by the gentleman from Illinois [Mr. MANN] in his exceptionally able and peculiarly instructive speech against this measure one day last week, these men may be retired from the active service and draw three-fourths pay at the age of 48 years. A man may enter the service at the age of 18 and after 30 years' service, as I construe the bill, he will have the right, the absolute right, to insist on retirement, to be placed on the waiting-order list, at three-fourths pay.

Mr. SCUDDER. Is it not true that the retirement of these officers will be optional with the President? Does not the bill vest in the President the power to decide whether or not at the end of thirty years an officer of this service shall be retired?

Mr. CRUMPACKER. I do not give the bill that construction. I read carefully the argument of the gentleman from Illinois and analyzed as best I could the provisions of the bill, and I believe the duty will be imperative upon the President, under the terms of this measure, to retire men who comply with the specified conditions, upon their application.

Mr. SCUDDER. I think that if the gentleman will study the bill and not the remarks of the gentleman from Illinois he will find that he is in error.

Mr. DRIGGS. Does the gentleman from Indiana know the provisions of the Revised Statutes covering the retirement of officers of the Army?

Mr. CRUMPACKER. I am not familiar with those provisions in detail.

Mr. DRIGGS. Does the gentleman believe in the retirement of officers of the Army?

Mr. CRUMPACKER. Yes, sir; I do.

Mr. DRIGGS. And therefore the gentleman would follow the provisions of the Revised Statutes covering the retirement of Army officers?

Mr. CRUMPACKER. I am not sufficiently familiar with those provisions in detail to say whether I consider them wise or not. I believe in the general principle of retirement in the military service, but not in the civil service.

Mr. DRIGGS. If the provision of the Revised Statutes covering the retirement of officers of the Army is identically the same as the provision of this bill with reference to officers of the Revenue-Cutter Service, does not the gentleman think that this is a good retirement proposition? If the gentleman is willing, I will read from the Revised Statutes.

Mr. CRUMPACKER. If the provision of law in reference to officers of the Army is identically the same as the provision of this bill, and is subject to the interpretation which I think must be given to this provision, then I think the retirement provision with reference to Army officers ought to be corrected, because I do not believe that any commissioned officer of the Army or Navy ought to have the absolute right to be retired from active service upon three-fourths pay at the age of 48 years, regardless of the condition of his health.

Mr. SCUDDER. Does not the gentleman know that officers have not that right, either under the provisions with reference to the Army or the Navy or under this bill?

Mr. CRUMPACKER. I had so supposed in regard to the Army and the Navy, but it seems that this bill confers that right.

Mr. SCUDDER. The gentleman is in error, I think.

Mr. DRIGGS. Let me read from the Revised Statutes in reference to the Army retirements.

Mr. CRUMPACKER. I have not the time.

Mr. HEPBURN. I think if the gentleman would read this bill instead of the speech of the gentleman from Illinois he would not come to the conclusion which he has stated.

Section 7 provides:

When any officer of the United States Revenue-Cutter Service shall have served thirty years as a commissioned officer in said service, he may be retired from active service by the President upon his own application and may be placed on the retired list.

Section 8 provides:

When any officer in the Revenue-Cutter Service has reached the age of 64, he shall be retired by the President from active service.

Now, these are pari materia, and they are to be construed together, and I think any court would say it was discretionary in the first instance, as it is obligatory in the second.

Mr. CRUMPACKER. I undertake to construe them together. I construe section 7 to mean that an officer of the Revenue-Cutter Service with thirty years' service is entitled to be retired upon his own application, and when he reaches the age of 64 years then it is an imperative duty of the President to retire him without regard to his application.

Mr. HEPBURN. But in the one instance there is the option of the President.

Mr. CRUMPACKER. That is a question of interpretation.

Mr. HEPBURN. By putting the words "in the discretion of the President" in there that difficulty would be solved.

Mr. CRUMPACKER. That difficulty would be removed so far as that section is concerned.

Mr. HEPBURN. I will offer that amendment.

Mr. CRUMPACKER. I think that ought to be in if the bill is to become law.

Mr. HEPBURN. I think it is unnecessary.

Mr. CRUMPACKER. There is another criticism I desire to offer to this bill. Section 16 provides that boards of examiners shall be organized for the purpose of ascertaining the condition of the health of officers of this branch of the service, and if it be discovered that any officer is incapacitated from the performance of the duties of the service he shall be retired. He shall be retired from the active service or wholly retired, as the President may determine.

If he is simply retired from active service, he goes on the waiting-order list, or retired list, and draws retire pay of three-fourths of the regular pay of the service; that is to say, conditions may exist by which an officer may incapacitate himself for the performance of duty by his own vicious habits, and yet he may go on the retired list and draw three-fourths pay.

Mr. SCUDDER. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. SCUDDER. Is it not again discretionary? The bill makes no such absolute provision.

Mr. CRUMPACKER. I said it is discretionary.

Mr. SCUDDER. The President would not exercise that discretion injudiciously.

Mr. CRUMPACKER. Why invest the discretion in any public officer of allowing a man holding a commission from the Government in the military service incapacitating himself by his own vicious conduct and then permit him to go on the retired list at three-fourths pay?

Mr. SCUDDER. Was not that the case of General Eagan?

Mr. CRUMPACKER. Well, if it was the case with General Eagan, it does not make it right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Does the gentleman from Indiana want any further time?

Mr. CRUMPACKER. I would like to have five minutes more.

Mr. UNDERWOOD. I yield five minutes more time.

Mr. CRUMPACKER. I oppose, Mr. Chairman, the policy of impressing upon any branch of the public service which is essentially civil in its character the aspect of the military service. This bill simply illustrates the aggression of the various departments of the public service. The Revenue-Cutter Service, humble in its beginning, originated simply as a sort of coast police, and is, in many respects, closely analogous to the municipal police in the large cities of the country, a service for the purpose of protecting business, the enforcement of the navigation laws of the country.

It occurs to me that there is no more occasion for classifying this service with the military service of the country than there is in classifying the police organizations of the great cities of the country with the military. The functions of the municipal police of the country are as much military in their character as the functions of the Revenue-Cutter Service. I believe that the pay already accorded the officers of the Cutter Service is abundantly adequate, much higher than the pay granted to officers performing like duty in civil life, almost twice as high as the same character of service in civil life, service that involves as much responsibility, that involves as much risk of life and limb, as the Revenue-Cutter Service.

I am opposed, Mr. Chairman, I repeat, to emphasizing the military character of this great Republic. We are proud of our soldiery; we are proud of our magnificent Navy; but we must bear in mind all the time that the Army and Navy are only necessary in order that the great multitudes of the country may carry on and perform the civil functions of life—may carry on and perform their daily duties as they come to them. They are simply guardians and protectors of the more important activities of life, and should always be subordinate.

I can not understand why, if this bill should pass and the rank and pay of the Revenue-Cutter Service should be increased, that it will improve the efficiency of the service. The salaries of the Revenue-Cutter Service of this country are almost twice as high now as similar salaries for analogous services in foreign countries. While we are increasing our Navy and enlarging our Army—and judiciously so, because the situation of the country demands it—we must bear in mind all the time that the relative cost of the Army and Navy of this country is more than twice as great as the army and navy in any foreign country on the face of the earth.

I oppose this bill because it will impose upon the country an annual expenditure of $250,000 without any corresponding benefit. I believe this important service ought to be under the control of the Secretary of the Treasury. I believe it ought to be classified with the civil service of the country. Its functions are directly and essentially civil. The fact that it may be detailed during time of war as an auxiliary for the Navy should no more characterize it and classify it as a branch of the military service than the fact that persons and property are subject to the same imperative requirement should make all the people of this country members of the military order.

Now, Mr. Chairman, I have not sufficient familiarity with the details of this bill to go into a particular discussion of it. It is a striking illustration of the aggressiveness of the various branches of the public service in demanding more power and more pay, and Congress must stand like a wall of adamant against such encroachments or our revenues will not be sufficient to meet our ordinary expenditures. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, there are a number of reasons why this bill should not be enacted into law. In the first place, there is a great governmental principle involved, one that goes to the very root of our governmental system. The idea of the founders of this Government was that we should have no classes in this country; that every free American citizen should occupy the same position before the law that every other citizen of the country occupies.

We have abandoned that to some extent. We provided for the retirement of officers of the Army and the Navy. If I had been a member of Congress when those laws were originally enacted, I would have voted against them, because I believe that when we provide and give a sufficient salary for the officers of the Army and Navy it is their duty to provide for their future as much as it is my duty and your duty by economy and careful living to provide for our future.

It is true we have also provided for the retirement salary for United States judges. To a certain extent that was compelled, because the Constitution of the United States prohibited the retirement or decrease in the pay of a Federal judge. And it would have been necessary for us to allow men to sit on the Federal bench until they were incapacitated for service unless we had provided some means by which they might exercise the option of a retirement.

In principle it was just as wrong as the original enactment of the retirement pay of Army officers. It is not in keeping with the principles and intent of a republic. It is not in harmony with the great ideas of the founders of this Government, and it is with regret that I see this Congress, step by step and day by day, abandoning the principles on which we have founded this Republic and aping after and copying the systems in vogue in the monarchies of the old country.

They may have their classes there. They may recognize that certain classes of citizens are superior to other classes of citizens; that there is an aristocracy, and that aristocracy must be provided for and protected, but such a principle is not in harmony or keeping with our Government or our ideas.

We all see the effect that it has had on the Army and Navy circles of this country. They are made up of boys selected from the common masses of the country, of the common people, and by virtue of the training we give them at the Military and Naval Academies, by virtue of the fact that we give them to understand that they are to hold lifetime positions, that they are to be provided for as a separate class in the future, we are fast finding ourselves surrounded by a class of citizens that do not believe that they stand on the same basis and the same level with the ordinary American citizen.

Now, Mr. Chairman, how much further are we going along this line? Where are we going to stop? We have ingrafted the system as a part of the law of this country, so far as the Army and Navy are concerned. The pending bill proposes to carry the system into the Revenue-Cutter Service, and train these gentlemen in the same system, make them feel that they are wards of the Government for life, that they are a part of the Government, that even a Representative in Congress is not their equal, because, as some of them say, he comes and goes; that to-day he is here and

to-morrow he is gone, but they remain with their power as long as their lives last.

There are not so many men or officers engaged in this Revenue-Cutter Service. I believe at present the total charge involved on the Federal Treasury a year is about $140,000 additional to what the service is now costing. Well, $140,000 is a considerable sum of money; but the amount of money involved is a mere bagatelle in comparison to the dangerous step you are about to take in this direction. Why? Is there a man in this House that believes in the principle? Is there a Democrat on the floor of this House that can assert, and is willing to assert, that the building up of these special classes is within the line of the doctrines of his party? No, Mr. Chairman.

The corruption that will destroy this Government in the end is not the corruption of bribery, not the power of the millionaire to come upon the floor of this House and corrupt the individual members of Congress, but the corruption that to-day faces the American people is the power of patronage, the power that is vested in the Executive by giving offices to members of Congress and Senators to warp their minds and warp their influence and change their votes on great questions and principles. That is where the danger lies, and it is a danger that is behind this bill.

The gentlemen who are advocating the bill I do not believe are earnestly in favor of it because they believe in the principle involved, but it is because they represent constituencies where the officers of these revenue-cutter boats are popular, where they have numerous friends among their constituents, and where these constituencies appeal to them, without a full knowledge of the step that is being taken, to pass this bill and give these men the additional pay and the retirement pay.

There is nothing in the world that makes as many bad laws and puts them on the statute books as the sympathy and the appeals to sympathy that are brought before this House. They say that here is a man who has rendered good and efficient service in this Revenue-Cutter system; that he has worked hard and earnestly, and done his duty. No doubt that is all true; that he has served up to the time when the span of his life is about to run out, and then they come here and appeal to our sympathy that we should provide for him in the future.

Mr. HEPBURN. Can I ask the gentleman a question?

Mr. UNDERWOOD. Yes.

Mr. HEPBURN. Did the gentleman support the naval personnel bill?

Mr. UNDERWOOD. I did not. How many of the gentleman's constituents and my constituents, I will ask the honorable chairman of the committee, are in the same position that these gentlemen are in the war Revenue-Cutter Service?

How many able, honest, hard-working men have we got—has he got in his district and have I got in my district—who have worked for their families, paid their taxes, done their duty at home and to their country, who are now reaching the close of life, when their energy is gone, and they are no longer able to give their time to business or earning the salary that they were twenty-five years ago? And yet you would put the additional burden of taxes on these men in order to protect them here who have been comfortably taken care of by the Government, many of them for thirty or forty years.

But it will not stop here, Mr. Chairman. This is simply the beginning of the system. These gentlemen of the Revenue-Cutter Service are not naval officers nor Army officers. It is true in times of war they have been called upon to render services to their country and their country's flag, but no more so than many a gallant soldier who sits on the floor of this House who served as a volunteer officer or soldier. The revenue-cutter system from the beginning down to this time has been used for one purpose, and but for one purpose only, and that is to enforce the revenue laws of this country.

In order that we may prevent smuggling, look after our coast, and enforce the laws of the United States on sea as well as on land, it is necessary for us to have a police service at sea as well as on land. The revenue-cutter system and revenue-cutter officers and seamen are policemen of the sea. United States marshals and deputy marshals are the policemen on the land, so far as the United States Government is concerned.

Mr. SCUDDER. Will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. SCUDDER. Is it not a fact that the United States marshals are exempt from military duty at all times?

Mr. UNDERWOOD. Well, I have not examined the statute. It is possibly true, because we have to maintain the laws of the country even during times of war. It is not so necessary to maintain the laws at sea when we may need a revenue cutter for other purposes at that time.

Mr. SCUDDER. Will the gentleman kindly state what civil officers render equal service?

Mr. UNDERWOOD. I thought I made myself clear that they are the police officers in a broader sense of the term. They are police officers of the United States Government—that and nothing more.

Mr. BERRY. Will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. BERRY. Have they not always in times of war been ordered into the service along with the Navy?

Mr. UNDERWOOD. I admit that, and that they were good volunteers. They are good officers, and I have nothing against the service, but I say that they are no more entitled to be retired on three-fourths pay because they have acted as gallant officers when we have had a war than any other volunteer on the floor of this House.

Mr. SCUDDER. Have they the benefit of the provisions of the statutes in reference to volunteers?

Mr. UNDERWOOD. To what does the gentleman refer?

Mr. SCUDDER. I mean, for instance, the two months' extra pay.

Mr. UNDERWOOD. I can not say whether they receive it or not.

Mr. SCUDDER. As a matter of fact, they do not.

Mr. UNDERWOOD. Very well; that is a mere bagatelle.

Mr. SCUDDER. It is not "a bagatelle" when a man has to risk and perhaps sacrifice his life while in the service of the Government.

Mr. UNDERWOOD. Oh, well, they are serving the United States Government now. They are being paid every month. The volunteers who received that extra pay were being mustered out of the service. They had to go home. They had lost their employment. They had to go back and find some new employment to engage in. The two months' additional pay was given to them upon being mustered out of the service, in order that they might have something in their pockets whilst they were thus seeking new employment to take the place of that which they lost when they answered their country's call.

But when these gentlemen of the Revenue-Cutter Service, at the conclusion of the war, were no longer occupied as a part of the Navy, but were relieved from such service, they were at once sent back to safe and sound positions under the pay of the Government of the United States. The two cases are very different.

Mr. SCUDDER. Will the gentleman say what would have been their condition, or the condition of their surviving families, if they had been wounded or killed?

Mr. UNDERWOOD. They or their survivors would have had the same right, with respect to pensions, that any other volunteer has.

Mr. SCUDDER. The gentleman is mistaken about that. The Department has ruled otherwise.

Mr. UNDERWOOD. If I am mistaken in that matter, it will be the duty of this House to give pensions to those men as volunteers would be pensioned—to pension the particular men, but not to pension the whole crowd. Many of these men of the Revenue-Cutter Service who were assigned to duty in connection with the Spanish war never heard the shot of a hostile gun. You gentlemen propose to pension the whole crowd because some few of them have been gallant in the face of the enemy.

Mr. DRIGGS. When the gentleman speaks of these officers being employed in "safe and sound" positions in time of peace, I wish to ask him whether he considers that service in the expedition which was sent to Alaska, under the command of one of the lieutenants of this service, to rescue the sailors there, was a "safe and sound" position? Those men were one hundred and thirty-one days on the ice—on sledges or sleds drawn by Esquimo dogs.

Mr. UNDERWOOD. Oh, I think the gentleman from Illinois very well answered that suggestion the other day——

Mr. DRIGGS. I do not think so.

Mr. UNDERWOOD. But as that gentleman is not here now, I take pleasure in repeating the answer—that there may be a few individuals in the Revenue-Cutter Service who have performed gallant feats and are entitled to corresponding reward, and if we wish to reward them for the services they performed, let them be rewarded; but do not drag in that matter here as a reason for urging that this whole corps shall be put on the retired list and their regular pay increased because a few men of that service have done their duty bravely.

Mr. DRIGGS. Is it not true that these men are absolutely under the orders of the Secretary of the Treasury, that they go wherever they are sent, just the same as if they were officers of the Army and Navy? What is the difference, so far as that matter is concerned, between an Army or Navy officer and an officer of the Revenue-Cutter Service?

Mr. UNDERWOOD. The great difference between a revenue-cutter officer and an officer of the Navy is that the two classes of men are engaged in different branches of the Government and in different services. The Navy officer is engaged to take care of his

ship for purposes of war; the revenue-cutter officers are under the orders of the Secretary of the Treasury, as police officers and to protect the revenue, and for no other purpose.

Of course there are times when some of the officers of the Revenue-Cutter Service have been engaged in dangerous duty, but no more so than the deputy marshals. There are many deputy marshals and marshals who have lost their lives in the mountains of this country in trying to break up moonshine gangs—to drive out the "moonshiners." More of our men have lost their lives in enforcing the laws of this Government upon the land than these police officers of the sea.

The gentleman's argument carried to its full extent would be equivalent to saying that because, forsooth, revenue-cutter officers have performed good service, and because some of them have given their lives to enforcing the laws of the Government, therefore we must put all the officers of this service on the retired list. Carry that argument to the full extent and you must say because some deputy marshals or marshals have been killed in enforcing the laws of the Government, the men in that branch of the service must be put on a retired list and must be constituted a separate branch or corps of the Government service.

Mr. DRIGGS. The gentleman does not state my proposition aright. I am opposed to any kind of a retirement list, either for the Army, the Navy, or the Revenue-Cutter Service.

Mr. UNDERWOOD. Then there is no difference between us.

Mr. DRIGGS. But when we have a retirement provision applicable to one branch of the service, it is only fair and right that this other branch of the service, standing upon an equally meritorious footing, should be recognized.

Mr. KING. Why not repeal the whole thing?

Mr. DRIGGS. I think that a provision of this kind is as fair for these officers as for the others.

Mr. DINSMORE. The gentleman from Alabama [Mr. UNDERWOOD] will allow me to ask whether he ever heard of any difficulty being encountered by the United States Government in procuring, under present conditions, proper officers for the Revenue-Marine Service?

Mr. UNDERWOOD. The question of my friend from Arkansas [Mr. DINSMORE] is a complete answer to the position of the gentlemen who are supporting this bill. These officers of this service are not willing to retire. I have not heard of any of them sending in their resignations to the Secretary of the Treasury; I have heard no complaint from the Secretary of the Treasury that he has not been able to find plenty of competent men able to fill positions under the present system and at the present salary.

Mr. SULZER. Does not the gentleman think that the man of the Revenue-Cutter Service who is compelled to work all the time during a period of peace, and who in time of war is ordered to the front by the President or the Secretary of the Navy, is entitled to just as much consideration as the graduates at the Academy at Annapolis who lead cotilions around Washington here for five or ten or fifteen or even thirty years without ever doing sea duty?

Mr. UNDERWOOD. That has nothing to do with this matter.

Mr. DINSMORE. Will the gentleman from New York [Mr. SULZER] designate some of those naval officers who are "dancing cotillions" around Washington?

Mr. SULZER. I could give you the names of a great many of them. If you will take the Naval Register you will find the names of men who are wearing naval caps and naval epaulets who have not seen salt water in thirty years.

Mr. UNDERWOOD. Now, since the gentleman has finished—and I wanted to give him a chance to make a speech——

Mr. SCUDDER. Will the gentleman allow me just one further question?

Mr. UNDERWOOD. Go ahead.

Mr. SCUDDER. Is it not a fact that officers of the Army and the Navy are detailed for light-house service under the direction and jurisdiction of the Secretary of the Treasury, and that a similar service is performed by revenue-cutter officers, and that if perchance one of the Army or Navy officers performing such service should be disabled or injured in any way, he receives the full benefit of pension and retirement, whereas the revenue-marine officers injured in the same service have not that benefit?

Mr. UNDERWOOD. I do not think my friend's question has any more applicability to this than if he should say that because he finds an Admiral scrubbing the floor all the scrub women in the service must be put on the retired list. [Laughter.]

Mr. SCUDDER. The gentleman's illustration, I think, is as lame as his argument.

Mr. UNDERWOOD. Just one more word, and I am through. If, when we come to vote on this question, we vote to put these men on a retired list—to set them apart in this safe service—this bill will be followed by bills making similar provision for the employees in the Weather Bureau and the Signal Service Corps and elsewhere. From every Department in Washington will come efforts to have men of one or another branch of the service put on the retired list.

And there will be no end to the additional charge which will be put on the Government. When we are asked to set up in this Government a class of officeholders who will receive special pay and emoluments, while the balance of the people are to pay the taxes that go to their support—when that day comes, as it will if you continue this system—then it may be truly said that the fabric of the temple in which this Republic of ours holds its seat is about to fall, and can no longer be sustained.

I yield the balance of my time to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, as a member of the committee from which this bill comes, I desire in my feeble way to oppose it, not altogether for the abuses contained in the bill itself, but because it is one of a series of provisions that in the end will prove disastrous to the country.

The pseudo military spirit abroad in this land is a great menace to our people. Our boys are impressed that the only way to distinction is through a military career. Our children are educated in so-called military schools, and every effort is made to turn the youth of the land from the walks of civil life.

This mock military spirit is destined, if not checked, to change our national character and arrest the progress of this Republic toward the goal of its true greatness—that of being the most enlightened, prosperous, and happy people in the world. Never was this evil tendency better illustrated than by this bill, providing that a lot of Federal police, constituted to prevent smuggling, shall be togged out with the trappings and rank of naval officers.

But I am opposed to this bill, Mr. Chairman, for another and a better reason. I am a Democrat. I am one of the everlastingly organized Democracy which has stood from the foundation of the Government until now opposed to all class legislation, and this bill is preeminently a piece of class legislation. It confers benefits upon the officers of the Revenue-Cutter Service to the exclusion and at the expense of the rest of the people. We are told that they are efficient officers.

I am not prepared to dispute it. They should be, for they diligently sought the positions they hold and receive good pay. When they become dissatisfied with their jobs, they have the privilege to quit, and there are hundreds of others just as efficient ready to take their places. It is no more arduous or dangerous work in the Revenue-Cutter Service than at a Mississippi cotton gin, or in an Arkansas sawmill, or on a Missouri farm, and yet you want to tax these, tax all the rest of the people, in order to confer upon this Revenue-Cutter Service a special privilege at the expense of the great masses of the people.

Mr. KING. Will the gentleman permit an inquiry?

Mr. SHACKLEFORD. Certainly.

Mr. KING. As you know, recently we have passed, or attempted to pass, from a constitutional form of government into an imperialistic one, and therefore it is eminently proper that we only have two classes of people—the taxpayer and the man who holds office, the tax eater.

Mr. SHACKLEFORD. I recognize that we are rapidly passing into the realm of imperialism, but the principle involved here is that of building up in this country an aristocracy, an officeholding aristocracy, which is to fatten at the expense of the taxpaying masses. This is only one of a series of officeholding classes to be pensioned or put on the retired list.

The gentleman from Pennsylvania, whom I see sitting here, had introduced a bill, now pending, providing for pensioning the ens tire civil-service list. All of these classes are to be pensioned anretired on pay at the expense of the tax-paying masses of the people

These revenue-cutter officers entered the service voluntarily. They were not forced in, nor are they forced to remain.

The revenue-cutter officer has that which he made great effort to secure. He secured the place that many others sought and could not get. He lives on the fat of the land while those who failed struggle on through life's journey along the highway of poverty, living hard and paying taxes. When they get too old to work they fall as burdens upon the bounty of children or friends, or go "over the hill to the poorhouse." But this office-holding aristocrat who defeated them for the place they sought not only receives liberal compensation for his labors during the days of his competency to serve, but is retired on ample pay when too old to work. Such a system is rank injustice to the masses of the people.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. SHACKLEFORD. Certainly.

Mr. BROMWELL. I am thoroughly in sympathy with what the gentleman says. Is there not about equal of merit in the Life-Saving Service and the Railway Mail Service?

Mr. SHACKLEFORD. Quite as much and more. There are many classes not appointed by the Federal Government who serve the people just as well as the class sought to be favored by this bill. Compare, for instance, this Revenue-Cutter Service with the railway service.

Think of the service and the peril of a crew in charge of a locomotive and train of cars sweeping across the country with the speed of lightning carrying the commerce of this people. Every time that brave engineer mounts that engine and starts out for a trip he takes his life in his hand. And yet, sir, by this bill you would tax him for the benefit of that would-be aristocrat who wants the rank and privileges of a naval officer.

The Government has already given him thirty years' service, and has paid him well. He has not had to look out for a stormy day. The United States furnished him a place to work, furnished the pay, and now he comes and says, "All these days have you taken care of me, Uncle Sam, have fed me the good things of life, and because I have fared better than my brethren, because I got this job and my competitors were turned down, I beseech you to tax these fellows that could not get jobs in order to give me a competency now that I am too old to further enjoy the place secured for me."

That is what is involved in this bill, nothing more or less. They are putting a tax on the farmer, the mechanic, and the laborer throughout the country to give special favors to men who have already received special benefits in having been selected over and above others just as good as themselves. If Revenue-Cutter Service officers can do better in other walks of life, in God's name, why do they not forego their perilous positions and go back to the private vocations?

If they can do better in the Revenue-Cutter Service, then let them cease complaining and out of their liberal pay lay up enough to keep them in their old age. That is what other people must do or suffer for their failure.

Now, then, what is involved in this? I can see how some who belong to the other party, which favors privileges for the few at the expense of the masses, may vote for the measure; but for these, my brethren on this side, I do not understand how they can take the position they do in advocating that the people of this country be taxed in order to confer a special favor upon a special class. It is in violation of the cardinal principle of Democracy.

Mr. BURKE of Texas. Will the gentleman allow me a suggestion?

Mr. SHACKLEFORD. Yes.

Mr. BURKE of Texas. Under the provisions of the bill now before the House 36 out of 37 captains in this service can be retired on full pay the moment the bill becomes a law.

Mr. SHACKLEFORD. That is true, but it is not so enormous within itself if we knew that was to be the end of it. But it is the entering wedge that will open the way for far greater wrongs hereafter. Evils of this character do not all come at once. They creep upon us gradually and stealthily. To-day we will put the Revenue-Cutter Service on the retired list. Next will come the Life-Saving Service. Then the Weather Bureau service, and class after class will be saddled upon the taxpayers of the country.

Now, Mr. Chairman, would we not better stop and take our bearings before we vote in favor of this measure which will be an awful example in the wrong direction. It will come by and by that the farmer, the mechanic, and the laborer will be the only people in the country who are not of the favored aristocracy, and they will have to foot all the bills. You are voting that condition on your country when you vote in favor of this bill.

Mr. Chairman, would it not be well if in this Chamber we sometimes considered the taxpayer? The gentleman in charge of this bill talks much about "the man behind the gun." Sir, I would commend to his consideration the man behind the plow, the man who from early morn to dewy eve must struggle to feed and clothe not only himself but the multitudinous aristocracy of taxeaters quartered upon him by class legislation of the character here proposed. Sir, whatever may become of "the man behind the gun," I shall be ever ready to raise my voice and cast my vote for the man behind the plow.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 3819. An act for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

H. R. 13803. An act to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896; and

H. R. 5220. An act for the relief of Charles M. Kennerly.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6048. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891; and

S. 6054. An act authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, numbered 2 and 3, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 10899. An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona;

H. R. 7571. An act to prevent the failure of military justice, and for other purposes;

H. R. 12396. An act to amend an act entitled "an act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act; and

H. R. 11598. An act for the relief of Frank B. Case.

The message also announced that the Senate had passed with amendments the bill (H. R. 7760) for the relief of James Kelly, in which the concurrence of the House was requested.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. I yield to the gentleman from Iowa [Mr. HEPBURN] such time as I have remaining.

Mr. HEPBURN. Mr. Chairman, I confess to being somewhat surprised at this debate. I am especially surprised at the earnest attacks upon this bill that have been made by my colleague on the committee, the gentleman from Illinois [Mr. MANN]. That committee at times carefully considered this bill; and during all the deliberations of the committee no one of our colleagues brought to us the knowledge of their opposition to the measure.

Mr. MANN. The gentleman will pardon me. I never in the committee heard this bill discussed or referred to; and I believe I have not missed any meetings of the committee which took place while I was in the city.

Mr. HEPBURN. I beg to differ with the gentleman. I know that he was present when this bill was considered; and I know that no word of dissent came from him. He has characterized this bill as the most vicious piece of legislation that has been introduced in this House.

Mr. MANN. The gentleman will permit me to say that I was not present in the committee at any time when this bill was considered.

Mr. HEPBURN. No word of dissent had there been from the gentleman at any time until he took the floor. There is no minority report here, and my associates on the committee time and again, one after another, while the gentleman was making his assault upon the bill, came to me and expressed profound astonishment that with the ideas he expressed in this House he had all the time been silent while the bill was under consideration in the committee.

Mr. MANN. As I understand, the agreement to report this bill was reached at a committee meeting when I was not present. I understood at the time it was not discussed in the committee for fifteen minutes. I know nothing about that, however.

Mr. HEPBURN. Evidently the gentleman does not.

Mr. MANN. "The gentleman" was not present, and knows he was not.

Mr. HEPBURN. I was a little surprised at the reasons which my friend from Missouri [Mr. SHACKLEFORD] gave for opposing this bill. After a few preliminary remarks he announced to the House that he was opposed to this bill because he was a Democrat and because the bill was special legislation and proposed special benefits to somebody. I do not know but that is a fair type of Missouri Democracy, for I have noticed that while the gentleman claims to be animated by those ideas, yet when it comes to an appropriation or legislation for his locality he always votes "aye."

Can the gentleman, in all his legislative experience, point to a negative vote when the affirmative proposed to take a dollar into his district? When we propose a $200,000 appropriation for seeds, of which my friend, like myself, gets a quota, he votes "aye." When there is a proposition to give $5,000,000 for a great show in a great city only a little way from his own he forgets his Democratic principles, forgets that this is a special privilege to a few, and votes "aye." [Laughter and applause.] When there is a proposition pending in the river and harbor bill to improve the harbor—God save the word!—of his city, the gentleman votes "aye." When he has an opportunity to vote for the Southern Railway mail subsidy, I think he votes "aye;" but I may be mistaken.

A MEMBER. He voted "aye."

Mr. HEPBURN. So when we take the gentleman's votes in connection with his declaration that he is a Democrat, we have an accurate definition of what Missouri Democracy is. Prate before the public about special privileges; prate about the importance of saving the money of the dear people; prate about love for

the poor taxpayer, and vote for all the appropriations you can get for your district. [Laughter and applause.]

Mr. Chairman, I think there is a great deal of misinformation in this House in regard to this bill. It has been stated by the gentleman from Illinois that the men who are connected with this service are not educated men.

Mr. MANN. I made no such statement.

Mr. HEPBURN. I will not bandy words with the gentleman.

Mr. MANN. But the gentleman must not misstate what I said.

Mr. HEPBURN. The gentleman forgets in the excitement of making his speech what his utterances are.

Mr. MANN. They are pretty well taken down.

Mr. HEPBURN. The gentleman reminds me of a graphophone. It is an admirable instrument for correct repetition, but when you want to ascertain the veracity of the statement you must discover the fellow who has talked into it at the other end. [Laughter.]

Mr. MANN. The gentleman at least must make statements that are true.

Mr. HEPBURN. I do not yield to the gentleman.

Mr. MANN. The gentleman will not yield on a misstatement.

Mr. HEPBURN. If the gentleman from Illinois can be taught the rules of the House I would be glad.

The CHAIRMAN. The Chair hopes gentlemen will follow the well-understood rules of the House and address the Chair, and the Chair will also address the gentleman speaking, and try to preserve order.

Mr. HEPBURN. I have in my hand, Mr. Chairman, a set of examination papers for admission into the school in which the officers of the Revenue-Cutter Service are taught the examinations they must take. They must secure a pecentage of 75. Here are the subjects: Arithmetic, algebra, geometry, trigonometry, grammar, English literature, geography, chemistry, physics, history, and French. They are in the school for two years. I have here a sample examination, and if the gentleman's arithmetic, algebra, and geometry are no better than his law, he could not pass an examination. [Laughter and applause.] The gentleman made the statement that these men——

Mr. SHACKLEFORD. May I ask the gentleman one question?

Mr. HEPBURN. Yes.

Mr. SHACKLEFORD. What is the average wages of school-teachers in your district?

Mr. HEPBURN. I do not think that is pertinent at all. The examination requires a scholarship far in advance of the average school-teacher in my State, to say nothing of Missouri. [Laughter.]

The gentleman made a statement the other day that no officer could retire in the Army or Navy until he had reached an age service of 45 years in one, and 40 in the other. He repeated it over and over. He held up a clause in this bill that authorizes the retirement, in the discretion of the President, at the end of thirty years' service as an outrage incomparable; and yet I find the law, that the gentleman might have found if he had been of an inquiring mind, in section 1243 of the Revised Statutes:

When an officer has been thirty years in service he may, upon his own application, in the discretion of the President, be so retired and placed on the retired list.

Now, we have in the bill that the gentleman voted for, I think, the naval personnel bill, a provision whereby—

An officer may, in the discretion of the President, be retired at any time.

Not even five years of service are necessary; and under certain circumstances, without his own volition, without having committed crime, he may be summarily retired if four of a board of five admirals elect to so recommend him, without regard to time of service.

Mr. McDERMOTT. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. I will.

Mr. McDERMOTT. I call the attention of the gentleman to sections 16 and 17. Section 16 provides——

Mr. HEPBURN. I would be glad if the gentleman would not interrupt.

Mr. McDERMOTT. I was going to ask the gentleman a question. Section 16 provides for the retirement of an employee of the Government if a board shall find that he is incapacitated because of his own vicious habits.

Mr. HEPBURN. Yes, sir.

Mr. McDERMOTT. And it is provided in the next section that officers retired from the service shall be entitled to one year's pay of the rank held by them at the date of such retirement. How does the gentleman justify that when the man has been discharged by reason of his own vicious habits?

Mr. HEPBURN. The difference between that and the provisions in regard to the Navy is that in the Navy he gets the pay of the grade next above that which he fills.

Mr. McDERMOTT. Why should we pay one year's salary if the man is dismissed by the Federal Government?

Mr. HEPBURN. So far as I am concerned, I am entirely willing, and I do not know but what I would be better satisfied with the bill if that section should be out of it; but it was placed there to assimilate the retirement procedure of the Army and the Navy.

Mr. SCUDDER. Will the gentleman yield to me for a question?

Mr. HEPBURN. Certainly.

Mr. SCUDDER. In the case of a Navy officer retired under the circumstances stated by the gentleman from New Jersey, is not his retirement for life on a percentage of his pay?

Mr. HEPBURN. Of a grade higher.

Mr. SCUDDER. So he is paid notwithstanding he is retired for vicious habits, and is retired a grade higher and at half pay?

Mr. HEPBURN. I have not examined.

Mr. MANN. Will the gentleman pardon a question?

Mr. HEPBURN. I will.

Mr. MANN. I understood the gentleman's reference to section 1243 to read that it permitted Army officers to retire after thirty years' service?

Mr. HEPBURN. I did.

Mr. MANN. I wish the gentlman would read the statute through again, because the statute says forty years' service.

Mr. HEPBURN. That shows what interruption does, and that declaration shows the inaccuracy of the gentleman, and shows how little he investigates a subject before he discusses it. I will read the whole section:

When the officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list.

There the President has no volition.

Mr. MANN. That is what I understood the gentleman read as thirty years.

Mr. HEPBURN (continuing the reading):

When the officer has been thirty years in service he may, upon his own application, in the discretion of the President, be so retired and placed on the retired list.

Is the gentleman satisfied now?

Mr. MANN. The gentleman when he read the section did read thirty instead of forty.

Mr. HEPBURN. I read the latter clause of the section; that applied to the subject I was discussing.

Mr. Chairman, I believe that these officers ought to be placed upon the plane with the officers of the Navy. I believe that they are entitled to be so placed by reason of their service and its character, by reason of their fitness, and because it would only be a proper recognition of their worth. This House a few years ago passed an act putting them in the Navy, with the rank and pay and all the emoluments of officers of their grade in the Navy. It passed this House.

Mr. PEARCE of Missouri. Will the gentleman allow me to ask him a question? I find in section 1492, Revised Statutes, that the "officers of the Revenue-Cutter Service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank as follows: Captains, with and next after lieutenants commanding in the Navy," etc. I would like to ask my friend if there is any good reason why the words "and next after" are eliminated or left out of this bill?

Mr. HEPBURN. When the bill was originally drafted the intent was to put them upon terms of absolute equality; when they were serving together to give them the same rank, but there has been criticism with regard to that, and it is the purpose of the committee to offer an amendment that will make the section in this bill conform to the section that the gentleman has read.

These officers are taught in all the requisites of naval efficiency. They have the same course in gunnery and in all that pertains to the management and the fighting of ships that the naval cadet has. They study the same text-books, they have precisely the same scholarship, with this difference, that they are required under their regulations to frequent rehearsal, so to speak, frequent practice; and they are, for the purposes of war, ship for ship, the full equal and equivalent of anything we have in the United States Navy of the same size.

We have in the service a number of ships of more than 1,500 tons. Nelson never commanded a ship so large. Every ship in the service of the forty and odd are armed ships. They are ready for service at any time. Their crews are constantly and perfectly drilled. They are in every essential the equal of those now in the Navy, with the exception that the Navy has the larger ships. Their service is infinitely more arduous. I make the statement that the officers of this service, with a very few exceptions, are now on shipboard; they are kept on shipboard. There is no extended leave; there are no fat, soft places.

I want to remind gentlemen that that is not true in regard to the naval service. This day, this moment, counting the 94 retired officers in the Navy on leave in the city of Washington, there are 300 naval officers within 40 miles of your capital on shore duty. A tour of three years at sea, a term of three years on shore in some fat, comfortable places. There are now 1,013 officers afloat.

There are nearly 700 of the naval officers ashore to-day, filling mainly civilian positions and drawing their pay.

These men in the Revenue-Cutter Service, on the contrary, are in actual service. You find our revenue cutters all over the world; some you will find in Bering Sea; some you will find in Manila; some you will find in Cuba and Porto Rico, and others along our coasts. When a naval officer sees an approaching storm, if he is near a port, he goes there, perhaps, for safety, but when the storm comes, and when there is peril on the sea, these men go out of a comfortable harbor and face the storm. Their duties are incessant; there is no class of men in the public service so poorly paid.

A few years ago, there being no provision for retirement, there was a larger number of the older officers and officers of higher rank incapacitated. Congress passed an act for their retirement. Thirty-nine have been retired. Now there is an accumulation of eleven, I am told, past the age of usefulness and yet filling the higher places. They ought to be provided for. The humane gentleman from Chicago says, "Turn them out." The old horse is no longer useful. These men have served, boy and man, in war and peace, for forty, and some for fifty years, and the gentleman from Illinois, in his humanity, says, "Turn them out, and get rid of them." Ah, I would trust even him; I would trust even his humanity. He would not turn them out. But if he did not, he would be compelled to allow them to cumber the service.

They can not render an equivalent; they can not perform the duty; and yet they prevent the younger men, the men who ought to be promoted as a reward for service, from having that rank that is their due and that it is our duty to give to them. I say that the gentleman from Missouri is wrong when he discusses this proposition as though promotion was a great benefit that we were conferring upon these officers alone. What is the theory of promotion compensation? It is to secure the better service. It is to enable the men serving to believe that there is a grateful and just and righteous Government that he is serving; that it is ready to reward him for what he does.

It holds out an incentive to him for better and better and better service; it gives to him that stimulus for growth that we all want. We want efficiency in our service. We want the best men, we want the growing men, we want the man who knows something more of his professional duties when he goes to bed than he did when he rose in the morning. We want him to have constant stimulus before him of preferment if he properly serves; and so it seems to me that we ought not to make an exception of this service.

Mind you, gentlemen, that if this bill is passed no man is elevated to a rank so great that he can not serve. There is no rank in this bill higher than captain. The gentlemen who voted a little while ago for the naval personnel bill provided for 18 admirals. How many squadrons have we? How many fleets have we; how many places where these gentlemen can serve? Only 5; and 13 of these admirals are now ashore. The gentleman voted for that.

The gentleman the other day voted for a proposition under which it is possible, so far as the law is concerned, to increase that number by 30. We have 13 supernumeraries, and the gentleman voted for the possible addition of 30 more. Not only that, but to fill the places of 30 captains with 30 commanders, and, in turn, their places with 30 lieutenant-commanders, and so on all along the line; so that there might be, possibly, a condition that the boy from Annapolis as an ensign might, perchance, have his promotion within a year. That was all right, the gentleman thought.

Mr. Chairman, I believe this bill ought to pass. There is an objection in the minds of many, fearing that it creates something in the nature of a civil pension. I want to remind you that the duties of these officers are not civil any more than are the duties of a naval officer. The difference between the two is this: A naval officer in time of peace has nothing to do. When we are at war the revenue-cutter officer does all that the naval officer does, and when we are at peace he then takes up the vocation of an aid to the Secretary of the Treasury in collecting the customs revenue.

Let me correct the gentleman from Indiana—that it is not the internal revenue. I say for the information of that gentleman—and I only refer to it because it illustrates the vast fund of information that all these gentlemen have on the subject—that he was incorrect when he suggested that the revenue-cutter officer aids in the collection of the internal revenue.

Mr. CRUMPACKER. I thank the gentleman for the information and the correction. [Laughter.]

Mr. HEPBURN. The gentleman very naturally fell into the mistake from the remark made by the gentleman from Illinois [Mr. MANN]. [Laughter.] The gentleman from Illinois is very fearful that the revenue-cutter officers may come in contact when serving together with the Army officers, and that there will be infinite confusion. Why, if the gentleman will stop to think, he will remember that the troops, as I understand that term, operate on the land, while the naval officers maneuver their ships upon the sea. [Laughter.] There would be no possible conflict, without the gentleman devised some method by which our soldiers could walk upon the water, or some other method by which our ships could be compelled to maneuver upon the land. [Laughter.]

Mr. CRUMPACKER. I want to thank the gentleman for that information. I think the country is under great obligations to him.

Mr. HEPBURN. Ordinarily it would not have been necessary to refer to primary ideas of this kind. It is only proper in this case in order to meet that density of ignorance which seems to have animated the opponents of this bill. [Laughter and applause.]

Mr. TALBERT. Will the gentleman allow me a suggestion? He spoke a few moments ago about walking upon the water. Does he not remember that a namesake of his in olden times once walked upon the water?

Mr. HEPBURN. Well, my recollection is that he did not make much headway. [Laughter.]

Mr. TALBERT. The difficulty in that case was a want of faith. If these gentlemen of the revenue marine had sufficient faith, perhaps they might walk on the water.

Mr. HEPBURN. My namesake lost his grip. [Laughter.]

Mr. Chairman, I believe this bill ought to pass. I believe we ought to care for these old men in the service. Gentlemen speak of this measure as if it were a new proposition. They forget that we have already done partial justice to this class of men. This legislation is not new. Thirty-seven of these officers have been placed upon the retired list.

The gentleman from Missouri thinks that there ought not to be an increase of salary because there have been no resignations in this branch of the service by reason of the insufficiency of the present salary. I do not think there is very much in that argument. A man fits himself for a position. He studies for years in a college and ultimately secures an appointment to this revenue-cutter training school, the *Chase* school-ship. He there goes through a tutelage for additional years. He fits himself for a particular profession. He is young. He thinks that the position of an ensign is extremely desirable. He enters the service. He goes on day after day, conscious that he is not receiving fit compensation; yet because of a fear, possibly, of going out into the world to "rustle"—having lost that habit or having never gained it—he goes on and on and on, not content, satisfied that he is suffering injustice, yet like thousands of other men, as seen in the examples in every part of this city, he submits rather than go into the world and begin life anew.

There have been efforts time and again to secure something of amelioration for the condition of these officers. As I said before, this House once passed an act making these officers a part of the Navy, giving them all the advantages of naval rank and pay. That bill passed this House by a vote, I think, of 114 to 19. It went to the Senate in the last days, I believe, of a long session. And in the interim the naval gentlemen asserted their opposition. I think that the Secretary of the Navy to-day is in favor of this change; but for some reason or other naval officers do not desire it.

A gentleman says they are jealous. I do not think that is true; but it may be that the spirit lately expressed by one of the high officers of the Navy—a man whom I always honored until I saw his late letter; a man for whose interest I was solicitous—animates some of the naval officers. They may feel, as he seems to feel, that the man who fails to have the educational advantages of a Naval Academy is unfit to represent a country like this upon the quarter-deck. I am glad to believe there are but few men here who sympathize with that feeling. I hope it does not exist to any considerable degree. But if it does, I want to see it stifled now and always. [Applause.] It is un-American.

I remember that a little while ago people throughout this country were sounding the praises of "the man who stood behind the gun." I remember that everywhere we were contrasting our shots and their effectiveness with those delivered from other than American cannon. I remember it was said with pride that of all the shots fired from our fleet at Santiago eight in every hundred took effect. A wonderful record, it was claimed.

You must remember that it was "the man behind the gun" who won the glory at Santiago and at Manila. All the glory that there is for any part of the Navy is that which comes in time of war. And I have thought that the man who was able to play his full part—the man who was able to draw upon himself the attention of all the world when we were in the stress and storm of battle, "the man behind the gun"—might be the man who would properly represent the American people anywhere where our Navy might go. [Loud applause.]

Mr. Chairman, I would like to ask the gentleman from Alabama if he is prepared now to say what time he desires for further debate?

Mr. UNDERWOOD. I understand there are several gentlemen on this side of the House who are still desirous to be heard on the bill.

Mr. HEPBURN. I move that the committee now rise for the purpose of limiting debate.

Mr. MANN. I rise to a point of order on that motion. I submit that the proper form of the motion should be that the committee rise.

Mr. SHACKLEFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. I want to request the gentleman from Iowa [Mr. HEPBURN] to withhold that motion for a short time. I desire to be heard a little longer on this question.

Mr. HEPBURN. The opposition has had two hours for debate—a quarter of an hour more than we have had. I am unwilling to yield for further debate.

Mr. MANN. I rise to a point of order on the motion submitted by the gentleman from Iowa, which was "that the committee now rise for the purpose of closing debate."

Mr. HEPBURN. That was my explanation of my purpose.

The CHAIRMAN. The Chair will not put the motion in that form. The gentleman from Iowa moves that the committee do now rise.

The question was taken; and the Chairman announced that the ayes had it.

Mr. UNDERWOOD. Division.

Mr. HOPKINS. That comes too late. The Chair had announced the result, and the Speaker had taken the gavel.

The CHAIRMAN. The Chair overrules that point of order. There was no objection. The Chair will state when stating the motion he was looking directly at the gentleman from Alabama and he did not make a motion until the Chair had made the declaration.

Mr. UNDERWOOD. If the Chair will hear me a moment; it is usual, when the Chair states the question, to say, "In the opinion of the Chair the 'ayes' have it," and then, if there is no demand for a division, to state "The 'ayes' have it." The Chair did not state that.

The CHAIRMAN. I agree to that. The Chair will explain. The Chair supposed that this was a sort of unanimous agreement to rise and went through the formula a little more rapidly than usual, and if the gentleman says he was misled by the statement of the Chair, the Chair will order a division.

Mr. HOPKINS. I think there are other members who have rights as well as the gentleman from Alabama. I heard the Chair distinctly make the statement, and the Speaker had taken the gavel and resumed his duties as Speaker before the gentleman from Alabama made the point.

Mr. MANN. If that change had been made, I ask the gentleman how the Chairman has the gavel now?

Mr. HOPKINS. He handed it back to the Chairman.

The CHAIRMAN. If the gentleman insists on a division, the Chair will order one.

Mr. UNDERWOOD. Mr. Chairman, I understand the chairman of the Ways and Means Committee desires to take up the war-revenue bill, or the conference report upon that; and therefore I will not insist on the division.

The CHAIRMAN. The ayes have it, and the committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 5499 and had come to no resolution thereon.

Mr. HEPBURN. Mr. Speaker——

WAR-REVENUE REDUCTION.

Mr. PAYNE. Mr. Speaker, I present a conference report.

The SPEAKER. The gentleman calls up a conference report.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the reading of the report may be dispensed with, and that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the reading of the report may be dispensed with, and that the statement may be read in the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12394) "to amend an act entitled 'an act to provide ways and means to meet war expenditures, and for other purposes,' approved June 13, 1898, and to reduce taxation thereunder," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the House bill and agree to the same amended so as to read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may by regulations prescribe."

SEC. 2. That section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of $25,000 shall pay $50; when using or employing a capital exceeding $25,000, for every additional thousand dollars in excess of $25,000, $2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year the tax shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

"2. Brokers shall pay $50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Custom-house brokers shall pay $10. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

"5. Proprietors of theaters, museums, and concert halls in cities having more than 25,000 population, as shown by the last preceding United States census, shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

"6. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

"7. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

"8. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

SEC. 3. That the internal-revenue tax on cigars weighing more than 3 pounds per thousand shall be $3 per thousand; and the tax on cigars weighing not more than 3 pounds per thousand shall be 18 cents per pound, and on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of not more than $2 per thousand shall be 18 cents per pound; and the tax on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of more than $2 per thousand shall be 36 cents per pound; and all such cigars and cigarettes weighing not more than 3 pounds per thousand shall for purposes of taxation be held and considered as weighing 3 pounds.

SEC. 4. That there shall be allowed a discount of 20 per cent on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than $10. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section 6 of said act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

"ADHESIVE STAMPS.

"SEC. 6. That on and after the 1st day of July, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this act."

SEC. 6. That section 9 of said act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness; or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped.

"And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"1. Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D. 1898, by any association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each hundred dollars of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers.

"And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

"2. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale.

"And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

"3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a "bucket shop" shall pay a stamp tax of 2 cents on each $100 in value or fraction thereof, of the merchandise covered or pretended to be covered, and also a tax of 2 cents on each $100 on the face value or fraction thereof, of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided, however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law; and on or before the 1st day of April, 1901, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business, and for each branch office or place of business wherever established, pay a special tax of $12.50, and on or before the 1st day of July, 1901, and annually thereafter, for every such office or branch office, a special tax of $50, and such taxes shall be in addition to all other special taxes imposed by this act.

"Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required, and the place (including street number) where such business is to be carried on, and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection.

"Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed.

"Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return,

report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this paragraph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection, recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

"4. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

"5. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding $100, 2 cents, and for each $100 or fractional part thereof in excess of $100, 2 cents.

"If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed $100, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 1 cent; and for each $100 or fractional part thereof in excess of $100, 1 cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported.

"6. Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation, or person to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"7. Bond: For Indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, 50 cents.

"8. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

"9. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this act, 10 cents.

"10. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $2,500 and does not exceed $3,000, 25 cents, and for each additional $500 or fractional part thereof in excess of $3,000, 25 cents.

"11. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents. Exceeding $100 and not exceeding $500 in value, 50 cents. Exceeding $500 in value, $1.

"12. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

"13. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing $50, 50 cents; and for each $50 or any part thereof in addition thereto, 50 cents."

SEC. 9. That Schedule B of said act is hereby amended so as to read as follows:

"SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing 1 pint or less, 1 cent. Upon each bottle containing more than 1 pint, 2 cents."

SEC. 10. That section 29 of said act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898;" so that said section as amended shall read as follows:

"LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of $10,000 in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

"First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of 75 cents for each and every hundred dollars of the clear value of such interest in such property.

"Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of $1.50 for each and every hundred dollars of the clear value of such interest.

"Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of $3 for each and every hundred dollars of the clear value of such interest.

"Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of $4 for each and every hundred dollars of the clear value of such interest.

"Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of $5 for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

"Where the amount or value of said property shall exceed the sum of $55,000, but shall not exceed the sum or value of $100,000, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of $100,000, but shall not exceed the sum of $500,000, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of $500,000, but shall not exceed the sum of $1,000,000, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of $1,000,000, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

SEC. 11. That section 30 of said act is hereby amended so as to read as follows:

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to admister such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators.

"And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same.

"The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States,

in the performance of his duty under this act, his deputy or agent, who may desire to examine the same.

"And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding $1,000, to be recovered with costs of suit. Any tax paid under the provisions of sections 29 and 30 shall be deducted from the particular legacy or distributive share on account of which the same is charged."

SEC. 12. That from and after the passage of this act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of $3,000, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

SEC. 13. That section 35 of said act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding 5 per cent in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act."

SEC. 14. That section 18 of said act is hereby repealed.

SEC. 15. That the provisions of this act shall take effect on and after the 1st day of July, 1901, except where otherwise expressly provided.

And the House agree to the same.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses (H. R. 12394) "To amend an act entitled 'An act to provide ways and means to meet war expenditures, and for other purposes,' approved June 13, 1898, and to reduce taxation thereunder," make the following statement as a result of the conference report agreed upon:

The difference between the two Houses related, first, to the form of the bill, and by the conference report the House form is retained; second, to certain subjects of taxation, which are disposed of as follows:

The House reduced the tax on beer to $1.60 per barrel; the Senate to $1.50. The House provision is retained in the report.

The Senate reduced the tax on banks and bankers' capital to $1 per thousand. The House bill retained the tax at $2, and the House provision was agreed to.

The House repealed the special tax on theaters, circuses, and other public exhibitions, and the Senate retained the same. The conference report retains these taxes.

The House made no change on tobacco and snuff. The Senate made a discount of 25 per cent, amounting to 3 cents per pound. The conference report agrees to the reduction of 20 per cent, or 2.4 cents per pound.

The Senate made no provision for a change in the size of the package. The conference report authorizes packages of 2, 3, and 4 ounces in addition to those now authorized by law.

The House made a reduction of 60 cents per thousand on cigars weighing over 3 pounds. The Senate made a reduction of 30 cents per thousand. The conference report agrees to the House provision.

The Senate proposed a rate of 54 cents per thousand on cigarettes worth not over $2 per thousand at wholesale and $1.08 on cigarettes worth more than $2 per thousand. Also 54 cents instead of $1 per thousand on cigars weighing not over 3 pounds per thousand. These provisions of the Senate bill are retained in the conference report.

The Senate proposed an amendment taxing transactions in bucket shops 2 cents for each $100 par value on all stocks, etc., transferred or pretended to be transferred, as well as a special tax of $50 per annum. The House agreed to these amendments, with a provision that the same shall go into effect on the 1st day of April, 1901, the remaining provisions of the bill taking effect on the 1st day of July next.

The House retained the provision of the present law for the sale of produce on exchange at 1 cent for each $100, and the Senate agreed to the same with an amendment exempting sales of merchandise in actual course of transportation as evidenced by bill of lading, and the House agreed to this amendment.

The House repealed the tax of 2 cents on bank checks. The Senate disagreed to the same, but the conference report also repeals this tax.

The tax on time drafts was repealed by the House, but the conference report retains it.

The House repealed the 2-cent tax on each $100 on money orders. The Senate retains the same, and the conference report agrees to the provision of the House repealing this tax.

The tax of 4 cents per $100 on foreign bills of exchange was reduced to 2 cents by the action of the conference, and all drafts accompanied by bill of lading for merchandise sold abroad are exempted.

The House repeals the tax on bonds. The Senate retained the tax on bonds of indemnity, which the conference committee agreed to.

The House retained the tax on certificates of profits. The Senate repealed the same. The conference committee retained the same as in the House bill.

The House repealed the tax on conveyances of real estate, and the conference committee exempted such conveyances where the consideration did not exceed $2,500. Exceeding $2,500, the tax is at the rate of 25 cents for each $500.

The House repeals the tax on all insurance policies. The Senate retains the same at one-half the present rate. The conference report accepts the House provision.

The House repealed the tax on manifests for custom-house entry. The Senate retained the same. The conference accepted the House repeal.

The tax on passage tickets was repealed by the House, retained by the Senate, and by the conference such tickets below $50 in value are exempt, and above that taxed at the rate of 50 cents for each $50 or fraction thereof.

The House repealed all of Schedule B, except the tax on wines. The Senate retained the same, with some amendments. The conference report accepts the House action and repeals all these taxes, except on wines.

The House amendment to the mixed-flour-law clause is retained by the conference report.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

[Applause on Republican side.]

Mr. PAYNE. Mr. Speaker, this conference report retains the House bill in form and very largely in substance. The tax upon fermented liquors is the same as that adopted by the House by a large majority vote. The Senate sought to reduce it. The conference report retains it at the House rate. The Senate made a reduction on tobacco and snuff of 3 cents per pound. The conference report makes a reduction of 2.4 cents a pound, the tax being 12 cents, and the additional tax under the war-revenue act 6 cents.

The Senate made no changes in the packages and no provision for any change of size of package. The law prior to the act of 1898 provided for 2, 3, and 4 ounce packages. Because of that additional tax, the 2, 3, and 4 ounce packages were dispensed with under the war-revenue act and there was substituted therefor packages of 1⅞, 2¼, and 3⅛ ounces. The House contended that if there is to be a reduction in the taxes there should be an opportunity to increase the size of the package.

The provision of the bill is that in addition to 1⅞, 2¼, and 3⅛ there shall be packages of 2, 3, and 4 ounces, leaving it optional with the manufacturer. Of course, if one manufacturer adopts one of these sizes the others will have to do so, and if one adopts another package all will have to do so. The House took off the 60 cents added by the war revenue on cigars. It was $3.60 per thousand. We took off the 60 cents. The Senate made them $3.30—taking off only one-half. They also had some provision for cigars costing less than $3.60 per thousand; but that provision was stricken out, and the House rate was restored at $3, reducing the tax on cigars 60 cents.

On cigarettes the House had made no recommendation. Prior to the war-revenue tax they were 50 cents per thousand. That act made it $1.50. The Senate provision was that all cigarettes sold at not exceeding $2 per thousand, wholesale price, should pay a tax of 18 cents per pound, fixing the weight at 3 pounds, or 54 cents a thousand. For those costing more than $2 the rate will be $1.08. The House acceded to the Senate proposition on cigarettes.

The law also provided a tax of $1 on cigars weighing less than 3 pounds to the thousand. The Senate reduced it to 54 cents, and the House acceded to that. The reason for this reduction of rates on cigarettes and small cigars was that under the reduced rates it is believed there will be a larger manufacture, especially of the smaller cigars, and that ultimately, if not during the next year, there would be no loss in the revenue on that account. If the same number of small cigars and cigarettes should be manufactured as during the past year, the reduction in the revenue would be $1,400,000.

Upon the other main items of the bill the House rates were adopted by the conference committee.

The House took off 2 cents upon checks and upon money orders and upon kindred papers and contracts of that kind. The Senate restored them in their amendment. The conferees have wiped them all out. The House repealed all of Schedule B except the tax upon wine. Schedule B in the original act provided for a tax upon patent medicines, a tax upon cosmetics, and a tax upon chewing gum. The House struck out the tax upon all these items. The Senate restored it, making a reduction upon patent medicines. The conference has wiped them all out, and left nothing of Schedule B except the tax on wine. That is all that is left of Schedule B.

Mr. GAINES. What about telegraphs?

Mr. PAYNE. As to the sending of telegrams and express receipts, there was nothing in conference. They were all wiped out by the House bill and acceded to by the Senate.

Mr. WHEELER. Would it be possible to secure a vote upon that portion of the tobacco schedule referring to tobacco rehandlers and tobacco dealers?

Mr. PAYNE. It would not. The Senate put it in one amendment, and if before the House the items could not be separated you would have to reject the whole report or adopt it.

Mr. WHEELER. If the gentleman will permit me to make a statement, the portion of the schedule which relates to tobacco rehandlers and dealers provides three taxes in the original law, one of $5, one of twelve, and the other of twenty-five. At the early part of the session I introduced an amendment to make them all $12.

The Commissioner of Internal Revenue informed me that it would make a difference of less than $2,000. I have received innumerable letters from tobacco dealers in my State asking me to have the change made, and saying they would rather pay twelve or twenty-five dollars than have their business inspected from day to day to find out the amount of business that they do; and if it would be possible to secure a vote on that question I should be very glad.

Mr. PAYNE. The House did not interfere with that proposition. It has not been before the conferees in any way, and can not be before the House. It is subject to a point of order, and would be subject to a point of order if the whole thing were open.

Now, the gentleman from Kansas had a question.

Mr. RIDGELY. I understood the gentleman to say that the 2-cent tax on checks was repealed, and also the stamp tax on patent medicines.

Mr. PAYNE. Yes; that is correct.

A MEMBER. I would like to ask the gentleman what is the estimated total reduction in the conferees' report?

Mr. PAYNE. I was coming to that a little later.

Mr. SHAFROTH. I would like to ask the gentleman as to the tax on loans.

Mr. PAYNE. If the gentleman will pardon me, I was just coming to that. The House took off all the taxes on promissory notes and mortgages and all matters of that kind and on all bonds except debenture bonds issued by corporations, which the House left on, and the Senate agreed to; we took off the tax on all bonds except these. The Senate restored the tax on bonds of indemnity and the conferees left it there. But bonds given for loans are entirely exempt.

Mr. RIDGELY. How about the tax on deeds?

Mr. PAYNE. The tax on notes and mortgages is entirely removed.

Mr. McRAE. I would like to ask about the tax on deeds.

Mr. PAYNE. I was just going to speak about it. The House took off the tax on deeds and the Senate amended it, provided that all deeds where the consideration did not exceed $2,500 should be free of tax, but where the consideration exceeded $2,500 the tax should be 25 cents for every additional $500 of consideration over and above the $2,500, and the conferees agreed to that amendment of the Senate.

The House took off all taxes on insurance of every description. The Senate restored one-half of the present rate in their bill, and the conference committee adopted the House provision and took off all taxes upon insurance policies of every nature whatever.

Now, Mr. Speaker, these are the main features of the bill. The House took off the taxes on theaters and circuses and shows of that kind, amounting to $225,000 of revenue. We thought that possibly it was not necessary for the Government to exact those taxes at this time, but the Senate restored it, and the conferees yielded to the contention of the Senate and left the tax on. The House took off the tax on foreign bills of exchange, foreign drafts, and letters of credit, and the Senate restored it.

The main reason why the House took off the tax was because these drafts were largely used in collecting pay for products exported abroad, and we did not desire to have any tax upon our exports, even indirectly. The Senate restored this tax upon drafts, and the conference committee allowed it to remain, cutting down the rate one-half, but expressly exempted all drafts which are accompanied by bill of lading showing that the draft is given to collect pay for goods sold abroad.

I am told by the members of the produce exchange in New York that this amendment will cover all transactions where the draft is given or sent abroad for the purpose of collecting pay for goods that are sold abroad. So that the only tax upon foreign bills of exchange, or the principal part of it, will be that paid by tourists who are going abroad.

Mr. KITCHIN. I would like to ask the gentleman whether the tax is retained on orders the farmers give to the merchants for the payment of money?

Mr. PAYNE. Those go off, if they were ever on.

Mr. KITCHIN. I understood by reading the statement that something was said about time drafts.

Mr. PAYNE. On time drafts the tax is left on. I would say to the gentleman that the House took off in its bill the tax upon time drafts, drafts drawn otherwise than at sight. The Senate restored the proposition. It amounted to about $500,000 of revenue. The conferees acceded to the Senate amendment and left the tax on time drafts.

Mr. KITCHIN. How about sight drafts?

Mr. PAYNE. The tax is all off of sight drafts.

Mr. LEVY. I would like to ask the gentleman whether it was not possible to reduce the tax on deeds of a higher consideration than $2,500? That is of no use to us in cities at all.

Mr. PAYNE. Of course the committee were not living in large cities. [Laughter.] The committee thought $2,500, as consideration for real estate, was a good, big price when we made that exemption.

Mr. LEVY. Then cities have to pay the taxes.

Mr. TAWNEY. Will the gentleman from New York yield to me?

Mr. PAYNE. Yes.

Mr. TAWNEY. I see there is a material change in the provision for the exemption of educational and charitable institutions.

Mr. PAYNE. Yes; I was about to speak of that.

Mr. TAWNEY. After the gentleman's explanation I want to ask one question in order to draw out and have it appear in the RECORD what the intention of the conferees was with respect to the item, when this proviso should take effect, and as to the nonpayment or exemption of taxes already due.

Mr. PAYNE. The House exempted from tax all bequests for educational, charitable, and religious uses, and also included works of art. That includes the taxes on legacies to institutions for the promotion of art. The Senate added to this a proposition exempting legacies given to humane societies—societies organized for the prevention of cruelty to children.

We gladly adopted the suggestion of the Senate, and they also put on a proviso making certain what we believed was in the House bill. We believe that when we exempted all these bequests from taxation that it related to all bequests that had been made upon which the taxes had not been paid. Some gentlemen were very nervous about a certain bequest for an educational institution where the tax would amount to about $25,000.

Mr. SMITH of Kentucky. Will the gentleman from New York yield to me?

Mr. PAYNE. When I have finished this sentence. And they were nervous, as I say, about the $25,000. It had not been paid and we insisted it would be repealed by the House action. They prevailed on the Senate to put in a clause expressly repealing these taxes which had not been paid. When we came to consider in conference we inserted the provision that should apply to certain taxes that had not been paid up to the 1st of March, 1901.

Mr. TAWNEY. Now, right there. At the conclusion of the bill there is this section that provides that this act will take effect on and after the 1st of July, 1901, except where otherwise expressly provided; whether or not that was the intention of the conference committee that this exception would apply so that these taxes would only be collectible after March 1, notwithstanding the express provision that the bill was not to take effect until July.

Mr. PAYNE. Certainly, because it so provides. It says that no tax shall be collected on legacies which had not been collected up to the 1st of March, 1901. Now, we have taken it out of the power of the Commissioner of Internal Revenue to collect any such tax, and the provision at the end of the bill is that the bill shall take effect on the 1st of July, 1901, except as hereinbefore provided. Perhaps the gentleman represents that $25,000 tax, about which there seems to be so much anxiety.

Mr. TAWNEY. I do not.

Mr. PAYNE. It seems to me there is no occasion at any time for anyone to lose sleep on account of this tax.

Mr. TAWNEY. I simply wanted to make clear what the intent of the committee was.

Mr. PAYNE. The intention of the committee was to repeal all these taxes upon legacies for educational, charitable, and religious uses, and to have the repeal apply to all such taxes as had not been collected up to the 1st of July.

Mr. SMITH of Kentucky. In other words, to have the provision take effect from the 1st of March.

Mr. PAYNE. From the 1st of March, 1901. I hope we have accomplished that object by the bill.

Mr. SMITH of Kentucky. I understand that the tax on sight drafts has been taken off. In the statement showing the effect of the bill as now agreed upon, I find these words:

> Drafts or bills of exchange, inland, 2 cents for each $100.

Mr. PAYNE. Let the gentleman read the bill. That is only a statement.

Mr. SMITH of Kentucky. It is all I have before me.

Mr. PAYNE. The bill reads differently.

Mr. SMITH of Kentucky. That is what I wanted to understand.

Mr. GAINES. I am asked by telegram about the rebate on tobacco. Is there any such thing in the bill as now agreed upon?

Mr. PAYNE. The bill provides for a rebate on all unbroken factory packages of tobacco in the hands of the manufacturers or dealers when the law goes into effect on the 1st day of July next.

Mr. GAINES. In round numbers, how much of war taxation do you reduce by this bill?

Mr. PAYNE. I am going to give a statement on that point.

Mr. FLEMING. Before the gentleman leaves the question of legacies, I would like to make an inquiry. I understood the chairman of the conference committee to say that this conference report removed all taxes on legacies where the tax has not been collected prior to the 1st of March.

Mr. PAYNE. Legacies for charitable, educational, and religious uses.

Mr. FLEMING. I understood the repeal applied to all legacies.

Mr. PAYNE. Oh, no; simply to legacies for charitable, religious, and educational uses. The taxation on other legacies is left in force.

Mr. FLEMING. Let me ask the gentleman this question: When a legacy has become already vested, as it were, before the 1st of March, and the parties have delayed paying it, does the bill as agreed to in conference release taxation in such cases?

Mr. PAYNE. Yes, on all legacies for educational, charitable, or religious uses.

Mr. FLEMING. So that if a party has been negligent in paying over a legacy, he is to profit by the negligence?

Mr. PAYNE. Nobody profits by the remission of the tax except the charitable institution to which the legacy has been given. And I will say to the gentleman further that if heretofore any legacies for any of these purposes have paid taxes, I for one am in favor of refunding the tax in such cases at the first opportunity. I do not think that half a dozen members of this House would have been in favor of putting a tax on legacies for charitable, educational, or religious uses if it had been noticed when the war-revenue act was passed and our attention called to it.

Mr. FLEMING. I agree with the gentleman upon that point.

Mr. PAYNE. And if such taxation has been imposed on legacies of this description I think we ought to take it off at the first possible moment, whether the nonpayment may have resulted from negligence or otherwise; and if the tax has in fact been paid I am in favor of paying it back at the first opportunity.

Mr. FLEMING. There seemed to be an unjust discrimination in allowing an exemption where the tax has already accrued and its nonpayment has simply been the result of negligence.

Mr. PAYNE. We did not want to make this an appropriation bill.

In regard to the taxation of legacies, I want to add one word. The Senate put in a provision for the appointment of an officer whose duty it should be to institute and put in motion the machinery for the collection of this special tax upon legacies. The House acceded to that amendment, because we wanted the measure to be thorough and to secure the payment of these taxes into the Treasury of the United States.

Now, Mr. Speaker, I think I have explained all the important items in the bill.

Mr. COONEY. As I understand this statement, all deeds in which the consideration is $2,500 or less are exempt from taxation, while all deeds in which there is a greater consideration pay tax. I wish to ask the gentleman whether that tax applies to the whole consideration or only to the amount in excess of $2,500?

Mr. PAYNE. The tax applies to the amount of consideration over $2,500.

Mr. RICHARDSON of Tennessee. Up to $2,500 the exemption operates.

Mr. PAYNE. Yes; up to $2,500 there is an absolute exemption on all deeds.

Mr. GAINES. I inquired of the gentleman a few moments ago as to the amount of war tax which would continue in effect after the passage of this bill. The gentleman was about to reply, but was interrupted by the gentleman from Georgia [Mr. FLEMING].

Mr. PAYNE. I do not think I ought to take up the time of the House by reading what is contained in this document, "A summary showing the effect of House bill 12394." Any gentleman may obtain a copy of this statement in the room of the Committee on Ways and Means; and I hope a large number of copies will be printed for the use of the House. This statement shows the action of the House, the action of the Senate, the action of the conference committee, and the revenue derived from each form of taxation for the fiscal year 1900.

Several MEMBERS. Let it be printed in the RECORD.

Mr. PAYNE. It has been printed as a document, and I do not think it necessary to print it in the RECORD.

Mr. HOFFECKER. Is there any provision for the redemption of stamps that may be left on hand on July 1 next?

Mr. PAYNE. No; there is not. The House put in such a provision at the request of the Commissioner of Internal Revenue; but we believe that the act passed a year ago is amply sufficient on this point.

We omitted it from the conference report; and further we found that the act was amply sufficient to redeem every stamp that was not used. It provides that the Internal Revenue Commissioner can redeem every stamp for which the owner has no use, and of course that embraces every unused stamp. The present law requires him to redeem it on presentation, or at any time within two years after the stamp is sold, so that there is no question about that.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. HENRY C. SMITH. Has there been any change as to the size of the packages of tobacco? In other words, is the poor man's pipe protected?

Mr. PAYNE. I stated that a few moments ago. I spoke fully upon that subject. We have restored the 2, 3, and 4 ounce package, the same size packages that were used before the tax was put at 6 cents.

Mr. HENRY C. SMITH. Just one further question. I see you have retained the tax on freight rates, but have not on express rates. How is that?

Mr. PAYNE. That is because the House was in favor of this proposition, as the gentleman may remember.

Mr. SHAFROTH. Will not the gentleman consent that this schedule be printed in the RECORD?

Mr. PAYNE. I thought it would be better to have it made into a document. I presume it will be put into the RECORD by the Senate. Mr. Speaker, there is such a demand for it, I ask unanimous consent that this summary statement be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that the summary statement of the bill be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

Summary showing the effect of H. R. 12394 (as it passed the House and as it passed the Senate and as agreed to in conference) on the war-revenue act of June 13, 1898.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Beer, $2 per barrel and 7½ per cent discount	Reduced to $1.60 per barrel and 7½ per cent discount repealed.	$2 per barrel and 25 per cent discount.	$1.60 per barrel and 7½ per cent discount repealed.	$72,776,831.57
Bankers' capital and surplus, $50 for $25,000, and $2 for each additional $1,000.	Retained	$1 for each $1,000	Present law retained	3,513,850.01
Stockbrokers, $50	Retained	Retained	Retained	309,606.88
Pawnbrokers, $20	Retained	Retained	Retained	37,801.18
Commercial brokers, $20	Repealed	Repealed	Repealed	138,281.12
Custom-house brokers, $10	Repealed	Retained	Retained	6,167.18
Proprietors of theaters, museums, and concert halls, $100	Repealed	Retained	Retained	47,178.02
Proprietors of circuses, $100	Repealed	Retained	Retained	11,744.36
Proprietors of other public exhibitions, $10	Repealed	Retained	Retained	84,218.44
Proprietors of bowling alleys or billiard rooms, $5 for each alley or table.	Retained	Retained	Retained	44,194.81
Tobacco and snuff, 12 cents per pound	Retained	Discount of 25 per cent.	Discount of 20 per cent.	35,207,334.40
Cigars weighing more than 3 pounds per 1,000, $3.60 per 1,000	$3 per 1,000	$3.30 per 1,000	$3 per 1,000	19,138,584.82
Cigars weighing not more than 3 pounds per 1,000, $1 per 1,000	Retained	18 cents per pound	18 cents per pound	646,886.82
Cigarettes weighing more than 3 pounds per 1,000, $3.60 per 1,000	Retained	Retained	Retained	16,014.21
Cigarettes weighing not more than 3 pounds per 1,000, $1.50 per 1,000	Retained	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	3,953,177.09
Dealers in leaf tobacco, $6 to $24	Retained	Retained	Retained	72,030.04
Dealers in tobacco, $12	Retained	Retained	Retained	16,564.00
Manufacturers of tobacco, $6 to $24	Retained	Retained	Retained	18,207.70
Manufacturers of cigars, $6 to $24	Retained	Retained	Retained	202,301.38
Bonds, debentures, certificates of indebtedness, etc., 5 cents for each $100.	Retained	Retained	Retained	3,000,000.00
Certificates of stock, original issue, 5 cents for each $100	Retained	Retained and amended so as to include bucket shops.	Retained and amended so as to include bucket shops.	9,000,000.00
Certificates of stock, transfers, 2 cents for each $100	Retained			

Summary showing the effect of H. R. 12394, etc.—Continued.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Sales of products at exchanges, 1 cent for each $100	Retained	1 cent for each $200. Sales of merchandise in actual course of transportation exempted from tax.	1 cent for each $100. Sales of merchandise in actual course of transportation exempted from tax.	$1,000,000.00
Bank checks, 2 cents	Repealed	Retained	Repealed	7,000,000.00
Drafts or bills of exchange, inland, 2 cents for each $100	Repealed	Retained	Retained on bills of exchange and drafts other than at sight or on demand.	500,000.00
Certificates of deposit, 2 cents	Repealed	Repealed	Repealed	200,000.00
Promissory notes, 2 cents for each $100	Repealed	Repealed	Repealed	3,500,000.00
Money orders, 2 cents for each $100	Repealed	Retained	Repealed	602,000.00
Bills of exchange, foreign, 4 cents for each $100	Repealed	2 cents for each $100.	2 cents for each $100.	100,000.00
Bills of lading for export, 10 cents	Repealed	Repealed	Repealed	100,000.00
Express receipts, 1 cent	Repealed	Repealed	Repealed	800,000.00
Freight receipts or domestic bills of lading, 1 cent	Retained	Retained	Retained	400,000.00
Telephone messages, 1 cent	Repealed	Repealed	Repealed	315,000.00
Bonds of indemnity and bonds not otherwise specified, 50 cents	Repealed	Repealed, except bonds of indemnity.	Repealed, except bonds of indemnity.	250,000.00
Certificates of profits, 2 cents for each $100	Retained	Repealed	Retained	Very little.
Certificate of damage, 25 cents	Repealed	Repealed	Repealed	Very little.
Certificates not otherwise specified, 10 cents	Repealed	Repealed	Repealed	200,000.00
Charter party, $3 to $10	Repealed	Repealed	Repealed	100,000.00
Broker's contract, 10 cents	Repealed	Retained	Retained	100,000.00
Conveyance, 50 cents for each $500	Repealed	Exempted below $2,500. Above $2,500, 25 cents for each $500.	Exempted below $2,500. Above $2,500, 25 cents for each $500.	3,000,000.00
Telegraph messages, 1 cent	Repealed	Repealed	Repealed	800,000.00
Entry of goods at custom-house for consumption, 25 cents to $1	Retained	Retained	Retained	500,000.00
Entry for withdrawal, 50 cents	Retained	Retained	Retained	
Insurance, life, 8 cents on each $100	Repealed	4 cents on each $100	Repealed	
Marine, inland, fire, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	3,000,000.00
Casualty, fidelity, and guaranty, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	
Lease, 25 cents to $1	Repealed	Repealed	Repealed	200,000.00
Manifest for custom-house entry, $1 to $5	Repealed	Retained	Repealed	60,000.00
Mortgage or conveyance in trust, 25 cents for each $1,500	Repealed	Repealed	Repealed	1,000,000.00
Passage ticket, $1 to $5	Repealed	Exempted below $30 in value.	Exempted below $50 in value.	200,000.00
Power of attorney to vote, 10 cents	Repealed	Repealed	Repealed	100,000.00
Power of attorney to sell, 25 cents	Repealed	Repealed	Repealed	
Protest, 25 cents	Repealed	Repealed	Repealed	25,000.00
Warehouse receipts, 25 cents	Repealed	Repealed	Repealed	250,000.00
Proprietary medicines, one-eighth cent for each 5 cents	Repealed	One-tenth cent for 10 cents and one-twentieth cent for each additional 5 cents.	Repealed	3,948,283.19
Perfumery and cosmetics, one-eighth cent for each 5 cents	Repealed	Retained	Repealed	
Chewing gum, 4 cents each $1	Repealed	Retained	Repealed	
Sparkling or other wines, 1 pint, 1 cent; more than 1 pint, 2 cents	Retained	Retained	Retained	690,000.00
Petroleum and sugar refineries, one-fourth per cent gross receipts in excess of $250,000.	Retained	Retained	Retained	1,079,405.14
Sleeping and parlor car tickets, 1 cent	Retained	Retained	Retained	75,000.00
Legacies of every description, various rates	Excluded from tax, legacies of charitable, religious, literary, or educational character.	Same as House	Same as House	2,884,491.55
Mixed flour, 4 cents per barrel	Retained	Retained	Retained	7,439.46
Manufacturers of mixed flour, $12 per annum	Retained	Retained	Retained	
Tea, customs duty of 10 cents per pound	Retained	Retained	Retained	8,008,637.00

NOTE.—Such of the above amounts as are in round numbers are estimated.

Mr. PAYNE. The gentleman from Arkansas desires to ask me a question.

Mr. McRAE. On the question of the redemption of stamps, I want to ask the gentleman if he has convinced the Commissioner of Internal Revenue that this law is sufficient for him to redeem the stamps?

Mr. PAYNE. Oh, he has ample authority.

Mr. McRAE. Why did he make the request?

Mr. PAYNE. When he made the request I do not think he had looked at the law. But he has ample law—as full as we could give.

Mr. McRAE. Then, under your statement, you think there will be no trouble about his redeeming the stamps?

Mr. PAYNE. I do not think there can be.

Mr. McRAE. If he should decide otherwise, the stamp holder would have no remedy.

Mr. PAYNE. He can not decide otherwise. The gentleman from Tennessee wanted to ask me a question.

Mr. GIBSON. There are a great many manufacturers of patent medicine; and I would like to ask whether the conference report covers them?

Mr. PAYNE. It takes off entirely the taxes on patent medicines. I want to speak a moment as to the amount of reduction of the bill. The House reduced the war revenue $40,000,000. As it passed the Senate it reduced it about $41,000,000. This bill provides for a gross reduction of $44,665,000, but the Senate proposed an amendment taxing transactions in what is commonly known as the "bucket shops," and provided a tax of 2 cents on the hundred dollars upon every transaction made in any one of those institutions on all goods and stocks sold and all pretended to be sold in those transactions.

It also provided for a special tax of $50 annually upon each one of those institutions and upon all of their branch businesses. The amount of revenue to be derived from this has been variously estimated. It has been estimated as high as $10,000,000 a year. Of course, I do not believe it will produce any such amount of revenue as that; but from the most conservative estimates we could get, the very lowest estimate has been two and a half million dollars a year; and I think it will fairly produce that amount of revenue. So that here is an increase of revenue, as it affects these particular transactions. Of course, they are held by the courts in every State to be gambling transactions, and some doubt has been expressed as to whether the Government of the United States ought to tax gambling transactions. There is a clause in this amendment, the amendment itself being most carefully drawn, which provides that nothing herein shall be held to legalize such transactions in any of the States.

Now, Mr. Speaker, there were taxes on pool rooms and places of that kind, and we did not see any very good reason why we should not tax these "bucket shops." I do not know but what as

a proposition it would be competent, if it came into the House, to make the tax so high on those institutions as to wipe them out altogether. The friends of honest butter could have coupled with it the tax on oleomargarine, and make it sufficient to wipe them out. But we are only trying to look out for any possible deficiency in the revenue as well as being perfectly willing to put a burden upon this class of business. I believe that $2,500,000 a year will be produced. The net reduction of the bill, therefore, is $42,165,000, or $2,000,000 more than the bill as it passed the House and $1,000,000 more than the bill as it passed the Senate.

Mr. BABCOCK. I should like to ask the gentleman a question. I desire to ask in reference to the first section of the bill, which evidently is a misprint. It says, "there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60."

Mr. PAYNE. I will explain that to the gentleman. You will notice that the first section of the bill provides that the first section of an act entitled "An act to provide ways and means to meet the war expenditures, and for other purposes," approved June 30, 1898, is hereby amended so as to read as follows:

We are amending the first section of the old law, 1898. That section provided there shall be paid, in lieu of the taxes of $1 now imposed by law, a tax of $2, with a rebate of 7½ per cent. That is the old law. We amend the section of the original law and provide the tax shall be $1.60. I will append a statement of the reductions under this bill.

Estimate of reductions effected by conference report.

Commercial brokers	$138,000
Certificates of deposit	200,000
Promissory notes	3,500,000
Bills of lading for export	100,000
Telegraph dispatches	800,000
Telephone messages	315,000
Bonds, other than indemnity	25,000
Certificates not otherwise specified	200,000
Charter party	100,000
Conveyances	1,750,000
Insurance	3,000,000
Lease	200,000
Mortgage	500,000
Passage tickets	100,000
Power of attorney	100,000
Protests	25,000
Warehouse receipts	250,000
Express receipts	800,000
Proprietary medicines, perfumery, cosmetics, and chewing gum	3,950,000
Legacies	500,000
Cigars	3,100,000
Tobacco	7,000,000
Small cigars and cigarettes	500,000
Beer	9,800,000
Bank checks	7,000,000
Foreign bills of exchange	50,000
Money orders	602,000
Manifests for custom-house	60,000
Total	44,665,000
Less increase by bucket-shop amendment	2,500,000
Net reduction	42,165,000

The SPEAKER. The gentleman has twenty-six minutes remaining.

Mr. PAYNE. How much time does the gentleman from Tennessee want?

Mr. RICHARDSON of Tennessee. I will only want a few minutes, but quite a number of gentlemen have asked for some time, and I submit, Mr. Speaker, before saying a word, a request for leave to print on this bill, in order that we may take no time. I know it is a late hour of the session.

Mr. PAYNE. I ask unanimous consent that general leave to print on this bill be granted by the House.

The SPEAKER. The gentleman from New York asks unanimous consent that general leave to print be given upon the bill.

Mr. RICHARDSON of Tennessee. Upon taxation.

The SPEAKER. For what length of time?

Mr. PAYNE. For five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I only want a few minutes.

Mr. PAYNE. I yield to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, after the very clear statement of the gentleman from New York just made, I shall not go over the bill in its details, and shall not refer to the different features of the measure. The conference report, as it is presented, brings the legislation more nearly to the House bill than to the Senate bill. The bill as now presented makes a reduction of $42,000,000 in the war revenue. This side of the House, when the measure was pending here a few weeks ago, thought there should be a reduction of at least $70,000,000 in war revenue, and we voted with practical unanimity for such reduction.

We thought so, Mr. Speaker, because the report of the Secretary of the Treasury shows that there will be a surplus this year of $80,000,000. It is shown that there will be a surplus of about the same sum in the next fiscal year, according to the estimates. Taking the surplus already in the Treasury, the surplus for this year and the estimated surplus that is shown by the report of the Secretary of the Treasury, there is no doubt but there could be and there should be a reduction by this bill of $70,000,000 at least. We pledged ourselves by a vote to that effect. We tried to give relief to the business interests of this country by voting a reduction in these war revenues of $70,000,000. It was conceded that when the war-revenue bill passed in 1898 there was an exigency upon the country and a just demand for an increase in the revenues. When the war with Spain began, we pledged our constituents in enacting the war-tax measure that it was a temporary measure, and that just as quickly as possible we would relieve them.

We have not kept the promise, Mr. Speaker, except in a very limited degree. We have reduced the revenue as stated only about forty million or forty-two million dollars, but a suffering commercial community was entitled to a much larger reduction, and this Congress should have given it. Now, there is no use to speak against this conference report. It is possibly the best we could get. I think it is the best we could get, in view of the political condition of this body, and of the body at the other end of this Capitol. They were not willing to go beyond $42,000,000, and, Mr. Speaker, while we wanted a much larger reduction, we have been unable to get it; but as wise and prudent legislators we can not afford, in my judgment, to vote against this reduction. Therefore, acting as one of the conferees, representing the minority side of the House, I signed the conference report, and would now advise that the bill be passed.

At the same time I emphasize the fact that there should have been a larger reduction, and if we had had an opportunity, if it had been given to some of us to have arranged the items of reduction, we would have changed and made a further reduction upon items upon which only a partial relief is given in the pending bill.

I believe that we have not kept the promise that we made to the people that the war-revenue measure was a temporary imposition put upon them, and that as soon as the war was over they should have relief from the burden. But not being able to get the total relief that I think they were entitled to I signed the report, and I believe the bill should pass.

Mr. PAYNE. I now yield to the gentleman from Missouri three minutes.

Mr. BARTHOLDT. Mr. Speaker, at this stage of the proceedings it is perhaps useless to attempt a modification of this bill, but in behalf of my constituents I am constrained to enter a protest against that section which relates to the tax on malt liquors.

This is not a party question, I believe. The Democratic side has failed to make a minority report on this bill, and when previously I stood upon the floor and made a motion for the purpose of securing a further reduction of the tax on beer Democrats joined hands with Republicans for the purpose of voting down that motion, and consequently it is fair to say that there is no politics in this question.

Mr. RICHARDSON of Tennessee. Will the gentleman yield to me for a question?

Mr. BARTHOLDT. Yes; although I have only three minutes.

Mr. RICHARDSON of Tennessee. I understood the gentleman to say that the Democrats had filed no minority report.

Mr. BARTHOLDT. I understood that both Democratic members of the conference committee have signed the report.

Mr. RICHARDSON of Tennessee. The gentleman must understand that there can be no minority report from a conference committee.

Mr. BARTHOLDT. True; but the gentleman from Tennessee and his colleague, as I understand, both signed the conference report.

Mr. RICHARDSON of Tennessee. There was no other way; there can not be a minority report from a conference committee.

Mr. SULZER. Look up the rule. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, we content ourselves now with this bill. But I sincerely trust, in the interest of justice and fairness, that at the next session this matter may be taken up again. It is a serious proposition, this question of taxing the people by a tax on consumption. When you tax consumption you tax the poor man as much as you tax the rich man, and in many features of this bill you lay the burden on the shoulders of those who can least afford to bear it.

Besides, as far as the tax on malt liquors is concerned, the reduction is the least of all the reductions granted. The percentage of reduction in every other respect is much larger than in this. Why this unfairness? But, as I say, I shall vote for the bill because I prefer to take half a loaf rather than no loaf at all. Since there does not seem to be any desire on the Democratic side to object, those of us who are dissatisfied with certain features of this measure are helpless, and shall have to accept the situation. I shall be here when in the next Congress justice will be demanded in behalf of a great American industry.

Mr. RICHARDSON of Tennessee. You appeal to the Democrats for help, do you? [Cries of "Vote!" "Vote!"]

The question was taken; and the conference report was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from New York if he will not make a request for the printing of extra copies of this bill?

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to print 10,000 copies of the bill as it comes from the conference committee, and also the summary which is presented, to be distributed through the folding room.

Mr. SHAFROTH. Why not make it 15,000 copies, so as to provide 5,000 copies for the Senate?

Mr. PAYNE. The Senate will provide for itself.

The SPEAKER. The gentleman from New York asks unanimous consent that there be printed 10,000 copies of the bill for the use of the House, with the conference report and the summary, to be distributed to the members of the House through the folding room. Is there objection? [After a pause.] The Chair hears none.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I call up the conference report on the consular and diplomatic appropriation bill, and I ask consent of the House that the statement be read and the reading of the formal report be omitted.

The SPEAKER. Without objection, the statement only will be read. [After a pause.] The Chair hears none.

The Clerk read as follows:

The managers on the part of the House of Representatives make the following statement of the result of the conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902:

The Senate recedes from No. 2, increasing salary of minister resident and consul-general to Persia $2,500; and

From No. 10, providing five Chinese student interpreters at $1,000 each.

The House recedes and concurs with the Senate amendments as follows:

In No. 1, increasing salary of minister to Ecuador, $2,500.

In No. 5, for salary of secretary of legation to Roumania, Servia, and Greece, $1,800.

In No. 6, for salary of secretary to Netherlands, but striking out Belgium.

In No. 12, increasing from $20,000 to $40,000 the sum to purchase ground and erect buildings for our legation at Pekin.

In No. 14, for safe-deposit vault at Seoul, Korea.

In No. 15, striking out alphabetic list of salaried consulates.

In No. 16, inserting list of consulates in the old form by schedules and classes, and increasing the salaries at Ottawa, Quebec, Odessa, Para, Asuncion, Copenhagen, Leghorn, Port Stanley, Liege, Stetten, and St. Johns, Newfoundland, $500 each; making St. Pierre and St. Christopher salaried consulates at $1,500 each; leaving Lorenco Marquez at $2,000, instead of $2,500 as in Senate amendment.

In No. 18, arranging allowances for clerk hire in the old order instead of alphabetical order, with one increase of clerk hire at Beirut from $480 to $800.

In No. 20, allowing $600 for a prison keeper in Korea.

In No. 22, allowing $500 more for employee of the Bureau of Foreign Commerce in preparing consular reports.

The other amendments relate to footings.

R. R. HITT,
R. ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

Mr. HITT. Mr. Speaker, the changes in the bill made in conference are so slight, and are recited so clearly in the statement just read, that it is unnecessary to repeat them again. We were unanimous in the conference report, and did as well as we could to maintain the House bill in spirit, and the changes are not large.

Mr. RICHARDSON of Tennessee. I desire, Mr. Speaker, to ask how much the bill is increased now, if at all, over what it carried when it passed the House?

Mr. HITT. Thirty-nine thousand six hundred and twenty dollars, one-half of which is for the legation land and buildings at Pekin.

Mr. RICHARDSON of Tennessee. And what is the remainder for?

Mr. HITT. Mostly for slight increases in salaries of consuls and clerks for smaller consulates—poor fellows that only had fifteen hundred or two thousand dollars.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the report was agreed to.

INVESTIGATION OF PAY OF HOUSE EMPLOYEES.

Mr. MOODY of Massachusetts. Mr. Speaker, I present a privileged report from a special committee to investigate the employees of the House.

The SPEAKER. The gentleman from Massachusetts, chairman of the special committee with instructions to investigate the employees of the House, with instruction to report back within six days, submits the report from that committee. Has the gentleman any suggestion to make in regard to it?

Mr. MOODY of Massachusetts. A parliamentary inquiry, Mr. Speaker. Would the report be printed as a document without any action by the House?

The SPEAKER. If it is referred to the Calendar it would be. The report will be printed and referred to the House Calendar.

Mr. BAILEY of Texas. I suggest to the gentleman that he ask unanimous consent to have that report itself printed in the RECORD.

Mr. MOODY of Massachusetts. I will make that request, Mr. Speaker, except that it shall not include the evidence.

The SPEAKER. The request of the gentleman from Texas would not include the evidence.

Mr. MOODY of Massachusetts. The evidence is a part of the report by the terms of the report itself; so I suggest the modification of the terms of the request so as to include only the report and leave the evidence to be printed as a document.

Mr. BAILEY of Texas. That was my intention—the report to be printed with the evidence as a part of the document, but the report itself only to be printed in the RECORD.

The report is as follows:

The special committee of the House of Representatives, appointed in pursuance of the House resolution passed on Saturday, February 23, submit the following unanimous report:

The committee met immediately after their appointment and have held frequent and protracted sessions, and the testimony taken is made a part of this report. By the terms of the resolution the committee were required to make their report within six days after their appointment. This limitation of time was demanded by the early expiration of this Congress.

The short time at our disposal has rendered it impossible to make a complete investigation; but we believe we have complied with the spirit of the resolution, and are able to report to the House a sufficient number of facts to make clear the method of appointment and payment of the employees of the House, and to characterize properly any abuses which have grown up thereunder.

Including the clerks and assistant clerks and messengers to committees, but excluding members' clerks, the officers and employees of the House number 357, and their aggregate annual compensation is about $400,000.

The four officers elected by the House, namely, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, appoint the employees of the House, except the clerks and assistant clerks of members and committees, four elevator men, the stenographers, and those appointed by House resolutions. The appointments, however, are made on the recommendation of members of the House, and very largely, though not entirely, of members of the dominant party in the House.

If a member upon whose recommendation an appointment is made desires the removal of his appointee and the substitution of another person, the removal and substitution are made without regard to the capacity of either person. In case a member upon whose recommendation an appointment has been made ceases to be a member of the House, an employee recommended by him ordinarily loses his place. Thus the officers of the House, though responsible for the character of the service rendered by the employees, have in reality little or no voice in their selection, and, as might reasonably be expected, the results obtained from the system which we have described are in some cases extremely unsatisfactory. This method of appointing House employees has existed for many years, during which the House has been under the control of each party alternately.

We believe that candor compels us to state at the outset that some of the faults in administration which we have observed are attributable to the system and to the persistence of members of the House in urging upon the officers the appointment of their constituents and friends to subordinate places, and that such faults are deeply rooted, of long standing, and likely to continue under the administration of any political party as long as such a system is maintained. We shall consider the four departments of the House service in turn.

POST-OFFICE.

We find nothing to criticise in the administration of the House post-office during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses.

SERGEANT-AT-ARMS' OFFICE.

We find nothing to criticise in the administration of the office of the Sergeant-at-Arms during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. There is one fact, however, to which we desire to call the attention of the House: Humphrey H. Lemon was injured in 1870 while in the performance of his duty as a member of the Capitol police; in 1878 Congress appropriated $3,000 for his relief, and in 1882 legislation was had in his behalf by a joint resolution approved July 7, as follows:

"Joint resolution authorizing the appointment of Humphrey H. Lemon upon the Capitol police force.

"*Resolved, etc.*, That the board of Capitol police be authorized and directed to place upon the roll of the Capitol police, as an additional member thereof, Humphrey H. Lemon, formerly belonging to said force, who was maimed for life while in the discharge of his duties, and that when appointed under the authority of this resolution the said Humphrey H. Lemon be assigned to the duty now performed by him as a watchman inhe Dome of the Capitol."

Mr. Lemon is still a member of the Capitol police and paid as such at the rate of $1,100 per annum, although he is and has been for a long time unable to perform any duty.

OFFICES OF THE CLERK AND DOORKEEPER.

It is impossible to separate entirely these offices in the consideration which follows. We have found in both departments certain abuses, which may be grouped under three heads, namely: Transfers of employees from the duties of the positions to which they were appointed to other duties, unjustifiable payments of compensation to employees while absent from their posts of duty, and divisions of salaries.

First. Transfers of employees from the duties to which they were appointed to other duties.—Some part of this evil is doubtless attributable to the fact that the annual appropriation acts have not properly provided for the necessities of the House service. An illustration of this is furnished by the case of Guy Underwood, who is carried on the rolls as a laborer at $720 per annum, while in point of fact he performs the duty of assistant in the Hall Library of the House and his compensation is usually increased to $1,800 per annum by an appropriation of $1,080 in the general deficiency act.

Again, a sufficient number of messengers has not been provided for the actual necessities of the service, while more folders have been provided than are required. As a result of this men have been transferred from the duties of a folder to those of a messenger, and the compensation of some has been increased by appropriation in deficiency acts.

But evils of another class result from transfers, some examples of which we report. They result in part, at least, from an attempt to adjust salaries so as to satisfy the members that their appointees obtain a just share of the whole appropriation, instead of attempting to apportion the compensation to the merits of the respective employees and the character of the services which they render. The following are illustrative instances:

The place of House telegrapher is held by O. M. Enyart, who in point of fact has never served in that position, but for a time was detailed to the stationery room and then to the House library, where he now is. J. J. Constantine actually performs the duty of telegrapher, and has done so during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. During this time he has been paid from an appropriation carried in the legislative act, as follows: "Hire of horses and wagons and cartage for use of the Clerk's office, $900."

The Clerk has used this appropriation for the payment of Constantine's

salary, while he has procured the service for which it was made by payments of $40 monthly, which sums have been obtained by contributions from other employees in the manner hereinafter described. Such a use of an appropriation is in violation of section 3678 of the Revised Statutes, which is as follows: "All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others." In the meantime, up to the current year, Constantine has been paid $900 per annum by an appropriation on the general deficiency act, thus making his salary equal to that called for by the place which he actually fills.

Winthrop C. Jones is carried on the roll as a locksmith under the Clerk's department at a salary of $1,440, while in point of fact he performs the duty of a messenger under the Doorkeeper's department at the southwest door of the House lobby, and his duties as locksmith are performed by Daniel P. Hickling, who is on the Doorkeeper's roll as a session folder at $75 per month. Thus the position of locksmith, the duties of which require only a payment of $75 per month during the session, pays to a man who performs none of its duties $1,440 per annum.

And this is not all. There are four other men serving with Jones as messengers at the southwest lobby door. The five men all do exactly the same work, while their respective rates of pay are different. Thus, while Jones receives $1,440, George E. Page, a folder, receives $840; Willard Wilson, also a folder, receives $900; John Deardorff, on the messengers' roll, receives $1,000, and George Jenison, a special employee by House resolution, receives $1,200 per annum.

Jones was at the time of his appointment to the post of locksmith on the roll as a messenger, receiving $1,000 per annum. He continued to perform the same duties after his appointment as locksmith as before, the net effect of the transaction being to increase his compensation $440 a year at the expense of the person to whom that sum was really due for service performed. The whole transaction is so instructive that we report a part of the testimony relating to it:

"The CHAIRMAN. Daniel P. Hickling is performing the duties of locksmith?

"Major MCDOWELL. Yes, sir.

"Q. He is a session folder at $75 a month?

"A. Yes, sir.

"Q. And his pay simply extends through the session, and how much longer?

"A. No longer.

"Q. Is he doing the work properly?

"A. Yes, sir; he is a capable man.

"Q. And you have been able to get for $75 a month the services that the position require?

"A. The position is probably worth a little more; it is probably worth $1,200 a year.

"Q. Did he not hold the position of locksmith once?

"A. Yes, sir.

"Q. And drew the salary?

"A. Yes, sir.

"Q. The whole of it?

"A. Yes, sir.

"Q. How did he happen to be removed from that position?

"A. Several members of the Michigan delegation thought they hadn't their share.

"Q. Where did he come from?

"A. Who, Hickling?

"Q. Yes.

"A. He is from the District here.

"Q. And had no Congressman?

"A. No.

"Q. So that on the demand of the Michigan delegation you removed a competent locksmith who was doing the work and drawing the pay of the place and had him appointed, I believe, as a session folder at $75 a month?

"A. Yes, sir.

"Q. And he still continued to perform the duties of the position?

"A. Yes.

"Q. Was this man Jones, who was appointed, a locksmith?

"A. Indeed, I do not know.

"Q. Have you ever heard that he had any skill in that calling?

"A. No; I never knew anything about him. I know him, but that's all. I do not know what his qualifications are.

"Q. The substance of it was you yielded to the demand of the Michigan delegation without any regard whatever to the interests of the public service?

"A. That's right.

"Mr. LONG. And the man who was appointed to the position of locksmith was put on the door as a messenger?

"The WITNESS. Yes.

"Mr. LONG. That is the fact?

"The CHAIRMAN. Yes; that is the fact.

"It is not surprising to find, as we do, that Jones is a persistent absentee, and not attentive to his duties when present. He was absent from the service of the House from early in April of last year until after the Christmas holidays."

Second. Payments of compensation to employees while absent.—The duty of many of the employees of the House ceases with the end of a session, or very soon thereafter. Such is the case with the reading clerks, messengers, enrolling clerks, and many others who might be named. Their absence from Washington after a session of Congress closes and their duties are finished is as legitimate as the absence of the members themselves.

But many employees who should be at their posts have been from time to time absent without justification, both during sessions and between sessions. In the absence of any record it is impossible for the committee to ascertain with anything like accuracy the amount of absenteeism, but in our opinion it is very considerable.

Some of those employed in the library service have been absent for long periods between the sessions of Congress, although the House library is in a condition which demands constant attention for years to come in order to bring it up to a proper condition of efficiency. The pay roll of the librarian, his assistants, and those detailed to the library service, including deficiency appropriations, amounts to $9,200 per annum.

No one of the employees of the library, with the exception of a $600 deficiency employee and Guy Underwood, who in his freshman year at college was librarian part of one session at the Ohio State University, has ever had any library experience, although they all appear to be capable, intelligent men. The House library is said to consist of 300,000 volumes, many of which are duplicates, and is scattered from the Dome to the basement of the Capitol, in some instances, until recently, books being piled in unused rooms, like so much wood or coal. The present librarian testified as follows:

"Q. It would be difficult to describe a worse condition than existed?

"A. It would, for the condition of books. It would be all right for a barnyard, but for books it was terrible."

It is just to say that under the present administration of the library some attempt has been made at improvement, but the effect of fifty years' neglect can not be remedied in a day. We can not think that any absenteeism, beyond a reasonable vacation, on the part of those employed in the library is justifiable in view of the foregoing facts.

The folders, taking the orders of members rather than those of the Doorkeeper, are absent a great deal during the vacation, and in some cases persons are employed by resolution to do their work. The Doorkeeper testified as follows:

"I think Mr. Lyon told me where members requested they had three months at home during this last Congress.

"Q. Drawing their pay in the meantime?

"A. Yes, sir; they had three months'.

"Q. That is not in the interest of your service, is it?

"A. No, sir.

"Q. Have you been able to prevent it?

"A. No, sir.

"Q. Why?

"A. They would go to the superintendent of the folding room and say to him, "My man has got to go home."

"Q. You mean the members would go?

"A. Yes, sir. I do not like to criticise members, but that is the situation. They go and say, "I have got to have my man home, and he must go home; it is absolutely necessary;" and he has been permitted to go."

We have been unable to inquire as much into specific instances of absenteeism as we desired, but it may be said generally that absenteeism on the folders' force is very general. There are several cases of absenteeism which we report without comment.

C. B. Brockway, assistant file clerk, with an annual compensation of $1,200, has been absent during the present session, owing to severe illness.

Leroy J. Hooker was appointed clerk to the Doorkeeper in May, 1897, and remained in that position until January 11, 1898, when he was appointed upon the soldiers' roll. He was absent from Washington from the date of his appointment until the following December without loss of pay.

E. H. Keller, of New York, has been upon the roll as a cloakroom man at an annual compensation of $900 since July 26, 1897, and is on the roll at the present time. He has never been on duty in the cloakroom, but Mr. Lyon, formerly clerk to the Doorkeeper, testified that during these years he had been at work "off and on for three or four months." It is the opinion of the Doorkeeper that Keller worked six months. In any event, he has not worked over six months in the nearly four years during which he has drawn pay, and has not been in Washington for eleven or twelve months.

Third, division of salaries.—According to the testimony of Thomas H. McKee, the Journal clerk, the custom of dividing salaries is an old one and has existed for at least twenty years. We are satisfied that we are unable to report all the instances of divisions of salaries which have occurred; but we submit the following facts, which were clearly proved before us:

On the organization of the House in the Fifty-fourth Congress it appears that more places, or places with higher salaries, were promised than the officers of the House were able to discover under the law. It does not appear by whom these promises were made. There began at once a system whereby the employees agreed to contribute greater or less portions of the salaries they received for the purpose either of paying persons not on the roll or of increasing the compensation of persons who were on the roll.

Of the latter class, the increases were not proportioned to the character of the services rendered or the merit of the employees, but to the supposed rights of the States or Congressional districts from which the recipients came. Some of these contributions were made voluntarily and cheerfully; others we believe to have been made under a species of moral duress. It must be said, however, that no instance of threat of dismissal appeared before us, and that in the single case of refusal to contribute which appeared before us the person refusing held his position without molestation.

We have been unable to examine all the employees of the House, but it has appeared that Alexander McDowell, Clerk; William J. Browning, Chief Clerk; E. L. Lampson, reading clerk; Messrs. Hatcher and Stratton, former reading clerks; Henry Robinson, disbursing clerk; Henry C. Campbell, formerly assistant librarian; Thomas H. McKee, journal clerk; Herman A. Phillips, assistant journal clerk; Thomas Parran, index clerk; C. S. Hoyt, distributing clerk; O. M. Enyart, telegrapher; R. E. Fleharty, clerk in the stationery room; D. Wright, formerly a clerk in the stationery room, and George W. Sabine, assistant librarian, contributed for these purposes in the Fifty-fourth and Fifty-fifth Congresses sums ranging from $5 to $20 per month from their respective salaries, in addition to the specific instances to which we call attention below. These contributions were paid into the hands of Henry Robinson, disbursing clerk, of William J. Browning, chief clerk, or John L. Morrison, stationery clerk, and by them disbursed to the persons whose salaries were thus provided or increased.

Robert Coates, a colored man, was on the roll as a laborer in the Democratic cloakroom up to June 30, 1896. He was dropped from the roll and was succeeded by another colored man, Daniel W. Lewis, of Oklahoma, who was transferred to other duties. On the suggestion of Mr. Lyon, then clerk to the Doorkeeper, 5 employes in the cloakroom contributed to Coates $10 each per month from their salaries until December 1, 1896, when Coates was restored to the service by resolution of the House, at $70 per month, being $30 more than the amount received by his fellows.

Robert Richardson and William Richardson, two colored men employed in the House bathrooms and carried on the Clerk's roll as laborers at $720 each per annum, have been so employed for many years. In August, 1898, W. W. Wood, of Newcastle, Pa., a white man, was placed upon the roll and continued there for four months, taking the place on the pay roll of Robert Richardson in August and October and of William Richardson in September and November. We have not learned that Wood did anything besides drawing his pay. He never even appeared in the bathrooms.

In the meantime the Richardsons performed all the work, but each lost two months' pay. The transaction was without their consent. In April, 1900, W. H. Ridley, a colored man residing in Media, Pa., came to the bathrooms with another colored man, apparently with the purpose of taking the place of one or other of the Richardsons. The final result was that the Richardsons agreed each to pay $10 per month to Ridley, and did so by registered letters for eight months. Robert Richardson testified that this was done by the Clerk's orders; but this the Clerk denied, asserting his ignorance of the transaction. The Richardsons continued to do the work. Ridley did nothing.

A. C. Smith, of Tennessee, appointed as a clerk in the enrolling room, January 1, 1898, at a salary of $1,600 per annum, served as such until February, 1900, but during all the time except two months paid Mr. Robinson, the disbursing clerk, at the rate of $400 per annum, for the general purposes above described.

Dennis E. Alward entered the employ of the House in April, 1896, as superintendent of the document room, at a salary of $2,000 per annum, and remained in that position until the beginning of the special session of the Fifty-fifth Congress.

During this period, by arrangement between the respective members of the House from whose districts the employees came, he paid at the rate of $400 per annum to the use of Oscar J. Hill, a folder, serving as messenger at the main door. At the special session of the Fifty-fifth Congress Mr. Alward became one of the reading clerks of the House, at a salary of $3,600, and has

continued in that position until the present time. During the two years of the Fifty-fifth Congress he paid Mr. Robinson, by some understanding, the origin of which is uncertain, the sum of $1,000 per annum for the general purposes above described.

We have found no evidence of the continuance of the practice of assessment, contribution, or division of salaries in the present Congress, except in the case of the bathroom employees hereinbefore stated. Upon this subject the Clerk of the House testified as follows, near the close of the investigation, and we commend his testimony to the thoughtful attention of the House:

"Of course those abuses have been going on for years, salaries have been divided for years, and it is generally caused by the members; you understand that. For instance, two men draw two positions. One is $1,200 and the other is $800. They both want the $1,200 position; and they compromise by taking the $800 position and the one of $1,200, and they figure 8 and 12 is 20, one-half of 20 is 10. This is a matter which they figure among themselves. I have never been a party to any of those divisions, and at the beginning of this Congress I told my men that I would have nothing of the kind, that I would not have any divisions or contributions or anything else on the rolls; and so far as I know it has been strictly adhered to."

We have not had the opportunity to consider the subject-matter of our investigation with sufficient care and deliberation to warrant us in submitting specific recommendations for the correction of the abuses which we have reported to the House. Upon the instance of the committee a concurrent resolution has been passed by both Houses of Congress conferring upon the conferees upon the legislative, executive, and judicial appropriation bill jurisdiction which will enable them to deal with some of the questions raised by our investigation. It would not be pretended that the inquiry is at such a stage that the coming action upon the appropriation bill—if there is any such—will dispose finally of the subject, although we hope that there will be some reorganization of the House force upon that bill and some salutary provisions of permanent law reported.

While the committee is by the resolution directed only to report the facts to the House, we believe that the abuses and evil practices which have by long continuance grown up under the present system of appointment of House employees can not be fully and completely prevented except by a permanent statute which shall properly and equitably adjust compensation and employment, and specifically prevent the abuses which have been herein reported.

WILLIAM H. MOODY.
JESSE OVERSTREET.
CHESTER I. LONG.
JOSEPH W. BAILEY.
FRANCIS G. NEWLANDS.

The SPEAKER. The request of the gentleman from Texas is that the report, without the evidence, be printed in the RECORD, and that the report, with the evidence, be printed as a House document. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAILEY of Texas. In connection with that matter, I ask unanimous consent for the present consideration of a brief resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That the Speaker of the House appoint a committee consisting of 5 members, not more than 3 of whom shall belong to the same political party, and all of whom shall be members-elect of the Fifty-seventh Congress, whose duty it shall be to frame and report to the next House a bill to regulate the appointment of and payments to the employees of the House of Representatives.

Mr. BAILEY of Texas. Mr. Speaker, if I can have unanimous consent, I desire to say only a word or two in explanation of this resolution.

Mr. HEPBURN. I have no disposition to antagonize the resolution, if it will not call for debate.

Mr. BAILEY of Texas. It will not occupy three minutes.

My first idea was to offer a resolution continuing this special committee, with the exception of myself; but on reflection I have thought it more proper to leave the appointment of the committee entirely with the Speaker, confident in the opinion that he would appoint my associates on the committee.

The House will perceive from the reading of the testimony, as well as the report, that the present service of the House urgently needs revision and correction. The House has already authorized the conferees on the legislative appropriation bill to deal with the question of employment and salaries, but it was the unanimous opinion of the committee that no proper regulation of that matter could be had upon a general appropriation bill, and therefore it was deemed best to offer this resolution.

The committee authorized by this resolution will, of course, have the benefit of whatever labor the conferees may perform in accordance with the other resolution; and when this House assembles for the next session of Congress, this committee, I am more than satisfied, will be ready to submit a bill under which these gross abuses will be impossible. I ask for the adoption of the resolution just read.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

HOMESTEADS ON FORT FETTERMAN MILITARY RESERVATION, WYO.

Mr. LACEY. I ask the consideration of the conference report which I send to the desk.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 323) entitled "An act granting homesteaders on the abandoned Fort Fetterman Military Reservation, in Wyoming, the right to enter one quarter section of public land on said reservation as pasture or grazing land, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House of Representatives numbered 1, 2, 3, 5, 6, and 7, and agree to the same.

That the House recede from its amendment numbered 4.

JOHN F. LACEY,
CHAS. H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

THOS. H. CARTER,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of the House conferees on S. 323, a bill "to grant homesteaders on the abandoned Fort Fetterman Military Reservation, in Wyoming, the right to enter one quarter section of public land on said reservation as pasture or grazing land."

The effect of the report is as follows: The word "enter" is changed to "purchase," and the price is fixed at $1.25 an acre.

The Senate propose that a homesteader may purchase an additional quarter section in the reservation at any place thereon.

The House amendment required that the additional land should be contiguous to the homestead.

As the reservation is small, about 6 miles by 10, the additional grazing land in any event would not be very distant from the homestead of the settler and the House recedes from its amendment requiring that the additional land be contiguous.

JOHN F. LACEY,
CHAS. H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

The question being taken, the report of the committee of conference was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I submit a conference report on the Agricultural appropriation bill. I ask that the statement of the House conferees be read in lieu of the conference report.

There was no objection.

Mr. RICHARDSON of Tennessee. Without knowing what this report contains, I want to reserve all points of order.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 53, 55, 70, 72, 73, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 71, 74, 75, 76, 77, 78, 79, 80, 81, and 82, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the words "forty-three" insert the words "forty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the word "forty-three" insert the word "forty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: On page 33, line 21, strike out the word "ten," stricken out by said amendment, and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 33, line 22, strike out the word "sixty," stricken out by said amendment, and insert "sixty-three;" also, on page 33, line 24, after the word "Columbia," insert "of which sum $3,000 shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: On page 34, lines 1 and 2, strike out the words "forty-six," stricken out by said amendment, and insert "fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: On page 39, in line 3, strike out the words "five hundred;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House beg to submit to the House the following statement and explanation of the conference report on the Agricultural appropriation bill, H. R. 13801:

Outside of the amendments affecting the reorganization of the Department and the amendments increasing the appropriations for seeds, to both of which the conferees were directed by the House to agree, the remainder are unimportant and relate mainly to changes of totals, omissions, and typographical errors, with the following exceptions:

Amendment 53, by which the appropriation for the biological investigations was increased $7,500 was receded from by the Senate and the amount left at the figure appropriated by the House.

Amendment 56, by which the Senate increased the amount for the Division of Publications by $5,500, was agreed to by the House conferees and was made immediately available, at the earnest request of the Secretary of Agriculture, in order to expedite the work of getting out Department publications which should be distributed before July 1.

Amendment 64, by which the Senate increased the appropriation for the Division of Statistics by $15,000 was compromised at an increase of $10,000.

Amendment 67, increasing the appropriation for the Department library from $14,000 to $16,000 was agreed to by the House conferees, that being the amount originally estimated for by the Department.

Amendment 69, increasing the appropriation for nutrition investigations from $17,500 to $20,000 was agreed to by the conferees on the part of the House, that amount having been originally estimated for by the Department.

Amendment 70, by which the Senate increased the appropriation for irrigation investigations from $50,000 to $75,000 was receded from by the Senate and the amount allowed to remain at $50,000, as fixed by the House.

Amendment 72, whereby the Senate increased the appropriation for the public road inquiry $7,500, was receded from by the Senate, and the amount appropriated was left as fixed by the House.

Amendment 82, enabling the Secretary of Agriculture to procure plans and specifications for a new building for the Department of Agriculture, to be submitted to the next Congress, was agreed to by the conferees on the part of the House, as the necessity for a new building has long been recognized by members of the Agricultural Committee who are familiar with the inadequate accommodations afforded by the present one, and its inconveniences and the combustible character of its construction.

Amendment 83, which provided for the appeal of section 2 of an act approved March 3, 1885, chapter 338, Revised Statutes, Forty-eighth Congress, second session, was stricken from the bill for the reason that it repealed a good law which ought to apply to all Departments, and not alone to the Department of Agriculture.

The section in question is as follows:

"That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government; and in addition to the proper vouchers and accounts for the sums appropriated for the said Department to be furnished to the accounting officers of the Treasury, the Commissioner of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said Department for the last preceding fiscal year."

A law which, in the judgment of the conferees of both Houses, should be made applicable to every Department and branch of the Government service. The bill as agreed upon by the conferees carries $4,581,520, an increase of $236,820 over the bill as passed by the House.

Mr. WADSWORTH. I ask for the adoption of the report.

The report was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the report was agreed to was laid on the table.

REVENUE-CUTTER SERVICE.

Mr. HEPBURN. I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 5499. Pending that motion, I move that all debate in Committee of the Whole on this bill be closed in five minutes; and upon that motion I ask the previous question.

Mr. UNDERWOOD. I desire to make the motion that the House adjourn, which, I think, takes precedence.

Mr. HEPBURN. I make the point of order that the motion of the gentleman from Alabama [Mr. UNDERWOOD] is dilatory.

The SPEAKER. The Chair sustains the point of order.

The question being taken on ordering the previous question, there were on a division—ayes 126, noes 61.

Mr. UNDERWOOD. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 80, answered "present" 10, not voting 97; as follows:

YEAS—166.

Acheson,	Davidson,	Lentz,	Roberts,
Adams,	Davis,	Lester,	Ruppert,
Adamson,	Denny,	Levy,	Russell,
Aldrich,	Dick,	Lewis,	Ryan, N. Y.
Allen, Me.	Driggs,	Littauer,	Salmon,
Babcock,	Emerson,	Littlefield,	Scudder,
Baker,	Esch,	Livingston,	Shattuc,
Bankhead,	Fitzgerald, Mass.	Long,	Shelden,
Barber,	Fitzgerald, N. Y.	Lovering,	Sherman,
Barham,	Fletcher,	Lybrand,	Showalter,
Barney,	Fordney,	McAleer,	Sibley,
Bartholdt,	Foster,	McCall,	Smith, Iowa
Bellamy,	Gamble,	McCleary,	Smith, Ky.
Berry,	Gardner, Mich.	McClellan,	Smith, H. C.
Bowersock,	Gardner, N. J.	McDowell,	Smith, Wm. Alden
Brantley,	Gibson,	Mahon,	Southard,
Breazeale,	Gillet, N. Y.	May,	Sperry,
Brewer,	Glynn,	Mercer,	Stallings,
Brick,	Gordon,	Miller,	Stark,
Brosius,	Graham,	Minor,	Steele,
Brown,	Green, Pa.	Moody, Oreg.	Stewart, N. J.
Bull,	Greene, Mass.	Morgan,	Stewart, N. Y.
Burke, S. Dak.	Griffith,	Morrell,	Stewart, Wis.
Burke, Tex.	Grosvenor,	Morris,	Sulloway,
Burkett,	Grout,	Mudd,	Sulzer,
Burleigh,	Grow,	Muller,	Tawney,
Butler,	Hedge,	Naphen,	Taylor, Ala.
Calderhead,	Henry, Conn.	Newlands,	Thomas, Iowa
Capron,	Hepburn,	O'Grady,	Thomas, N. C.
Cochrane, N. Y.	Hill,	Olmsted,	Tompkins,
Connell,	Hitt,	Otey,	Turner,
Conner,	Hoffecker,	Otjen,	Van Voorhis,
Cooper, Wis.	Hopkins,	Overstreet,	Vreeland,
Corliss,	Howell,	Packer, Pa.	Wachter,
Cousins,	Hull,	Payne,	Wadsworth,
Crowley,	Jack,	Pearce, Mo.	Wanger,
Curtis,	Jenkins,	Pearson,	Warner,
Cushman,	Jones, Wash.	Pearre,	Weaver,
Dahle,	Joy,	Phillips,	Wilson, N. Y.
Dalzell,	Lamb,	Polk,	Ziegler.
Davenport, S. A.	Lane,	Ray, N. Y.	
Davey,	Latimer,	Riordan,	

NAYS—80.

Allen, Ky.	Fitzpatrick,	McCulloch,	Rixey,
Allen, Miss.	Fleming,	McRae,	Robb,
Atwater,	Gaines,	Maddox,	Robinson, Ind.
Bailey, Tex.	Gillett, Mass.	Mann,	Robinson, Nebr.
Boutell, Ill.	Graff,	Marsh,	Rucker,
Bromwell,	Griggs,	Metcalf,	Shackleford,
Brundidge,	Hemenway,	Miers, Ind.	Shafroth,
Burleson,	Henry, Miss.	Mondell,	Sheppard,
Caldwell,	Henry, Tex.	Moody, Mass.	Sims,
Cannon,	Jett,	Moon,	Smith, Ill.
Carmack,	Jones, Va.	Needham,	Spalding,
Cochran, Mo.	Kitchin,	Norton, Ohio	Spight,
Cooper, Tex.	Kleberg,	Norton, S. C.	Stephens, Tex.
Cowherd,	Kluttz,	Pierce, Tenn.	Talbert,
Crumpacker,	Lacey,	Prince,	Underwood,
De Armond,	Lanham,	Quarles,	Vandiver,
Dinsmore,	Linney,	Reeves,	Watson,
Dougherty,	Little,	Rhea, Ky.	Williams, J. R.
Driscoll,	Lloyd,	Richardson, Ala.	Williams, W. E.
Finley,	Loud,	Richardson, Tenn.	Williams, Miss.

ANSWERED "PRESENT"—10.

Benton,	Elliott,	King,	Smith, Samuel W.
Boreing,	Hamilton,	Landis,	
Brownlow,	Haugen,	Meyer, La.	

NOT VOTING—97.

Alexander,	Davenport, S. W.	Lassiter,	Stevens, Minn.
Bailey, Kans.	Dayton,	Lawrence,	Stokes,
Ball,	De Graffenreid,	Lorimer,	Sutherland,
Bartlett,	Dovener,	Loudenslager,	Swanson,
Bell,	Eddy,	McDermott,	Tate,
Bingham,	Faris,	McLain,	Tayler, Ohio
Bishop,	Foss,	Meekison,	Terry,
Boutelle, Me.	Fowler,	Mesick,	Thayer,
Bradley,	Fox,	Neville,	Thropp,
Brenner,	Freer,	Noonan,	Tongue,
Broussard,	Gaston,	Parker, N. J.	Underhill,
Burnett,	Gayle,	Powers,	Waters,
Burton,	Gilbert,	Pugh,	Weeks,
Campbell,	Gill,	Ransdell,	Weymouth,
Catchings,	Hall,	Reeder,	Wheeler,
Chanler,	Hawley,	Rhea, Va.	White,
Clark,	Hay,	Ridgely,	Wilson, Idaho
Clayton, Ala.	Heatwole,	Robertson, La.	Wilson, S. C.
Clayton, N. Y.	Howard,	Rodenberg,	Woods,
Cooney,	Johnston,	Ryan, Pa.	Wright,
Cox,	Kahn,	Slayden,	Young,
Cromer,	Kerr, Md.	Small,	Zenor.
Crump,	Kerr, Ohio	Snodgrass,	
Cummings,	Ketcham,	Sparkman,	
Cusack,	Knox,	Sprague,	

So the previous question was ordered.

The following additional pairs were announced:

On the revenue-cutter bill:

Mr. BROWNLOW with Mr. HAY.

Mr. YOUNG with Mr. BENTON.

For the balance of the day:

Mr. LANDIS with Mr. CLARK.

Mr. KNOX with Mr. SPARKMAN.

Mr. KAHN with Mr. SUTHERLAND.

Mr. STEVENS of Minnesota with Mr. SLAYDEN.

Mr. KETCHAM with Mr. GILBERT.

Mr. FARIS with Mr. CLAYTON of New York.

Mr. LOUDENSLAGER with Mr. CLAYTON of Alabama.

Mr. DOVENER with Mr. BRENNER.

Mr. WEYMOUTH with Mr. RHEA of Virginia.

Mr. RODENBERG with Mr. ZENOR.

Mr. BURTON with Mr. BELL.

Mr. BAILEY of Kansas with Mr. BALL.

Mr. CROMER with Mr. COONEY.

Mr. EDDY with Mr. CUMMINGS.

Mr. FREER with Mr. FOX.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. HAWLEY with Mr. GAINES.

Mr. KERR of Maryland with Mr. HOWARD.

Mr. KERR of Ohio with Mr. RANSDELL.

Mr. LAWRENCE with Mr. ROBERTSON of Louisiana.

Mr. POWERS with Mr. RYAN of Pennsylvania.

Mr. PUGH with Mr. SNODGRASS.

Mr. SPRAGUE with Mr. TERRY.

Mr. THROPP with Mr. SWANSON.

Mr. TONGUE with Mr. THAYER.

Mr. WATERS with Mr. WHEELER.

Mr. ALEXANDER with Mr. CUSACK.

On this vote:

Mr. BOREING with Mr. DE GRAFFENREID.

Mr. SAMUEL W. SMITH with Mr. BISHOP.

Mr. WOODS with Mr. NOONAN.

Mr. DAVIDSON with Mr. SMALL.

Mr. WRIGHT with Mr. HALL.

Mr. WEEKS with Mr. JOHNSTON.

Mr. HAMILTON with Mr. KING.

The result of the vote was announced as above stated.

Mr. PAYNE. It is understood between the friends and the opponents of this bill that a vote may be taken without a roll call on limiting debate, and that then the House shall adjourn.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HEPBURN] to limit general debate in the Committee of the Whole to five minutes.

The motion was agreed to.

Mr. PAYNE. I move now that the House adjourn.

The SPEAKER. Will the gentleman withhold that motion for a few moments?

Mr. PAYNE. Certainly.

HENRY B. SHELL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Invalid Pensions:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring) I return herewith the bill of the House (H. R. 9963) entitled "An act granting an increase of pension to Henry B. Shell."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 28, 1901.*

INTERNATIONAL EXPOSITION AT PARIS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, in pursuance of the act of Congress approved July 1, 1898 (U. S. Stat. L., vol. 30, pp. 645, 646), the report of Mr. Ferdinand W. Peck, commissioner-general of the United States to the International Exposition held at Paris, France, during the year 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 28, 1901.

POTOMAC RIVER FLATS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

The amendments were read, and, on motion of Mr. JENKINS, concurred in.

PUBLIC COMFORT ON INAUGURATION DAY.

The SPEAKER also laid before the House the joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort; which was read a first and second time.

Mr. JENKINS. I ask unanimous consent for the present consideration of this resolution.

There was no objection.

The House proceeded to consider the joint resolution; which was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to expend a sum not to exceed $500 from the emergency fund of the District of Columbia to provide for the public comfort during the approaching inaugural ceremonies; and the said commissioners may from time to time issue temporary permits for the aforesaid purpose, subject to such regulations as they may prescribe.

The joint resolution was ordered to a third reading, read the third time, and passed.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4176. An act to preserve the place of burial of Gen. Daniel Morgan—to the Committee on the Library.

S. 6018. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891—to the Committee on the Public Lands.

Senate concurrent resolution 113:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13575. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 1136. An act for the relief of parties for property taken from them by military forces of the United States;

H. R. 13822. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 13992. An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;

H. R. 12846. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 149. An act referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

H. R. 14144. An act to authorize the construction of a bridge across Pearl River at Monticello, Miss.;

H. R. 13907. An act to revive and amend an act entitled "An act to authorize the Georgia Pine Railroad of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.;" and

H. R. 1860. An act for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4306. An act for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company; and

S. 2799. An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898.

BRIDGE ACROSS ALABAMA RIVER.

The SPEAKER laid before the House the bill (S. 5935) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.

The bill was read at length.

The SPEAKER. This matter is privileged, being identical with a House bill favorably reported by the committee.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. STALLINGS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. I move that the House adjourn.

Mr. GROSVENOR. I ask the gentleman to withdraw that motion. I ask to take a Senate bill up from the Speaker's table.

Mr. PAYNE. I will withdraw my motion.

AMERICAN REGISTER FOR STEAM YACHT MAY.

The SPEAKER laid before the House the bill (S. 6012) to provide an American register for the steam yacht *May*.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES KELLY.

The SPEAKER also laid before the House the bill (H. R. 7760) for the relief of James Kelly, with a Senate amendment.

The bill and the Senate amendment were read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

BRIDGE ACROSS RED RIVER, LOUISIANA.

The SPEAKER laid before the House the bill (S. 6054) authorizing the Texas and Pacific Railroad Company to construct a bridge across Red River, Louisiana.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DAVEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The House bill similar to the one just passed will lie on the table; and of the others, Senate bills 5935 and 6012, the House bills corresponding to those will lie on the table.

BILLS ORDERED TO LIE ON THE TABLE.

The SPEAKER. The Chair submits a list of House bills where similar Senate bills have passed; these bills to lie on the table.

The Clerk read as follows:

Bills, duplicates of which have passed the House, to lie upon the table.

H. R. 2365. A bill to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making an appropriation therefor. (By Mr. MONDELL.) (Union Calendar No. 10.)

H. R. 985. A bill providing that those who had heretofore commuted entries or have not perfected title to tracts entered as homesteads may avail themselves of the provisions of the homestead laws. (By Mr. MONDELL.) (Union Calendar No. 43.)

H. R. 8868. A bill approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas. (By Mr. STARK.) (Union Calendar No. 102.)

H. C. Res. 351. A concurrent resolution that there be printed and bound, in the form of eulogies, 14,025 copies of the proceedings in Congress upon the reception and acceptance of the statue of Gen. Ulysses S. Grant presented by the Grand Army of the Republic. (Union, No. 282.)

H. J. Res. 7. A joint resolution authorizing foreign exhibitors at the Pan-American Exposition to be held in Buffalo, N. Y., in 1901, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury. (By Mr. ALEXANDER.) (H. C., 172.)

H. J. Res. 252. A joint resolution authorizing foreign exhibitors at the Ohio Centennial and Northwest Territory Exposition, to be held in Toledo, Ohio, in 1902, to bring to this country foreign laborers from their respective countries, for the purpose of preparing for and making their exhibits, under regulations prescribed by the Secretary of the Treasury. (By Mr. SOUTHARD.) (H. C., 232.)

H. R. 12257. A bill for the relief of the heirs of A. T. Hensley. (By Mr. SLAYDEN) Private Calendar 1367.

H. R. 13220. A bill granting an increase of pension to Hubert Bascombe. (By Mr. MORRIS) Private Calendar 1808.

H. R. 13962. A bill to extend the time granted to the Muscle Shoals Power Company, by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company. (By Mr. RICHARDSON of Alabama) House Calendar 318.

The SPEAKER. Without objection, these will all lie on the table.

There was no objection, and it was so ordered.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a list of documents distributed by the Treasury Department during the calendar years 1899 and 1900—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in reply to a resolution of the House, a statement as to the exportation of horses, mules, and supplies to South Africa—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Wm. S. Fowlkes, administrator of estate of Mial T. Long, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MOODY of Massachusetts, from the Special Committee on Employment of and Payment to House Employees, in obedience to resolution of the House (H. Res. 427) relating to the employment of and payments to employees of the House of Representatives, submitted a report (No. 2978); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12175) to correct military record of Harrison Clark, reported the same with amendment, accompanied by a report (No. 2979); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DAYTON: A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps—to the Committee on Naval Affairs.

By Mr. CURTIS (by request): A bill (H. R. 14310) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. LATIMER: A bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

By Mr. LITTLE: A bill (H. R. 14315) to amend an act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. HULL: A resolution (H. Res. 437) for the consideration of H. R. 14017—to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 438) authorizing and empowering the Committee on Insular Affairs to visit Porto Rico and the Philippine Islands—to the Committee on Rules.

By the SPEAKER: A memorial from the legislature of Wisconsin relative to imposition of inheritance or succession tax—to the Committee on Ways and Means.

By Mr. OTJEN: A memorial from the legislature of Wisconsin, relating to repeal of war-revenue tax—to the Committee on Ways and Means.

By Mr. DAVIDSON: A memorial from the legislature of Wisconsin, relating to repeal of war-revenue tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD: A bill (H. R. 14311) for the relief of John P. Duke—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14312) for the relief of the heirs of James T. Anderson, deceased—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14313) for the relief of Adolph Cohn, administrator of the estate of John Chapman, deceased—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 14316) for the relief of Bartley Giffin—to the Committee on War Claims.

Also, a bill (H. R. 14317) for the relief of John M. Dailey—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Chicago Federation of Labor, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petitions of the Home Mission, Coursin Street Methodist Episcopal Church, West End Methodist Episcopal Church, and First Methodist Episcopal Church, all of McKeesport, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Petition of Chicago Federation of Labor, relating to the reclamation and settlement of Government lands—to the Committee on the Public Lands.

By Mr. ALLEN of Maine: Petitions of Mary E. Hill and 7 others of Garden Grove, Cal., and Mrs. Julia A. Bidwell and others, of North Syracuse, N. Y., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROWN: Petition of Elizabeth Kirby and others, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petitions of Daniel McClellan and others and Julia M. Turner and others, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. COWHERD: Petition of John P. Duke, of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DALZELL: Resolutions of the Chicago Federation of Labor for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, petition of sundry citizens of Pittsburg, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of Chicago Federation of Labor, for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. FITZGERALD of Massachusetts: Resolutions of the thirty-fifth annual encampment, Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., for the passage of Senate bill No. 3422, an act to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

Also, petition of Mary B. Graves and 3 other citizens of New York, together with letter of Hon. George F. Edmunds, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Young People's Society of the Fourth United Presbyterian Church, Allegheny, Pa., Miss G. W. Hood, secretary, for the enactment of legislation to prohibit the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Chicago Federation of Labor, for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Petition of 7 citizens of Rockland,

Me., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. MULLER: Petition of 16 citizens of Tottenville, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. NEEDHAM: Petition of 15 citizens of Hemet, Cal., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIORDAN: Petition of the Chicago Federation of Labor for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. ROBERTSON of Louisiana: Petition of citizens of Pointe Coupee Parish, La., urging an appropriation for the destruction of the plant knowu as the water hyacinth in navigable streams in Louisiana—to the Committee on Rivers and Harbors.

By Mr. RUPPERT: Resolutions of the Chicago Federation of Labor, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on the Public Lands.

By Mr. RYAN of New York: Petition of Chicago Federation of Labor, for irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petitions of J. R. Loveless and 62 others of Potsdam, N. Y., and Rev. S. S. Cobb and 363 others for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the Chicago Federation of Labor, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petition of the New York Board of Trade and Transportation, in regard to reduction of war tax—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Resolution of the North Carolina Society of the Cincinnati, at its meeting in Raleigh, N. C., relative to the Nash and Davidson monuments—to the Committee on the Library.

By Mr. VREELAND: Petition of Woman's Christian Temperance Union of Dunkirk, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petition of the Chicago Federation of Labor, advocating the holding of the public lands in the West for the benefit of the people—to the Committee on the Public Lands.

SENATE.

FRIDAY, *March 1, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PLATT of New York, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to $300,919.88.

The Chair calls the attention of the Senator from Iowa [Mr. ALLISON] to the communication and accompanying papers. Does the Senator desire to have them printed?

Mr. ALLISON. I ask to have them printed and referred to the Committee on Appropriations, and I hope the Public Printer will be admonished to have them returned by to-morrow morning.

The PRESIDENT pro tempore. The communication and accompanying papers will be ordered to be printed and referred to the Committee on Appropriations.

LIST OF CLAIMS ALLOWED.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a list of claims allowed by the accounting officer of the Treasury under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INSPECTION OF BUILDINGS IN THE CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in connection with the report submitted on the 27th ultimo, a final report of inspection of buildings in the city of Washington occupied by the War Department, made by Maj. John Tweedale, assistant chief of the Record and Pension Office; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAJO INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 7th ultimo, a letter from the Commissioner of Indian Affairs, together with copies of all papers relating to the location, right of location, claimed leased acquisition of title to mining land or the privileges of exploring for minerals on any part of the Navajo Indian Reservation in Arizona and New Mexico; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agréed to the amendments of the Senate to the following bills:

A bill (H. R. 7760) for the relief of James Kelly; and

A bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 5935) authorizing the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery; Ala.;

A bill (S. 6012) to provide an American register for the steam yacht *May;*

A bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana; and

A joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort.

DELINQUENT CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of line 1 of said amendment insert "of sufficient financial ability," and in line 3 strike out "willfully and unnecessarily;" and the Senate agree to the same.

JAMES MCMILLAN,
WILLIAM P. DILLINGHAM,
RICHARD R. KENNEY,
Managers on the part of the Senate.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

PROTECTION OF BIRDS AND PRESERVATION OF GAME.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

On page 1, line 11, of the bill strike out "1st day of February" and insert "15th day of March;" and on page 2, line 13, of the bill strike out "1st day of February" and insert "15th day of March;" and the Senate agree to the same.

That the House agree to the amendments of the Senate numbered 2 and 3.

JAMES MCMILLAN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of S. Ira Paine and sundry other citizens of Horseheads, of the Woman's Christain Temperance Union of Dunkirk, and of the Literary and Scientific Circle of Chautauqua, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other Pacific Islands; which were ordered to lie on the table.

He also presented a petition of Local Union, No. 246, Cigar Makers' International Union, of Salamanca, N. Y., and a petition

of Local Union of the International Cigar Makers' Union, of New York, praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the Burnet Park Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the enactment of legislation to replace any loss in company funds which may arise in consequence of the abolition of the Army canteen; which was ordered to lie on the table.

He also presented the petition of C. E. Thorne, of Horseheads, N. Y., praying for the enactment of legislation providing for the readjustment of the salaries of postmasters who served in certain States from July 1, 1864, to June 30, 1874; which was ordered to lie on the table.

Mr. LODGE presented petitions of the Woman's Christian Temperance Union, the First Congregational Church, the Methodist Episcopal Church, and the First Baptist Church, all of Somerset, Mass.; of the Marble Collegiate Church, of New York City, and the West End Presbyterian Church, of New York City; of the Greenpoint Sunday School Association, of Brooklyn, N. Y., and of the Central Presbyterian Church, of Summit, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of 760 citizens of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of London Grove Grange, No. 63, Patrons of Husbandry, of Chatham, Pa., praying for the repeal of the revenue tax on drafts, checks, etc.; which was ordered to lie on the table.

He also presented a petition of Local Union No. 64, Painters and Decorators' Union, of Pittsburg, Pa., praying that all the public lands be held for the benefit of the whole people, and that no grant to the title of any of these lands be given to any but actual settlers and home builders thereon; and also for the construction of storage reservoirs to save the flood waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of 42 citizens of Beaver; 116 citizens of Philadelphia; the Woman's Christian Temperance Union of Homer City; the Society of the King's Daughters and Sons; of 43 citizens of Raymilton; the congregation of the Presbyterian Church of Plains; of 185 citizens of Ridgway; the Woman's Christian Temperance Union of Montrose; of H. D. Rupp, of York, and of the congregations of the First Reformed, the Swedish Evangelical Lutheran, the African Baptist, the Fifth Avenue Baptist, the First Methodist Episcopal, the West End Methodist Episcopal, the Christy Park Methodist Episcopal, the Home Mission, the Coursin Street Methodist Episcopal, the Reformed Presbyterian, the Central Presbyterian, and the First Christian churches, of McKeesport, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

He also presented petitions of 38 citizens of West Mill Creek, of the Woman's General Missionary Society of the United Presbyterian Church, of 48 citizens of Philadelphia, and of 50 citizens of Petrolia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. SPOONER presented the following memorial of the legislature of Wisconsin; which was ordered to lie on the table and be printed in the RECORD:

Memorial to Congress for the repeal of that part of the war-revenue act passed by Congress on June 13, 1898, which levies a tax on legacies and distributive shares of personal property.

The memorial of the legislature of Wisconsin to the Congress of the United States respectfully shows that in the opinion of the legislature the imposition of inheritance or succession taxes belongs, except in certain exigencies, to the domain of State taxation; that the emergency of war which may have justified the feature of the national war-revenue act of June 13, 1898, levying a tax on legacies and distributive shares of personal property has now passed away; that many of the States have already adopted, and many more will soon adopt such inheritance-tax laws, and if such feature of the national act remains in force a large amount of property in the country will be subjected to double taxation, once by the Federal Government and again by the State; and that it is expedient and would be good governmental policy that the part of such national revenue act imposing a tax on legacies and distributive shares be repealed and this feature of taxation be left entirely to the jurisdiction and control of the States. It is the purpose of this memorial, therefore, to respectfully request of Congress the repeal of said feature of the revenue act during the present session.

Resolved, That the governor be, and he is hereby, requested to transmit a copy of this memorial to the President of the Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Wisconsin.

JESSE STONE,
President of the Senate.

GEORGE H. RAY,
Speaker of the Assembly.

Mr. KYLE presented a petition of the Woman's Christian Temperance Union of South Dakota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

He also presented resolutions adopted by the Federation of Labor of Chicago, Ill., favoring the holding of all public lands for actual settlers, and for the construction of reservoirs for the irrigation of arid lands, etc.; which was referred to the Committee on Public Lands.

Mr. FRYE presented a memorial of the National Civil Service Reform League of New York, remonstrating against the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. PETTIGREW. I present a letter prepared by Hon. F. S. Monnett, attorney-general of the State of Ohio, on the subject of the anti-trust bill. I move that the letter be printed as a document and referred to the Committee on the Judiciary.

The motion was agreed to.

AGREEMENTS WITH CHEROKEE AND MUSCOGEE INDIANS.

Mr. THURSTON. I present the hearings before the conference committee of the Senate and House of Representatives on House bill 11820, to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, and also on House bill 11821, to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes. I move that they be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4338) for the erection of a public building at Georgetown, S. C., reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate $4,000 for the preparation of a site and the erection of a pedestal for a statue of the late Henry Wadsworth Longfellow in the city of Washington, intended to be proposed to the sundry civil appropriation bill, and moved that it lie on the table; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 231) for the relief of John Dailey;

A bill (S. 1370) to correct the military record of William T. Rominger; and

A bill (S. 3511) for the relief of Capt. Charles A. De Arnaud.

HISTORY OF THE CAPITOL.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Ordered, That of Senate Document No. 60, Fifty-sixth Congress, first session, all copies delivered to the Senate document room be bound in cloth.

REPORT OF GEOLOGICAL SURVEY.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 306) concerning printing of additional copies of the Annual Report of the Geological Survey, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that of the volumes or parts of the Annual Report of the Geological Survey which relate to hydrography, forestry, and mining and mineral resources there shall hereafter be published 1,000 copies in addition to the number now published, for distribution by the Geological Survey.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF DIRECTOR OF THE MINT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the Calendar Year 1899, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives,

1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

And be it further resolved, That there also be printed 3,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay offices of the United States for the fiscal year ended June 30, 1900, to be bound in cloth and wrapped, 2,000 copies for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,000 for the use of the Director of the Mint.

AGRICULTURAL RESOURCES OF PORTO RICO.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 171, Fifty-sixth Congress, second session, entitled Agricultural Resources and Capabilities of Porto Rico, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture, the quality of paper and style of binding to be the same as in the original edition of the publication.

AGRICULTURAL INVESTIGATIONS IN ALASKA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 335, Fifty-sixth Congress, second session, entitled Fourth Report on the Agricultural Investigations in Alaska, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture, the quality of paper and style of binding to be the same as in the original edition of the publication.

PORT OF LOWELLTOWN, ME.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5943) to establish Lowelltown, Me., a subport of entry, to report it with amendments. It is very short, and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on Commerce were, in line 5, before the word "Maine," to strike out "Bath" and insert "Bangor," and in the same line, after the word "Maine," to strike out:

And that the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port.

So as to make the bill read:

Be it enacted, etc., That Lowelltown, Me., be, and is hereby, established as a subport of entry in the customs collection district of Bangor, Me.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE L. MAJOR AND OTHERS.

Mr. McCOMAS, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 884) for the relief of Emilie L. Major;

A bill (S. 2146) for the relief of Jacob Bool, administrator of the estate of Mary C. Kleindienst, deceased;

A bill (S. 2503) for the relief of Deford & Co., of Baltimore, Md.;

A bill (S. 3367) for the relief George Brewer;

A bill (S. 4860) for the relief of Horace Resley;

A bill (S. 5328) for the relief of inspectors of customs who performed double duty;

A bill (S. 5691) for the relief of John Q. Everson and others; and

A bill (S. 5896) for the relief of the legal representatives of Jacob C. Blum, deceased—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit: S. 884, S. 2146, S. 2503, S. 3367, S. 4860, S. 5328, S. 5691, and S. 5896, for the relief of Emilie L. Major; for the relief of Jacob Bool, administrator of the estate of Mary C. Kleindienst, deceased; for the relief of Deford & Co.; for the relief of George Brewer; for the relief of Horace Resley; for the relief of inspectors of customs who performed double duty; for the relief of John Q. Everson and others, and for the relief of the legal representatives of Jacob C. Blum, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

JAMES BIGLER.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (S. 3583) for the relief of James Bigler, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3583) entitled "A bill for the relief of James Bigler," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BONDS OF PIMA COUNTY, ARIZ.

Mr. DILLINGHAM. I should like to call up the conference report on House bill 8068.

The PRESIDENT pro tempore. The Senator from Vermont calls up a conference report which has been previously submitted. The report will be stated.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8068, "An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county."

The PRESIDENT pro tempore. The report has been read in full. Will the Senate agree to the report?

The report was agreed to.

Mr. PETTIGREW. I enter a motion to reconsider the vote by which the conference report was agreed to.

The PRESIDENT pro tempore. The Chair will consider the question open, if the Senator desires.

Mr. PETTIGREW. No; I am perfectly willing that it shall be agreed to, but I will enter my motion now.

The PRESIDENT pro tempore. The Senator from South Dakota enters a motion to reconsider the vote by which the conference report was agreed to.

REPORT ON CUBAN AFFAIRS.

Mr. PLATT of Connecticut. From the Committee on Relations with Cuba, who were instructed by a resolution of the Senate to investigate certain matters regarding the receipts and expenditures within the island of Cuba, I submit a report, and therewith certain statements which have been secured by the committee and printed. If it is desired that the report should be read, it may be read. Otherwise, I ask that it lie on the table, and be printed.

The PRESIDENT pro tempore. The Senator from Connecticut, from the Committee on Relations with Cuba, makes a report; which will be printed, and lie on the table. He also reports certain testimony taken, and papers. Does the Senator make any request as to the printing of the testimony?

Mr. PLATT of Connecticut. No request.

Mr. MONEY. I shall be glad to have permission to make a minority report, if I see fit to do so after reading the report. I have not seen nor read the report.

The PRESIDENT pro tempore. There being no objection, the Senator from Mississippi will have permission to file views of the minority.

Mr. MONEY. Allow me; I do not know that I will make a minority report, but I should like to have that privilege if I disagree with the report of the majority.

The PRESIDENT pro tempore. The request of the Senator from Mississippi to submit views of the minority, without objection, is granted.

BILL INTRODUCED.

Mr. PROCTOR introduced a bill (S. 6065) to establish a national military park at the battlefield of Fort Stevens, in the District of Columbia; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CARTER submitted an amendment authorizing the Secretary of War to furnish to each Senator, Representative, and Delegate of the Fifty-sixth Congress five sets of the Official Records of the War of the Rebellion, to be distributed by the Secretary of War to such permanent libraries and educational institutions as may be designated by the Senators, Representatives, and Delegates, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment authorizing the Secretary of the Treasury to pay to Henry T. Clarke the sum of $5,500 for the value and rent of buildings in Sarpy County, Nebr., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $50,000 for the completion of the custom-house and post-office building at Buffalo, N. Y., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIVILEGES OF OFFICERS IN THE NAVY.

Mr. ALLEN. I send to the desk and ask for the present consideration of the following resolution.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate if commissioned officers in the naval service promoted from the ranks are in any respect debarred the use of the uniform and other privileges of commissioned officers of the Navy; whether there is any distinction in the insignia of office of such officers and the officers graduates of the Naval Academy; and if so, why, and what steps are being taken, if any, to permit this class of officers to wear the regular insignia and uniform of the naval officers graduated at the Naval Academy.

Mr. CHANDLER. I ask that the resolution may go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

LIEUT. COL. H. O. S. HEISTAND.

Mr. PETTIGREW. I offer a resolution and ask that it be read and lie over under the rule.

The resolution was read, as follows:

Whereas it has been charged in the public prints that Lieut. Col. H. O. S. Heistand, assistant adjutant-general, was in the summer of 1899 engaged in forming a combination for the purpose of controlling the hemp output of the Philippine Islands; and

Whereas it is further stated that on various occasions he represented as associated with him in the progress of such enterprise George D. Meiklejohn, Assistant Secretary of War; James E. Boyd, Assistant Attorney-General; Charles H. Allen, then Assistant Secretary of the Navy, and H. C. Corbin, Adjutant-General; and

Whereas it is further stated that in connection with the formation of such company said Lieut. Col. H. O. S. Heistand, intending to indicate that the tariff duties of the Philippine Islands would be adjusted for its benefit when formed, wrote the following letter:

WASHINGTON, D. C., *July 31, 1899.*

MY DEAR MAJOR HAWKS: Your note of the 26th to hand, and I note with gratification what you say of our prospects and progress. I have sent you a pamphlet showing export duties, etc., as at present arranged. Of course the needs of the future will be met as developments require.

Yours, truly,

H. O. S. HEISTAND.

And

Whereas it is alleged that because of a claim made by Major Hawks upon Lieutenant-Colonel Heistand for compensation for his services in connection with the formation of such company and in part settlement thereof, George D. Meiklejohn, Assistant Secretary of War, guaranteed to Major Hawks a substantial position in the Government service, and did appoint him to the position of customs inspector in the Philippine Islands; and

Whereas shortly after his entry upon service as such inspector, by an order dated before the commencement of said service, said Major Hawks was summarily removed from such position:

Resolved by the Senate of the United States of America, That the Committee on Military Affairs be, and it is hereby, directed to investigate and report to the Senate whether the foregoing statements are true, and particularly if Lieutenant-Colonel Heistand was engaged in such combination and was or was not authorized to represent that other Government officials were so engaged with him, and that tariff duties would be adjusted for their benefit; and also whether the Assistant Secretary of War has used Government positions for the purpose of paying private debts of any officer of the Government, and whether the salary of such position was charged against funds arising from the Philippine Islands; and with full authority to said committee to summon witnesses, administer oaths, and employ a stenographer.

The PRESIDENT pro tempore. The resolution goes over under the rule.

Mr. ALLEN. My colleague [Mr. THURSTON] is not in the Chamber this morning, and I think if he were here he would prefer that the resolution should go over under the rule.

The PRESIDENT pro tempore. It will go over under the rule, upon the request of the Senator from South Dakota.

INDIAN DEPREDATION CLAIMS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress, not heretofore reported at the present session.

THE OLEOMARGARINE BILL.

Mr. PROCTOR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House and 10,000 copies for the use of the Senate. The usual number shall not be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 28th ultimo, approved and signed the following acts and joint resolution:

An act (S. 95) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

An act (S. 227) for the relief of the Continental Fire Insurance Company and others;

An act (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.;

An act (S. 6050) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes; and

A joint resolution (S. R. 157) authorizing the Secretary of the Interior to remove from the files of the Department of the Interior certain letters to be donated to the State of Iowa.

The message also announced that the President of the United States had, on this day, approved and signed the following acts and joint resolution;

An act (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation in the District of Columbia, and for other purposes;

An act (S. 5014) to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River; and

A joint resolution (S. R. 159) extending the time within which certain street railroads in the District of Columbia may be constructed.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th ultimo, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HOAR. Is the Senator who introduced the resolution present?

The PRESIDENT pro tempore. In the opinion of the Chair he is not.

Mr. HOAR. Very well; the Chair rules as a matter of parliamentary law that he is not present, which I think is entirely correct; and I hope the resolution will go over.

The PRESIDENT pro tempore. It will go over, retaining its place.

AUTOMATIC CAR COUPLERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. CULLOM. Mr. President, I hope this resolution to discharge the committee from the further consideration of the bill will not be adopted, and I express this hope for the reason that I do not think such a course ought to be pursued with reference to that committee.

The Senator from South Dakota will undoubtedly say that there have been two or three attempts to have a full meeting of the committee, which failed. That is true. At the same time it so happened that on each occasion when the committee had been called together, almost all of its members have been engaged in other committee work, which they could not leave. The result has been that there has been recently no committee meeting with a majority of members present to consider this bill.

I do not think, however, the Senator from South Dakota ought to desire that the committee should be discharged on that account. The committee has been doing its duty as well as it could. I have been anxious that this bill should be reported, but I found on close examination that there ought to be amendments to it. At one time I undertook to get a poll of the committee in the Senate, so as to avoid delay, but it so happened that I failed to get a majority of the committee in favor of the report, as I expected to be able to do. I found that there were amendments desired, and so I had the bill recommitted to the committee for further consideration.

There is, however, nothing in regard to this matter, I think, which justifies the Senator from South Dakota in asking that the committee be discharged from the consideration of the bill. I am still hoping to get a full meeting of the committee when the burden of the work of other committees is disposed of by bills pending before them being reported to the Senate. I still hope we shall have a committee meeting in time for the proper consideration of the bill, so that it may be reported in the regular order and amended as it should be.

Mr. PETTIGREW. Mr. President, this Congress expires on next Monday at noon. This committee have had this bill in their hands for over two years. On January 17, 1898, I introduced this bill in the Senate and it was referred to the Committee on Interstate Commerce. On February 16, 1898, I introduced a resolution which the Senate passed——

Mr. CULLOM. The Senator does not mean to say that he introduced this bill? The bill to which he now refers is a House bill.

Mr. PETTIGREW. I will give the history of the bill before I conclude my remarks.

Mr. CULLOM. I want the matter to be correctly understood.

Mr. PETTIGREW. I introduced a resolution on the 16th of February, 1898, to which what I shall now read is the response:

INTERSTATE COMMERCE COMMISSION,
Washington, February 16, 1898.

THE PRESIDENT OF THE SENATE:

In compliance with the resolution of the Senate of December 7, 1897, "a list of the railroad companies of the United States that have complied with the requirements of the act of Congress approved March 2, 1893, requiring the use of safety appliances on cars and engines; also a list of those companies which have partially complied with the requirements of said act, and a list of the companies that have taken no steps to comply with the same; also the number of persons in the employ of the railroad companies of the United States killed or injured each year during the last five years, and the number so killed or injured in the employ of each railroad company," is hereby transmitted.

Respectfully,

MARTIN A. KNAPP, *Chairman.*

Then follows a table showing the number of men killed for the five previous years; that is, for the years 1893, 1894, 1895, 1896, and 1897. It shows that the total number of men killed during those five years was 5,954, and the total number of men injured was 138,403. It shows that in the year 1897 the number of men killed was 1,732 and the number injured 27,623; in 1896 the number killed was 1,861 and the number injured 29,969; in 1895 the number killed was 1,811 and the number injured 25,696; in 1894 the number killed was 1,823 and the number injured 23,395; in 1893, before the safety appliances were used, the number killed was 2,727, the number injured 31,724. Although the number of men employed increased the number of men killed and injured decreased, as the result of the passage of the legislation which required safety appliances.

Mr. President, all we asked in that bill was this:

That when any collision of trains, where one of the trains is a passenger train, or both the trains are passenger trains, shall occur on a railroad of any common carrier engaged in interstate commerce by railroad, or where any passenger train, or any part of a passenger train, accidentally leaves the rails of the road, it shall be the duty of the general superintendent, or general manager, or other officer in charge of the movement of trains on said road, immediately thereafter to transmit a full and detailed report, under oath, of such accident, and the causes thereof, so far as known, to the Interstate Commerce Commission at their office at Washington, D. C.

This was a bill that I introduced in 1898. I followed it up with the resolution calling for statistics upon this subject.

The Interstate Commerce Committee have never reported this bill, although it has been in their possession now for three years. At the last Congress, the House of Representatives passed a bill which is now before the committee. It came to this body some time last spring. It has been before the Committee on Interstate Commerce all winter and during this entire session, and we can not even get a report upon it.

The representative of the Locomotive Engineers and Firemen in this country, Mr. R. H. Fuller, has been here for weeks trying to secure a report. He has been importuning the Committee on Interstate Commerce, simply for what? Simply that they shall pass a bill requiring the railroads to file with the Interstate Commerce Commission a statement of the number of men they kill, or that are killed in their employ, the number injured, and the causes. They are important statistics. Why any railroad should object is more than I can understand. Why it should take the Committee on Interstate Commerce three years to consider this subject, and why they were unable all this winter to get a meeting at all is more than I can understand, unless the railroads want to defeat the measure and control the committee.

I ask to have the Secretary read the testimony of R. H. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railway Trainmen, and the Order of Railroad Telegraphers, before the Senate Committee on Interstate Commerce, April 23, 1900, on the bill (S. 3604) to amend an act to promote the safety of employees, etc. I ask to have the Secretary read it.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

MR. CHAIRMAN: As the representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and the Order of Railroad Telegraphers, I would respectfully ask your favorable consideration of S. 3604.

The object of this bill is to require common carriers engaged in interstate commerce to report under oath to the Interstate Commerce Commission the details of all accidents to passenger trains, passengers, and employees. This information can not be obtained by the present law, and it is impossible through the present plan of collecting information to make proper classifications of injuries and their causes.

For instance, an employee whose duties are mostly the coupling of cars may get injured or killed by being knocked off a car. In many instances the cause of such accident would be reported to the commission as "coupling cars:" reported so for the reason that the man's duties were those of coupling of cars. Or a switchman may, while making a coupling, get a foot caught in a frog, guard rail, crossing plank, or a hole in a platform, and be run over. The cause of this injury would be reported as "coupling cars," for the reason that he was coupling cars when he got his foot caught; but the real cause of the injury was getting his foot caught. A trainman may be knocked from the top of a train by the sudden application of the air brakes, caused by the bursting of a defective air hose or the train separating on account of a defective coupling. This accident would be reported under the head of "falling from trains," when the real cause of the injury was a defective air hose or a defective car coupling.

Then, too, a trainman may be either permitted or required to go out on duty without having had an opportunity to get sufficient sleep between trips. He may go to sleep and allow his train to be run into by another train, killing and injuring several of his fellow-employees, or, if it be a passenger train, several passengers may be killed or injured. All of these injuries would be reported under the head of "collisions," when the actual cause of them was that the company had either permitted or required this trainman to go out on duty when it well knew that he had not had sufficient time to rest after arriving from his previous trip.

I have had copied, and herewith submit to you, two verdicts of coroners' juries in cases where two men had been killed on the same road within a period of thirty-six days on account of the train crews being permitted and required to go on duty without sufficient time for rest and went to sleep and allowed their trains to be run into by other trains.

And in addition to the two men killed in these cases four others were seriously injured. If any of the members of your committee would take the trouble to go to the office of the Interstate Commerce Commission and examine the reports of this road for the year 1899, they will find there will be no detailed accounts of these accidents, and the causes of these two deaths and four injuries will be reported as "collisions" or "other causes."

We believe if the common carriers are required to report the details and causes of accidents to the Government it will contribute considerably to the safety of travel and employment on railroads, inasmuch as the companies will dislike very much to make reports of accidents the causes of which reflect more or less upon their management; and consequently they will take extra precautions against accidents.

We believe, too, that in order to further reduce the number of injuries, both by legislation and other means, we must first know the causes, so as to be able to go about it intelligently.

I am unable to perceive why there should be any serious objections made by the companies to the passage of this bill. I do not think there will be any by those managers who would like to see accidents reduced to a minimum.

So far as the work is concerned in making these reports to the commission, it will require very little extra labor on the part of the roads, for all the information necessary to make such reports is now collected and kept on file in their offices, it being the practice of officers of the roads to make thorough and searching investigations of all accidents of trains and injuries to employees and passengers, and this bill only asks that they give the Government a copy of the information that they have already on file in their offices.

Mr. PETTIGREW. Mr. President, I have petitions here asking for the passage of this bill. These petitions state that the bill was referred to the Committee on Interstate Commerce a year ago, on the 14th day of March, the bill having come over from the House of Representatives, and that the Brotherhood of Locomotive Engineers has been insistent ever since that the bill should pass. I think it is the most justifiable case I know of for discharging a committee which can never get a quorum. I have no criticism to make of the chairman of the committee; but this committee will not operate; the members will not attend meetings. The questions presented to this committee are not of enough importance, it would seem, and therefore the committee ought to be discharged from the consideration of this bill, and then the committee itself ought to be discharged and a new committee formed of men who will attend to their duties. I should think the chairman of the committee himself ought to bring in a resolution to that effect, so as to get a committee that will perform its functions. It is a great and important committee, which came into being as the result of the efforts of the Senator from Illinois [Mr. CULLOM]. I should think he would be tired of having a committee composed of men who will never meet.

The petitions which I have here are largely from West Virginia. I am not going to put them into the RECORD, because they attack the Senators from West Virginia for not having acted in this matter.

These petitions are from lodges of locomotive engineers and firemen. One is from Richard Wyatt Lodge, No. 544. In this petition they go on to give the reasons why this bill should be passed. This lodge is located at Point Pleasant, W. Va. Another is from Hinton, W. Va., from the lodge of locomotive engineers there. The statements are all under the seal of the lodge, urging the passage of this bill. Another contains resolutions of the lodge at Martinsburg, W. Va., urging the passage of Senate bill 3604; another is from Sewell, W. Va., urging the passage of the same bill. These men go on to say that it is a matter of great importance to them—to the locomotive engineers and to all men employed by the railroads—that this bill should be passed; and they think it will assist in preventing accidents, and therefore make life more secure in this hazardous employment.

I have also a resolution passed by the W. B. Ryder Lodge, No. 232, at Hinton, W. Va.; another resolution from a lodge at Point Pleasant, W. Va.; another from Grafton, W. Va., also urging and arguing why this bill should pass; and I have another from Lodge No. 477, which is also located in West Virginia.

It seems to me, Mr. President, that what we ought to do is, without any resistance on the part of this committee, to discharge it from the further consideration of this bill, place it upon the Calendar, and then proceed to its immediate consideration. It is a short bill, it has passed the other House, and the bill will die if it does not pass between now and Monday next. I can see no good reason why the bill should not be taken up and passed now.

Mr. HOAR. Mr. President, we get in the Senate, in the press, in magazines, and in private letters a great many wild schemes

for the regulation of great business enterprises, and especially for the regulation of railroads. Many of them are taking and plausible, as first stated, but if they were adopted they would destroy vast properties, they would destroy the value of the great carrying systems of the country, and in that way injure the whole country, not merely the business and trade, but an instrument of the greatest value and importance to the poor people. Many of those schemes are fraught with great public danger, and the best way to prevent them finding public favor is to hold these great business corporations to a strict performance of their public duties in plain cases.

One of their public duties, the clearest and possibly the plainest case, is that of having care and consideration for human life, whether it be the lives of passengers or the lives of the vast number of intelligent men who are in their employ, It is of immense importance that they should have intelligent men in their employ, and that their employ should be an object of desire for skillful, honest, sober, and temperate men, good citizens, and heads of families. That it may be an object of desire, it ought to be known that the railroad companies are as careful of the lives of these men as they would be of the lives of their directors. I do not mean to propose it—though I do not know but my friend from South Dakota [Mr. PETTIGREW] would, if he got a chance—but nobody doubts that it would add 50 per cent to the safety of passengers and workmen on our railroad trains if a railroad director were required to be tied in front of the engine of every passenger train. If they had that care for other lives that they would have for their own we should get some improvement.

The statistics of the injuries and loss of life to railroad employees are terrible; and this mild measure, that merely requires the return which is required, I suppose, in every State in regard to carriers engaged in State commerce, it seems to me is one that no reasonable railroad man ought to object to. I think that it ought to go further, and I wish somebody in the next Congress might introduce, and that this great committee might favor, a proposition such as prevails, I suppose, in nearly all the States in this country, that wherever there is loss of life on a railroad engaged in interstate commerce there should be an inquest like the ordinary coroner's inquest, which applies to every case of violent loss of life in England, and has in this country from the beginning. There should be an inquest conducted under the direction of the United States district attorney for the district, the result of which should be reported either to the Attorney-General or to the Interstate Commerce Commission. So that if there were time now to pass a bill, or to amend this bill, I should like to have such a provision added to it.

I do not mean for a moment to join in any criticism of the Committee on Interstate Commerce. I know nothing about the history which the honorable Senator from South Dakota has narrated; but as this great question is up, I wanted to state my opinion.

There was a proposition some years ago——

Mr. WOLCOTT. Mr. President——

Mr. HOAR. I will give way in a moment.

There was a proposition some years ago to require the railroads engaged in interstate commerce to adopt certain precautions in the way of safety in coupling cars—one of the most dangerous things in the railroad service—and I think it was finally adopted. I introduced originally, at the application of some very intelligent constituents of my own, that measure when it was first brought up here; and there was certainly nothing that could be called alacrity on the part of some of the great railroads in responding to that demand.

Mr. SEWELL. If the Senator will allow me, I merely wish to furnish the information that that law was carried out by the railroads at an expense of $125,000,000.

Mr. HOAR. Well, if it had been at an expense of $1,125,000,000 it would have been cheap if it saved the lives of 5,000 American citizens.

Mr. SEWELL. I only say that that was done.

Mr. HOAR. I understood, and I said so; but I say now that, while it was done, the proposition was by no means received with alacrity on the part of some of the great railroad systems of the country.

I am no enemy of railroads. I never would be for a moment engaged in a demagogic attack upon them, as the Senator from New Jersey [Mr. SEWELL] must know, if he knows me; but I say again, if you want to crush out wild socialistic, demagogic, political schemes and attacks on great business industries and interests in this country, those great interests must, in their turn, remove all reasonable and proper causes of complaint.

There are, I suppose, nearly a million employees—I do no know but more—in the service of the railroads of this country. They are a class of citizens who are far above the lowest class in this country. They are the equal of anybody in sobriety, in industry, in courage, in their intelligence, in their discharge of all the relations of life. They are the best, or as good as the best—I will not say "the best"—but as good as the best American citizenship that we have got, and the question whether 5,000 lives of those men are sacrificed needlessly every year is a grave question, deserving the attention of the statesmanship of the country, even in its highest legislative Chamber.

I say again, that we ought not only to require these returns, but we ought to require an inquest in every case of loss of life, under the Government's authority, as the common law required in England and in this country from the beginning in other cases; and that if instead of costing $125,000,000 a year, it should cost $1,125,000,000 a year, it would be cheap if it saved the lives of our citizens.

Mr. WOLCOTT. Mr. President, I do not care for the moment to discuss this particular measure or the action of the committee. I am a member of the Committee on Interstate Commerce, and, in common with other members of that committee, have been engaged upon conference and other duties relating to other branches of the public service, but I am unwilling that the Senator from Massachusetts [Mr. HOAR] should make a statement to this Senate that would intimate that the managers and directors of the great railroads of the country are careless and inhuman men, who view with indifference the destruction of the lives of their employees.

If certain Senators had stated on the floor of the Senate that if we all knew that if directors were tied in front of their locomotives the loss of life would be less, nobody would have minded that, for everybody would have known it was an absurd and ridiculous statement, but for the Senator from Massachusetts to intimate that people having in charge these vast interests are indifferent or careless to human life is a statement that must not go unchallenged. Does not the Senator from Massachusetts know that every man in charge of these great interests devotes his constant care and time and skill and attention to the preservation of the lives of his employees? Ninety per cent of the accidents which occur on the railroads of the country are caused by the negligence of co or fellow employees. In spite of all the efforts of the railroads to secure not only the lives of their passengers, but the protection of the lives of their employees, it is impossible to prevent men from becoming careless.

The Senator refers to the adoption of the safety appliances that were compelled to be put upon the cars. Mr. President, there were only two objections—first, the great expense, and second, the impossibility of finding patents that would be universally applicable which would, in the opinion of the most skilled mechanicians, best secure the safety of the employees. The trouble comes not with the inhumanity of railroad employers; it comes largely from the carelessness of their employees. It was in testimony before the commission that road after road furnished for its switchmen the sticks with which to couple cars so that it could be done with safety, and they never could get them to use them. They are a brave, reckless, careless lot of fellows, and the carelessness is bred by freedom from accident day after day, until finally some day they are caught in a frog or caught between cars and the accident comes.

The Senator from Massachusetts says there should be inquests, even if it cost a thousand million dollars a year to do it. Mr. President, there is not a railroad accident of the most unimportant character on any reputable road in the country where from the lowest to the highest everybody is not interrogated and compelled to make his report, and where the railroad management is not informed as to the cause of the accident, and it is done at enormous trouble and enormous expense. There is not an appliance that will help to save human life that the railroads are not quick to adopt.

Mr. ALDRICH. Will the Senator from Colorado permit me to interrupt him at this point?

Mr. WOLCOTT. Certainly.

Mr. ALDRICH. So far as I know, the laws of all the States of the Union require reports of this character to be made to their railroad commissions.

Mr. WOLCOTT. And if they did not they would——

Mr. ALDRICH. The company would make them anyway.

Mr. WOLCOTT. If they did not, the companies would make them anyway.

But, Mr. President, what I rose to object to was the suggestion that men who manage railroads are a great, bloated, indifferent, inhumane lot of men who are willing that their switchmen and their brakemen and their conductors shall be run over day after day, provided only their pockets can be filled with dividends. Mr. President, they are like the rest of us. They are men of ability or they would not have their places, and if they were not men of character their stockholders would not intrust them with the management of these great interests; and I resent, Mr. President, the suggestion made that railroads are so conducted that human life would be safer if their directors were tied in front of the locomotives.

Mr. HOAR. Mr. President, I desire to say one word. The suggestion which my honorable friend the Senator from Colorado resents is a creature of his own heated imagination. No human

being has said any such thing as he explodes about, like Vesuvius, though with all the gas and none of the lava. [Laughter.]

Mr. President, he says and I say that the railroad managers of this country are in the main humane, careful men, who respect human life. Nobody doubts it. They are not only humane, but human, and it is the tendency of all human nature, when it is charged with great money-making responsibilities, to get careless about other things and careful of the money-making, and the experience of all mankind shows that the strictest legislative safeguards are necessary against that tendency.

While the Senator from Colorado was speaking the Senator from Rhode Island [Mr. ALDRICH] got up to say that the precise thing which I said ought to be done in the matter of interstate and international commerce was done in every State in this Union in regard to other commerce.

Mr. ALDRICH. If the Senator will permit me, there is no question of State or interstate commerce involved here. The accident must be in some State, and under the jurisdiction of some State, and the reports are made to the State authorities.

Mr. HOAR. I differ with my honorable friend who thinks there is no question of interstate or international commerce here. I think, so far as relates to merely interstate or international commerce, the decisions of the Supreme Court of the United States deprive the States of the power to make the precise regulation which is in question. Whether they are in force or not, they are not lawfully and constitutionally in force.

Mr. ALDRICH. Does the Senator mean to say that Congress has any jurisdiction over accidents to property or to life in the States, especially to life?

Mr. HOAR. I do mean to say that when interstate or international commerce is being conducted by a common carrier, we have the constitutional authority to require of that common carrier proper safeguards for life and limb; and we have asserted, and the committee of which the Senator from Illinois [Mr. CULLOM] is chairman have again and again asserted, our right to exercise that jurisdiction.

But I desire to go back to what my bellicose friend from Colorado has been saying. One of the best railroad engineers—I speak now of the engineer who manages the locomotive—I ever knew, a man who was respected in the community where I dwell for more than fifty years, as an engineer on the Boston and Worcester Railroad in old times, a native of the town where I was born, said that he was entirely unmanned when his wife or children were on the train that he was conducting. The anxious responsibility when a man has the life of those who are dear to him at stake is very different from the feeling of the man who has been thirty or forty years in such a business, looking out for the dividends. Everybody knows that in regard to steamboats, the local steamboats and the international steamboats that carry passengers, we require the most constant and strict regulation by Congress in regard to security for life and limb. Everybody knows that but for our inspections and our strict laws the risk of passengers at sea and on our rivers would be doubled and trebled. Does anybody doubt that the owner of the Western steamer has not a humane regard for his passengers when he is on board and the captain is racing with a rival and he puts a negro to sit on the safety valve? My usually sensible friend is utterly preposterous this morning.

We have a right to require, and it is our duty to require, of the great international transportation lines that carry passengers, the strictest security for human life which the wit of man can devise. It is no imputation, either upon the humanity or the integrity of the managers of those lines, to say that they require the support and the stimulant of Congressional legislation. I say again, it is because I respect these men, it is because I have no sympathy with the wild socialistic schemes which would destroy alike their value and their usefulness, it is because great American capital is invested in them, it is because a million of our best laborers are employed by them, it is because they are entitled to the care and protection of the National Legislature, that I say we can best secure to them the value of their property and the security of their franchises against socialistic legislation, and for these, among other reasons, we must hold them up to a strict performance of these duties which are now in question.

Mr. WELLINGTON. Mr. President, I desire to have read by the Secretary a telegram from Baltimore, signed by H. L. Eichelberger, secretary of the Baltimore Federation of Labor, bearing upon this question.

The PRESIDENT pro tempore. If there be no objection, the telegram will be read. The Chair hears none. The Secretary will read as requested.

The Secretary read as follows:

BALTIMORE, MD., *February 23, 1901.*

Hon. GEORGE L. WELLINGTON,
Ebbitt House, Washington, D. C.:

Organized labor is not ignorant at treatment of labor legislation, and urge you to support Senator PETTIGREW'S resolution to discharge committee from further consideration of eight-hour bill and put it on its immediate passage.

H. L. EICHELBERGER,
Secretary Baltimore Federation of Labor.

Mr. WELLINGTON. Mr. President, I desire to say in regard to the telegram that without it I should have supported the resolution of the Senator from South Dakota [Mr. PETTIGREW]. I am not prone to find fault with committees. I believe that very frequently the very fact of their not reporting upon measures is for the benefit of the country. But there is in this Congress an evident determination that there shall be reports upon measures which favor certain classes of people in this country and that there shall not be reports upon measures which favor other classes in this country. There was no difficulty in having reported to the Senate a bill giving ship subsidies. Was that in favor of labor or of capital? Primarily it was in favor of American capital. There was no difficulty in the last hours of the Congress in having put upon an appropriation bill the report of a committee in the shape of an amendment which is in favor of imperialism as against American labor. But notwithstanding the fact that these bills have been before the Committee on Labor in the Senate for over a year, there has been no report and there is no evidence of a report, and these people charge that there is somewhere an influence which prevents even a meeting of the committee to make an investigation of the matter.

Mr. KYLE. Will the Senator from Maryland allow me to ask him a question?

Mr. WELLINGTON. Certainly.

Mr. KYLE. Will the Senator tell the Senate why during the past three years there has been no report from the Committee to Establish the University of the United States upon the national university bill?

Mr. WELLINGTON. I will tell the Senator if the Senate in this connection seems to want the information.

Mr. KYLE. Is this not a parallel case?

Mr. WELLINGTON. It has nothing to do with this question. If you wish to drag the University of the United States into this matter, then I will reply with a question. Why is it that for a century this scheme has lain dormant and it has been impossible to secure action by Congress at any time?

Mr. KYLE. If the Senator desires me to reply, I will say it is precisely for the same reason a great many important questions sleep in committees. The committees do not want to pass them. That is all.

Mr. WELLINGTON. Did the committee desire to pass it when the Senator from South Dakota was chairman of the committee?

Mr. KYLE. They did not desire to do it.

Mr. WELLINGTON. They did not desire to pass it. They do not desire to pass it now, and the Senator is honest enough to say so.

Mr. KYLE. I presume that is the case with the Committee on Interstate Commerce.

Mr. WELLINGTON. Then, I will say to the chairman, why was not the committee manly enough to do that? Why does not the chairman appear before the Senate and say, "We do not desire to make any report upon this proposition?"

Mr. CULLOM. To whom does the Senator refer? To what committee does he refer?

Mr. WELLINGTON. I refer to the Senator from South Dakota.

Mr. CULLOM. Oh.

Mr. WELLINGTON. I do not refer to the Senator from Illinois. I think I have been plain enough in speaking about the matter.

Mr. KYLE. I will gladly reply.

Mr. WELLINGTON. I shall be very glad to have him do so.

Mr. KYLE. The Senator from South Dakota is not the chairman of the Committee on Interstate Commerce.

Mr. WELLINGTON. I have made no accusation against the Senator, but it is against his committee. If he chooses to shoulder the responsibility for his committee, of course it must go against him.

Mr. KYLE. I desire to repeat that I am not chairman of the Committee on Interstate Commerce.

Mr. WELLINGTON. Certainly not; but it is upon the labor question we are talking just now.

Mr. KYLE. I beg pardon, but we are discussing the question relating to the Interstate Commerce Committee.

Mr. WELLINGTON. You were finding fault with the committee to establish the University of the United States.

Mr. KYLE. Certainly; and I think it is a dead parallel to the question under consideration. The Senator from Maryland refused to report a bill when nearly all the great universities of the country demanded that he should report it.

Mr. WELLINGTON. The Senator does not refuse to report the bill—emphatically not. The Senator made every endeavor to report the bill, but the committee would not do so.

Mr. KYLE. Why not report it?

Mr. WELLINGTON. The committee will not do so.

Mr. KYLE. That is exactly the situation with reference to this bill and also the one before the Committee on Education and Labor.

Mr. WELLINGTON. Now, then, if the Senator from Illinois desires to enter this controversy, I have just this to say to him——

Mr. CULLOM. I have no desire to enter the controversy as to any other committee, but I do wish to have something to say about my own committee.

Mr. WELLINGTON. Very well. Do I understand that this measure is before the Senator's committee?

Mr. CULLOM. What measure?

Mr. WELLINGTON. This matter of the labor question.

Mr. CULLOM. Certainly it is.

Mr. LODGE. This bill is.

Mr. ALDRICH. The bill is before that committee.

Mr. KYLE. Not the eight-hour labor bill.

Mr. WELLINGTON. I am talking about the eight-hour labor bill. I understand the motion of the Senator from South Dakota to be to take that measure out of the hands of the committee.

Mr. LODGE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. LODGE. It is, with what measure are we dealing?

The PRESIDENT pro tempore. A resolution touching the Interstate Commerce Committee.

Mr. PETTIGREW. I will inform the Senator, if he desires, that it is House bill 10302, to amend an act in regard to safety appliances on railroads, and requiring the companies to furnish a statement to the Interstate Commerce Commission of the accidents which occur and the causes.

Mr. WELLINGTON. That is very good; so far as it goes it is all right; but I want before I sit down, right here and now, to emphasize the fact that this telegram is in regard to the general legislation and the general condition, and that what applies to one committee applies to all committees having these measures in charge.

Mr. CULLOM. Mr. President, I dislike very much to continue this discussion, but I do desire to say a few words. I assume that there is no Senator here who can justly charge me with indifference to the interests of the people in connection with railroads, or to human life in whatever engagement it may be employed. Neither do I want it understood that I have no disposition to enact such legislation as will be in the interest of that great body of men employed by the railroads, numbering, as has been stated here, perhaps over a million. But, on the contrary, I have had, and do have now, a great desire to do what seems to be the best for them in the premises consistent with the public interest generally.

This question, it is true, has been before the committee for some time, and it is true that the committee has never agreed upon a bill; and in that committee I may say truthfully, I think, and with propriety, there have been grave questions involved in bills referred to the committee which have taken the time of and created earnest discussion among the members of the committee very many times in their sessions.

Those questions have been of such a character that it has seemed to be almost impossible for the committee to agree upon some of the measures referred to the committee by the Senate; but we have done the best we could, and because the committee so far have failed to agree upon this bill is no reason, in my judgment, why the bill should be taken out of its hands and brought into the Senate for consideration.

Mr. ALLEN. I should like to ask the Senator from Illinois a question.

Mr. CULLOM. Certainly.

Mr. ALLEN. Is it not true that a majority of the committee are against the bill?

Mr. CULLOM. I am not able to say whether it is or not. I hope not. I have been hoping from time to time to get a favorable report upon some bill on this question. I think that the majority, perhaps, of the committee are not in favor of the bill as it comes from the House, because, in my judgment, it can be greatly simplified and enlarged at the same time in the interest of the people who are employed by the railroad corporations of the country.

What I have desired to do was, in the language of the Senator from Massachusetts, to perfect a bill so that when it is reported and passed through the Senate it will cover every phase of the case that ought to be covered by legislation. The bill that is sought to be brought before the Senate is an imperfect bill. It was drawn, I suppose, by some representatives of labor, and they have their own ideas of what ought to be enacted; but when it comes to enforcing the bill it requires unnecessary work and does not cover all the interests that ought to be covered by it.

All that I desire to say is that the Committee on Interstate Commerce have desired to do their duty. They have no disposition to shirk responsibilities, but the class of questions which come before that committee are always of a character that seem to justify and result in differences of opinion.

Mr. GALLINGER. Will the Senator from Illinois permit me for one moment?

Mr. CULLOM. Certainly.

Mr. GALLINGER. I have in my hand a copy of this bill, from which it appears that the Senator from Illinois reported this bill with amendments on the 22d day of February last. I wish to ask him if I am correct in supposing that it has been recommitted to the committee since that time?

Mr. CULLOM. It was recommitted. I desire to explain, as I did in the beginning——

Mr. GALLINGER. I did not hear that, and I should like to know why it was recommitted.

Mr. CULLOM. A majority of the committee failing to attend a particular meeting, and desiring on my part to secure the passage of a bill, I undertook to poll the committee in the Senate, and I thought I had a majority of the committee in favor of it; but afterwards I found that I did not, and my own honor in the premises required that the bill should be referred back for further consideration, and so it is now before the committee.

Mr. GALLINGER. I see.

Mr. CULLOM. I assure the Senator from South Dakota that I will make an effort again to get a meeting of the committee, so that we may be able to perfect the bill, and I hope we will be able to pass it before this Congress shall adjourn. I desire to do it. I have been for a bill on this question from the beginning, and several Senators on the committee have been for it just as it is. I think the bill ought to be perfected before we bring it in and ask the Senate to pass it.

Mr. ALLEN rose.

Mr. CULLOM. Does the Senator from Nebraska desire to ask me a question?

Mr. ALLEN. I thought the Senator from Illinois had concluded. As a member of the committee, I desire to submit some remarks before the resolution is passed upon.

Mr. CULLOM. I have not quite concluded. My own opinion is that we can pass this bill before the session adjourns and get it into a law if the House will act upon it promptly; and when we do we will have something that will be of some value to the laboring people of the country and not unnecessarily impose work upon the railroads or the Interstate Commerce Commission either. That is all I desire to say. I do not wish to shirk any responsibility that is put upon me in any direction whatever.

Mr. ALLISON. I have allowed this matter to run on for some time, and I appeal now to the Senator from South Dakota, after the assurances made by the chairman of the Committee on Interstate Commerce, to allow his resolution to lie over for a day without losing its place; and then I will ask the Senate to proceed with the consideration of the sundry civil appropriation bill.

Mr. PETTIGREW. I can not comply with the request of the Senator from Iowa. The Congress ends in a very few days. I have tried to have this measure considered, and all we ask now is a vote. All we ask in regard to legislation is this:

That where any collision of trains, where one of the trains is a passenger train, shall occur on a railroad of any common carrier engaged in interstate commerce by railroad, or where any passenger train, or any part of a passenger train, accidentally leaves the rails it shall be the duty of the general manager or other proper officer of such common carrier to transmit a report, under oath, showing in detail the nature and causes thereof, to the Interstate Commerce Commission at its office at Washington, D. C. It shall also be the duty of the general manager or other proper officer of any such common carrier to make to the Interstate Commerce Commission a monthly report, under oath, of all accidents which may occur to its passengers or employees, whether attended with loss of life or personal injury, and such report shall state the causes and circumstances connected therewith.

That is all we want. This bill has been before the committee since last June, and they will not report for or against it. It seems to me this matter ought not to cause debate. The committee ought to have reported the bill in a day. It ought to have passed long ago, and the representatives of the railroad employees have been here ever since, all this session, importuning this committee to report for or against. It will not do either one. Now, we are going to adjourn in two days, and they want more time.

Mr. CULLOM. There are bills in other committees which are older than this one.

Mr. PETTIGREW. They ought not to have it, and I want a vote.

Mr. CULLOM. I hope the motion to discharge the committee will not prevail.

Mr. ALLISON. The Senator from South Dakota desires a vote. I ask that a vote may be taken upon the resolution without further debate.

Mr. ELKINS. Mr. President, I object to the request for unanimous consent. If you are going to take a vote——

Mr. ALLISON. I give notice that very soon I shall move to take up the sundry civil appropriation bill.

Mr. ALLEN. I do not understand how, having stood on my feet for five minutes before the Senator from Iowa arose, he got the floor and I am not recognized.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. ALLEN. I am entitled to the floor when I rise and address the Chair, under the rule.

Mr. ALLISON. I ask the Senator from Nebraska to yield to me for a moment.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. ALLEN. I yield to the Senator from Iowa.

Mr. ALLISON. I desire to say that before the Senator from Nebraska rose I also rose and was recognized by the Chair. There was no intention on my part to deprive him of the opportunity to make some remarks, if he desires to do so.

Mr. ALLEN. I addressed the Chair, and stood here all during the remarks of the Senator from Illinois.

Mr. ALLISON. I also was standing.

Mr. ALLEN. I beg the Senator's pardon. He was sitting down. I was watching him.

The PRESIDENT pro tempore. The Senator from Nebraska is entitled to the floor.

Mr. ALLEN. Mr. President, I desire to say a word respecting this matter. Being a member of the Committee on Interstate Commerce, I think I am entitled to at least a word of explanation.

I think the chairman of the committee has undertaken to do his duty conscientiously and well. I have during this session been summoned to that committee, I think, three times for the purpose of considering this very measure. Each time I have attended, and each time I have failed to find anyone but the chairman there.

I am well persuaded, so far as my knowledge of the state of sentiment in the committee is concerned, that there is no hope or expectation of getting a favorable report from the Committee on Interstate Commerce upon this bill. I am well satisfied the majority of the committee are against the bill, and it will not be reported, and that the only way for the Senate to consider it at this session of Congress is to adopt the resolution of the Senator from South Dakota and bring the bill before the Senate and put it on its passage.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. ALLEN. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. This is a resolution to discharge the committee?

The PRESIDENT pro tempore. A resolution to discharge the committee. The Secretary will call the roll.

The Secretary proceeded to call the roll and called the name of Mr. ALDRICH.

Mr. GALLINGER. Mr. President, I simply desired before voting to say that I shall vote against discharging the committee, for the reason that having carefully read the bill I can not conceive of any possible good that can come from its passage.

Mr. LODGE. Mr. President——

Mr. ALDRICH. Is debate in order?

Mr. HOAR. My colleague rose before the name of the Senator from Rhode Island was called.

The PRESIDENT pro tempore. No answer has been made. Debate is still in order.

Mr. LODGE. I merely wish to say that I am very loath to vote to discharge any committee of this body; but it seems to me that this is a most reasonable bill. I can see no possible harm in it.

Many years ago I took great interest in what is known as the car-coupler bill, and did what little I could to promote it. In the investigations then I found that in one year there were 25,000 railway employees killed and wounded—as many as fell in one of the greatest battles in the world. It seemed to me that that was a subject to properly engage the attention of Congress, and I advocated the car-coupler bill on that ground. I do not think that railroad men are inhuman. I know they are as desirous to save life as anyone else, but they naturally are averse to expense, and they opposed that bill. It finally became a law.

Now, this is a very much less troublesome measure than that. It is merely a demand for information as to accidents. It may be possible that legislation can diminish them when we have the statistics properly presented. It may be that legislation will be futile to do anything. But it certainly is not unreasonable that we should have the facts before us. That is all that is asked in this bill. I can not see the slightest injustice to any railroad or to any corporation. I can see the possibility of great good to large bodies of men.

The Senator from Iowa asked unanimous consent that a vote might be taken on the resolution. It was objected to. It would have stopped debate and we could have passed upon the measure then and there, and then gone on to the other great business.

Mr. President, I should not have said even this much if we could have had a vote on the question; but as it is I am obliged to vote to discharge the committee, for I think it is a reasonable measure, and if we refuse and vote down all reasonable measures, beware of the unreasonable ones.

Mr. CHANDLER. Mr. President, I am very anxious that this resolution should be voted upon before 1 o'clock; but I think I ought to take the time of the Senate to say that it is my belief, with all due respect to the chairman of the committee, that the committee, of which I am myself a member, should be discharged from the further consideration of the bill, and the Senate should now vote upon it.

It is not a bill to tie directors in front of the locomotives, and it is not a bill about car couplers or automatic brakes. It is something very simple. It is a bill which provides that when there is an accident the railroad managers shall make a report as to the causes of the accident; and there is a provision in the bill that the report shall never be used in a suit against the railroad company or any person for damages. Now, what is the harm in that bill? None whatever, Mr. President; and it does not need to be amended in order that we may run the risk of having it embargoed and defeated in the House of Representatives.

The members of the Committee on Interstate Commerce have been engaged in many other things this winter, and we have not been able to get the bill reported, but the other day the chairman, thinking he had a majority of the committee polled in favor of the bill, reported it. Subsequently, finding a mistake had been made, he had it recommitted, and we have tried to get a meeting since. At a meeting called for day before yesterday or yesterday there was no one present but the chairman and the Senator from South Carolina and myself. No one else would come; not that they stayed away on purpose. The Senator from Rhode Island was very busy upon an important bill; the Senator from West Virginia was equally busy in the public service, and they did not come.

Now, Mr. President, what is the harm in taking the bill out of the committee and voting on it? What is the harm, I ask the chairman of the Committee on the Judiciary, in taking the anti-trust bill out of that committee, where there is so much division of opinion, and bringing it before the Senate, when it is a House bill? These are House bills, Mr. President, and the Senate ought to vote upon them before next Monday at 12 o'clock. What is the harm in it?

Mr. CULLOM. May I ask the Senator a question?

Mr. CHANDLER. In one moment. I hope the chairman, who is in favor of the bill, will let it come before the body for its passage, that the one million railroad employees in this country and the tens of millions of passengers who ride upon the trains may get the benefit of this work of his between now and next Monday at noon.

Mr. ALDRICH obtained the floor.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. CHANDLER. I am through.

The PRESIDENT pro tempore. The Senator from Rhode Island has been recognized.

Mr. ALDRICH. Mr. President, from the earliest history of the Senate it has been necessary to have standing committees to consider certain subjects. There is no other way in which the business of the Senate can be properly carried on that I know of. The plan which seems about to be adopted, or is suggested, of discharging committees because certain individual Senators think the committees have not properly considered subjects or have considered them too long, or that the judgment of the committees is not in accordance with their judgment, is one which is utterly destructive of the order of the business of the Senate, and should not be indulged in.

The Senator from Massachusetts is very free to discharge another committee, but when a suggestion is made to discharge his own committee from a bill which has been before the committee, he is found voting against it. He would not like at all to have subjects taken from his committee upon the motion of the Senator from South Dakota or of any other Senator.

Mr. HOAR. Mr. President——

Mr. ALDRICH. I decline to yield at present.

Mr. HOAR. The Senator made a statement about me.

Mr. ALDRICH. I will give the Senator a chance to speak after a while, but not now.

Mr. HOAR. The Senator has made a statement which——

Mr. ALDRICH. I decline to yield.

The PRESIDENT pro tempore. The Senator from Rhode Island is entitled to the floor and declines to yield.

Mr. HOAR. But, Mr. President——

The PRESIDENT pro tempore. The Senator from Rhode Island declines to yield to the Senator from Massachusetts.

Mr. ALDRICH. The junior Senator from Massachusetts would not like to have important matters taken from his committee simply because the Senator from South Dakota or some other Senator should not agree with him as to some matter of public policy.

As to the Committee on Interstate Commerce, of which I am a member, the chairman of that committee has been necessarily absent from the Senate and from the city for a long time. He has called three or four meetings of the committee within the last two

weeks. I was not able to attend the meetings of that committee because I was engaged in more important business, or what seemed to me more important business, elsewhere and it was not possible for me to be present. I know that the Senator from Colorado and other Senators were so engaged that it was impossible for them to be present.

So far as I am concerned, I am quite willing now to attend a meeting of that committee and consider this proposition or any other; but this revolutionary method which is insisted upon here to discharge committees because members of the Senate do not agree with the committee or have some purposes of their own to try to force legislation through the Senate which is not agreed to by the majority of the committee is to be suggested and advocated for the first time.

Now, if I have done any injustice to the Senator from Massachusetts, I shall be glad to yield to him.

Mr. HOAR. The Senator from Rhode Island did me a great injustice. I spoke and voted, or I should have voted if the vote had come—I am not sure that it did—in favor of the resolution to discharge the committee of which I am chairman from the matter to which he refers.

Mr. ALDRICH. Was that because he believed the Committee on the Judiciary were not competent to deal with the question which was before it, or because he did not agree with the majority of that committee as to what should be done?

Mr. HOAR. My honorable friend stated to the Senate, under his responsibility as a Senator, that I opposed discharging my committee; and having informed him that I not only did not oppose it, but favored it and spoke in favor of it and said that I was delighted that the motion was introduced, when he is informed of that he does not take back his statement and turns around and wants to know what my motives were.

Mr. ALDRICH. The Senator from Colorado made the statement.

Mr. JONES of Arkansas. I should like to ask what motion it was to discharge the Committee on the Judiciary that the Senator from Massachusetts favored. Was it the motion I made to discharge the committee and take up the anti-trust bill?

Mr. HOAR. Yes.

Mr. JONES of Arkansas. I understood the Senator to oppose it. One thing I know is that while that motion was pending the time was taken up in the Senate, and it was talked until the expiration of the morning hour and no vote was had, and I believe it was deliberately done.

Mr. HOAR. I gave notice to the committee and to its members that I should make the motion which the Senator from Arkansas made. When he made it I was absent in Massachusetts and telegraphed to him and my colleague and one or two other members of the Senate, praying that it might stand for a day until my return. When I got back I rose in my place and said I was delighted that the motion had been made and I hoped it would pass. The Senator will find all that in the RECORD. Now, that is what happened.

Mr. JONES of Arkansas. I confess myself to be astonished. I hope the Senator will now give notice that he will move to discharge that committee to-morrow, so that we can have a vote on that subject.

Mr. HOAR. There is a motion pending.

Mr. JONES of Arkansas. It is on the Calendar and has to be taken up by a vote of the Senate.

Mr. HOAR. If the Senator will pardon me, the Senator was so full of his most worthy and excellent purpose that undoubtedly he did not listen to what I said. I told the Senate that the failure of the Judiciary Committee to vote on that matter was one of the great disappointments which had happened to me lately; that I regretted it exceedingly, and that I was glad the motion had been made and should support it. I gave a narrative of what had happened, and stated my reasons for supporting the first and the last sections of the bill and my reasons for hoping that it would be amended by striking out other sections.

Now, the Senator from Arkansas does not wish to do me any injustice, any more than my friend from Rhode Island, who spoke with some warmth, but who would be the last in the world to have made a misstatement. If this debate continues I will get the RECORD and read what I said before.

Mr. JONES of Arkansas. I should like to interrupt the Senator. I certainly do not intend to do the Senator from Massachusetts any injustice. I heard the Senator, as I thought, object to discharging the committee and to taking up the bill. I did not hear the statements by him, though I have no doubt they were made by him; but what I do know is that the entire morning hour was talked out and we failed to get any vote at all. If both sides were willing to vote for it, it is most amazing to me that a vote was not had. I know I took no time to delay it.

Mr. CULLOM. Mr. President, I only want to say another word.

The PRESIDENT pro tempore. The Senator from Rhode Island is entitled to the floor.

Mr. ALDRICH. I had not quite finished.

Mr. CULLOM. Excuse me.

Mr. ALDRICH. The Senator from Massachusetts certainly can not think that I would do him an injustice. I had supposed that he was opposed to having his committee discharged from the consideration of that measure. I could not understand that he was not. But as I understand the Senator's statement, he is not in favor of the House bill, and does not expect or desire that the Senate should pass it.

Mr. HOAR. What House bill?

Mr. ALDRICH. The anti-trust bill.

Mr. HOAR. Yes; I am. I want to have one. I said, if the Senator will pardon me, that I had consulted the representatives of the Brotherhood of Locomotive Engineers and the representatives of the Federation of Labor, and that they had agreed with me that certain sections of the bill were undesirable; but that the first and the last sections of the bill, which they were satisfied with, ought to pass, and I have a letter from one of them now in my possession repeating that. So the bill, as I proposed to have it passed, would be entirely satisfactory to them. All that I stated, except this little matter of the letter in the Senate, and I used the phrase, I remember distinctly, that I was delighted that the motion had been made. My friend from Connecticut, one of the strongest opponents of some parts of that bill, and who pointed out his objection in the debate in the Senate, will confirm me in my statement, not only that I earnestly supported that motion, but that I had given notice to members of the committee that I should make it if nobody else did.

Another matter, Mr. President——

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. ALDRICH. I do.

Mr. PLATT of Connecticut. I think, certainly, justice ought to be done to the Senator from Massachusetts. He did certainly say in his speech that he would support the motion.

Mr. ALDRICH. I have attempted to do justice to the Senator from Massachusetts.

Now, Mr. President, we have thirty or forty hours of this legislative session yet remaining. There is not a member of the Senate who does not know that these motions to discharge committees from the consideration of contested legislation can not in the nature of things result in anything effective for the benefit of the measures suggested. There is not a member of the Senate who does not know it. The Senator from Massachusetts knows as well as I that if his Committee on the Judiciary were discharged from the anti-trust bill there is no possible hope of passing that bill at this session. The Senator from South Dakota and other Senators who favor discharging the Committee on Education and Labor from the proposed eight-hour law know perfectly well it is not possible for that measure to be considered at this session.

If members of the committees, chairmen or otherwise, who are desirous of discharging their own committees and other committees simply because their individual views have not been carried out by the committees should have their way, there will be nothing done at this session of Congress except to discuss measures which can never be finally voted upon.

Mr. CULLOM. Mr. President, I simply want to add one word. The junior Senator from Massachusetts [Mr. LODGE] has been talking very vigorously against retaining the bill where it is in committee, and he instances his own action with reference to the automatic car coupler bill, about which we had some legislation some time ago. I want the Senator to know, if he does not, that I had charge of that important measure myself, and I claim a good deal of credit for doing something for the railroad employees of this country in securing its passage and enforcing it as a law.

Mr. LODGE. If the Senator will allow me, I am quite aware of that. My reference was simply to my interest in the subject. I know the Senator's friendship for the bill.

Mr. CULLOM. I only want to emphasize the fact that I have no disposition whatever to interfere with proper legislation, but I do insist that this bill ought to remain with the committee for its consideration, and, so far as I am concerned, I am ready to call a meeting of the committee this afternoon and consider it, and see whether we can not get a bill here that will be satisfactory and will take no time in its passage finally.

Mr. ELKINS. Mr. President, I am a member of the Interstate Commerce Committee having charge of this bill, and I have heard this debate going on for more than an hour, all the time hoping it might end so we could get a vote. I feel obliged, in view of certain statements, to say a word. The chairman has ably defended the committee, and shown why this resolution should not prevail, and I want to join him in resisting the passage of the resolution and the discharge of the committee—though with suitable amendments I am in favor of the bill.

In the first place, this is a bill from the House. It came to the Senate last session, I believe, and a subcommittee of the Commit-

tee on Interstate Commerce was appointed by the chairman to consider the bill and report to the full committee.

The chairman of that subcommittee was the late lamented junior Senator from Iowa, Mr. Gear. We all know that he died during the recess of Congress, and no member of the committee has been appointed to fill his place as chairman. I mention this fact because the impression has gone out that I should have gone forward and reported the bill because I was a member of the subcommittee. I had no more power to consider and report the bill than any other member of the committee.

I have always stated to the chairman and to the members of the committee that I favored the bill if it could be properly amended. It is an important bill and should have careful consideration. Its importance is tested by the interest that it has aroused in the Senate. But I submit, Mr. President, that a bill of this importance should not be passed without the consideration of the committee and a report thereon; and it should, before report, have at least fair consideration by the full committee. The Senate works through organized committees; wisely so. Now, the committee has had no opportunity to consider fully and fairly the bill. At no meeting of the committee at this session has there been a quorum, and the reasons for no quorum have been suggested time and again by the chairman.

I regret to see a disposition to discharge an important committee like this from the consideration of a bill that it has not had the time or opportunity to investigate. We had one meeting of the committee, I believe, at the last session of Congress, in which parties favoring the bill were heard, and among those who appeared in favor of the bill was Mr. Moseley, secretary of the Interstate Commerce Commission, and some one claiming to be a member of the Brotherhood of Locomotive Engineers.

If we are to have committees to take charge of important bills and report on them, let the best consideration be had that a committee can give to the subject. I believe with proper amendments this bill will pass the Senate, but the committee ought to have an opportunity, and Senators who are on the committee and on the subcommittee ought to have a chance, to discuss the provisions of the bill and make suggestions and proper amendments, and not rush it through by having the committee discharged in this manner and the bill passed without thought or proper consideration in the dying hours of the Senate.

I believe all the Senators on the committee desire and that the Senate desires the best possible administration of railway matters in the interest of human life and are willing and anxious to pass any law that will minimize accidents, injuries, and loss of life, and I believe railway officials favor any measure that will prevent accidents. And just here I wish to say to the distinguished senior Senator from Massachusetts that it is not necessary to tie a director on the engine when in motion to save human life or to prevent accidents. The locomotive engineers run the trains, and not the directors and railway officials, and the engineers are just as particular and careful about preventing accidents and preserving human life as are directors of the railroads, and I was shocked and surprised to hear from such a respectable, wise, and conservative source such a suggestion. I am at a loss to know what the Senator meant, for usually he is not given to making reckless or improper statements.

Mr. HOAR. It was a mere jest, and I am surprised that anyone should take it seriously.

Mr. ELKINS. I am glad to have the Senator say it was a jest, but let me tell the great Senator from Massachusetts that it is too serious a subject to jest about.

Mr. HOAR. I wish to plead guilty, however, on two points. It was not only a jest, but a plagiarism from one of the most conservative men who ever lived in this country—the late Richard A. Dana—who, after a railroad accident in Massachusetts, suggested in some public place that if there were a director tied on the cowcatcher of every engine it would diminish the number of railroad accidents. I had no expectation that anybody would take it seriously.

Mr. ELKINS. I am glad to have this explanation from the Senator from Massachusetts, because I was pained to hear that he could seriously make such a suggestion. I know he is not a railroad director, and I know he would not want to be tied on an engine if he were. I also know he is not familiar with the operation of railroad trains. If he were, I venture to say he would give this bill more careful consideration. And I beg the Senator will allow me to say further that the railway officials and directors of this country are as humane as the Senator himself and desire in every way possible to diminish accidents and prevent the loss of life.

In addition to their feeling for humanity and their deep interest in their employees and desire to preserve their lives, and with whom they are generally on the best of terms, there is still another reason that does not appeal to the senior Senator from Massachusetts, unless he has more stock in railroads than I think he has, and it is that every railroad accident causes a direct loss in money to the railway company.

Mr. HOAR. Nobody would seriously propose to tie my honorable friend from West Virginia there, unless somebody thought that no railroad locomotive would have power enough to penetrate him, or that probably it would add to the safety of the passengers by having a good, honest cushion before the engine. I do not see that anybody could propose it for any other purpose.

Mr. THURSTON. The Senator would not tie him on a fast train.

Mr. HOAR. No; I would not tie him on a fast train.

Mr. ELKINS. It is a relief to me in this discussion to thoroughly understand the Senator from Massachusetts, because this is a most serious subject; and I am glad on his own account and for his great reputation that he has said what he has and relieved the Senate from a most painful impression.

Several SENATORS. Vote! Vote!

Mr. ELKINS. The suggestion is made to vote, after many Senators have expressed themselves, and particularly the junior Senator from Massachusetts [Mr. LODGE], without interruption from anyone; and while he and other Senators who so earnestly desire the Interstate Commerce Committee to be discharged in disgrace as incompetent, were speaking, I heard no one demand that this discussion should close. I never wished to discharge his committee from the consideration of any bill before it because of delay, and I was a little surprised that the junior Senator from Massachusetts should support this motion to discharge the committee.

Why should we have a vote? Why do you want a vote so soon to condemn a committee and pronounce upon it a judgment of incompetency? I have a good deal to say on the subject of this resolution before it passes the Senate, and I have listened to every Senator here with composure and with interest; and I hope I may be still further indulged, even if at the close of what I may say the Senate should join in the condemnation and disgrace of the committee, so much desired and wished for by the junior Senator from Massachusetts and the Senator from South Dakota. Do give the members of the committee a chance to be heard, especially our able and distinguished chairman. No chairman of a committee wishes his committee discharged from the consideration of a subject over which it has jurisdiction.

Mr. PETTIGREW. Will the Senator allow me a question? Does he intend to talk until the morning hour has expired?

Mr. ELKINS. When does it expire?

Mr. PETTIGREW. It expires at 1 o'clock, and this resolution goes to the Calendar if the Senate is unable to vote on it before that time.

Mr. ELKINS. Mr. President, I do not know anything about the morning hour, or what the rule is. I do not understand the rules like my friend from South Dakota does, who has served so long and so ably in the Senate.

Now, Mr. President, as was stated by the Senator from Colorado, there is not an accident that happens on any railroad in the United States where the testimony is not taken instantly and on the spot, and an accurate report made of everything that occurs on the spot.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. ELKINS. With pleasure.

Mr. LINDSAY. If the Senator from West Virginia will pardon me, I ask him if he knows what has become of the six or eight reciprocity treaties that have been referred to the Committee on Foreign Relations for consideration. Why have they not been reported?

Mr. ELKINS. I thank the Senator from Kentucky for making that suggestion, and in due season I think there may be a motion to discharge his committee from the consideration of the reciprocity treaties, as he is such a staunch supporter of the policy of discharging committees before they can reach a conclusion on a bill.

Mr. TILLMAN. We will all vote for it.

Mr. LODGE. I hope when the Senator makes the motion he will make it where it belongs, in executive session, as it relates to executive business.

Mr. ELKINS. Mr. President, as I was stating, every accident is reported. In the first place, all railroads require it; and in the second place, the State laws require it. Now, there is no objection to giving this power to the General Government if by doing so we can in any way help prevent accidents and injuries to life and property; this is what everybody desires. But I state now that the bill is defective. My colleagues on the committee, and especially the chairman of the committee [Mr. CULLOM], who has served so long and so honorably in the Senate, has had more experience in the matter of railroad legislation originating with the Interstate Commerce Commission than any other member of this body, declares to the Senate that the bill is defective and that it should be amended; that in the interest of the railroad employees and in the interest of the railroads it should be amended. He reported the bill with some amendments, but not the one which I desired.

The chairman of the Interstate Committee [Mr. CULLOM] has had more experience than any other member of this body in respect to this kind of legislation, and he objects to the bill.

Now, Mr. President, I want to state to the Senate, as a matter of information, that the reports of the Pennsylvania Railroad Company, in the consideration of this question at the only meeting we ever had, were brought into the Interstate Commerce Committee, and they were there analyzed, and the advocates of this bill then and there declared that they were good, ample, and sufficient even without this law; that this law was not required to compel the Pennsylvania Railroad Company to go further in making reports. The only complaint made by the advocates of the bill was that some other railroads did not report as fully and as accurately as the Pennsylvania Railroad Company did. I, as a member of the subcommittee, stated that if we could draw an amendment that would require the reports of other railroad companies to be made with the same care and the same accuracy as the reports made by the Pennsylvania Railroad this would be all that could be desired.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Nebraska?

Mr. ELKINS. Yes, sir.

Mr. ALLEN. I should like to make an appeal to the Senator from West Virginia to let us go to a vote before this resolution has gone to the Calendar.

Mr. ELKINS. I beg the Senator's pardon. I did not understand him.

Mr. ALLEN. There are only about three minutes before it will pass to the Calendar. The discussion will end, and we shall not have the privilege of voting on it.

Mr. ELKINS. When has it ever been suggested in this Chamber? When has any Senator had the temerity to ask the Senator from Nebraska to cut short his speech for any purpose whatever? Why, sir, the Senate would have been filled with a flood of oratory for hours afterwards following such a suggestion. He would have regarded it as an invasion of his sacred rights guaranteed to him by the Constitution and the Declaration of Independence.

Now, Mr. President, the Senator from South Dakota has done me the justice to read a number of petitions from my State favoring the passage of this bill, but not in its present form, as I am informed and believe. I have also had a number from my State, and I am just as solicitous as the Senator from South Dakota and the two Senators from Massachusetts that railroad passengers and railroad employees shall now, hereafter, and forever have all the safeguards that can possibly be thrown around them by this bill or any other.

Mr. LODGE. Let us have a vote.

Mr. ELKINS. The junior Senator from Massachusetts says let us have a vote. I ask him if he has ever read this bill? Has he ever considered it?

Mr. LODGE. I have read it.

Mr. ELKINS. Then I am surprised that you want to vote upon it in the imperfect way it is presented here.

Mr. LODGE. The Senator will meet with many other surprises if he keeps on.

Mr. ELKINS. Not now, on this subject. I am surprised this discussion has taken the turn and scope it has. Mr. President, Senators talk as if railroad presidents and directors were indifferent to accidents and the loss of human life and did not desire to prevent both. This is an unjust and outrageous charge to bring against an able and conscientious body of citizens of the country.

Mr. President, every accident on a railroad costs the railroads something, often from one thousand to a hundred thousand dollars; sometimes the cost reaches two and three hundred thousand dollars; and it is utterly absurd to talk about indifference on the part of directors and railroad officials to accidents. They do everything in their power now to prevent them, and are doing so every day. Dismissing the question of heart, conscience, and humanity, self-interest compels them to this course. The appeal to prejudice or the attempt to stir up strife between railroad employees and railroad officials for political or any other purpose, or to gain popular favor, is unwise and unpatriotic, especially in the Senate Chamber of the United States. Now, Mr. President, I am ready and willing, as I have always been, to favor this bill, with proper amendments; but, while this is the case, I am unalterably opposed to this resolution to discharge the committee from the further consideration of the bill, thereby putting the cloud of incompetency over it.

Mr. President, I have said something about the character of railway officials and directors, but I would do myself an injustice if, in this connection, I did not bear testimony to the high character, orderly conduct, and good citizenship of the million of railway employees in the United States. There is no better body of citizens, no more loyal and intelligent set of people in the world; and the thought that every Senator here would not be willing to do justice to railway employees and do everything in their power to protect their lives and preserve them from injuries by railroad accidents is simply absurd.

I believe that the Brotherhood of Locomotive Engineers especially favor this bill. They are amongst the most conservative, intelligent, and law-abiding citizens. I have in this order many friends in my State and in almost every State in the Union. I respect their judgment, their intelligence, and their wishes, and, so far as they are concerned in this legislation, I want to meet their wishes. I am sure that they do not desire the bill passed without careful consideration and without its provisions do justice, not only to themselves, but to the owners, officers, and directors of railroads and the public generally.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3450) to fix the salaries of certain judges of the United States.

Mr. ALLISON. I ask unanimous consent that that bill may be formally laid aside that I may ask the Senate to proceed with the consideration of the sundry civil appropriation bill.

Mr. ALLEN. I object, Mr. President.

Mr. ALLISON. Then I make that motion. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate proceed to the consideration of the sundry civil appropriation bill. [Putting the question.]

Mr. PETTIGREW. Mr. President, I now move that the Senate proceed to the consideration of the resolution which we have just been discussing.

Mr. LODGE. It has gone to the Calendar.

Mr. PETTIGREW. It has gone to the Calendar. It is resolution numbered 577.

Mr. ALLEN. I ask for the yeas and nays on the motion.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] moves that the Senate proceed to the consideration of a resolution the title of which will be stated.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 26th ultimo, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

Mr. FORAKER. I intend to vote for that bill when it comes back here perfected by the committee, but until then——

Mr. LODGE and others. Debate is not in order.

Mr. FORAKER. I move that the motion be laid on the table.

Mr. HOAR. That is not in order.

Mr. FORAKER. Then I withdraw the motion.

Mr. PETTIGREW. I have a right to a direct vote on my motion, under the rules of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Dakota.

Mr. PETTIGREW. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Debate is not in order.

Mr. CLAY. I understand that, but I rise to a question of order. I understand the motion of the Senator from South Dakota is to displace the appropriation bill, the pending order of the Senate.

The PRESIDENT pro tempore. That is in the nature of debate, and not in order. The yeas and nays have been ordered on the motion of the Senator from South Dakota.

Mr. SEWELL. The resolution has gone to the Calendar.

The PRESIDENT pro tempore. The motion is to take it from the Calendar and pass it. The motion is in order.

Mr. ALDRICH. The Chair, I think, did not state the question quite clearly. The question is upon taking up the resolution, not upon its passage.

Mr. CHILTON. The question is not upon passing the resolution.

The PRESIDENT pro tempore. The question is on taking up the resolution.

Mr. HOAR. I ask unanimous consent to put in the RECORD some extracts from my remarks when the motion of the honorable Senator from Arkansas to discharge the Judiciary Committee of the anti-trust bill was discussed on Thursday, February 21, of the present year.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

The matter referred to is as follows:

Mr. HOAR. I have myself never for a great while felt more regret about anything than that the majority of the committee, not voting on party lines at all, did not agree with me in this view. * * *

Let me say further, before I sit down, what I think I should have said, that I had notified my brethren on the committee that I would myself bring this matter up in the Senate. Personally—not as the organ of the committee—I shall be delighted if the motion of the Senator from Arkansas shall be adopted and the bill shall be passed. * * * If any member of the Senate can suggest, in the short time we have left for legislation, a reasonable solu-

tion of this trust difficulty which will go further than that, I shall be glad to have that.

Mr. JONES of Arkansas. We all seem to be agreed that this matter ought to be considered. * * *

Mr. HOAR. I expect to vote for the Senator's resolution.

Mr. JONES of Arkansas. That is all I ask for, Mr. President—a vote at this time.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY]. Not seeing him in the Chamber, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN] who is absent. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY] who is absent. I do not know how he would vote, if he were present. If at liberty, I should vote "nay."

Mr. BATE. My colleague [Mr. TURLEY], if present, would vote "yea."

Mr. SPOONER. The senior Senator from Tennessee informs me that if his colleague were present he would vote "yea."

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON]. I inquire whether he has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Illinois has not voted.

Mr. SULLIVAN. Then I withhold my vote.

Mr. HARRIS (when Mr. TURNER's name was called). I am requested to announce that the Senator from Washington [Mr. TURNER] is unavoidably detained from the Senate, and that he is paired with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. MALLORY (after having voted in the affirmative). I desire to inquire if the Senator from Vermont [Mr. PROCTOR] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Vermont has not voted.

Mr. MALLORY. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. BATE. As has been already stated, my colleague [Mr. TURLEY] is necessarily absent to-day, and is paired, as has been stated, with the Senator from Wisconsin [Mr. SPOONER].

Mr. JONES of Arkansas (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. HALE], who is absent. Under the circumstances I withdraw my vote.

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL]. I suggest to the Senator from Arkansas that we exchange pairs, so that the Senator from Maine [Mr. HALE], with whom he is paired, may stand paired with the Senator from Missouri [Mr. COCKRELL].

Mr. JONES of Arkansas. I agree to the transfer and will let my vote stand.

The result was announced—yeas 25, nays 36; as follows:

YEAS—25.

Allen,	Clay,	Jones, Nev.	Teller,
Bacon,	Culberson,	Lindsay,	Tillman,
Bate,	Daniel,	Lodge,	Vest,
Berry,	Harris,	Martin,	Wellington.
Butler,	Heitfeld,	Pettigrew,	
Chandler,	Hoar,	Rawlins,	
Clapp,	Jones, Ark.	Taliaferro,	

NAYS—36.

Aldrich,	Dolliver,	Kyle,	Platt, N. Y.
Allison,	Elkins,	McComas,	Scott,
Bard,	Fairbanks,	McCumber,	Sewell,
Beveridge,	Foraker,	McEnery,	Shoup,
Chilton,	Frye,	McMillan,	Simon,
Clark,	Gallinger,	Nelson,	Stewart,
Cullom,	Hansbrough,	Perkins,	Thurston,
Deboe,	Hawley,	Pettus,	Wetmore,
Dillingham,	Kean,	Platt, Conn.	Wolcott.

NOT VOTING—27.

Baker,	Hale,	Mason,	Quay,
Burrows,	Hanna,	Money,	Spooner,
Caffery,	Kearns,	Morgan,	Sullivan,
Carter,	Kenney,	Penrose,	Turley,
Cockrell,	McBride,	Pritchard,	Turner,
Depew,	McLaurin,	Proctor,	Warren.
Foster,	Mallory,	Quarles,	

So the motion of Mr. PETTIGREW was rejected.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. JONES of Arkansas. I desire to give notice, in view of certain statements made to-day, that to-morrow, at the conclusion of the morning business, I shall move that the Senate take up the resolution to discharge the Committee on the Judiciary from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890.

SENATOR FROM NORTH CAROLINA.

Mr. ALLISON obtained the floor.

Mr. PRITCHARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. ALLISON. I understand the Senator from North Carolina several days ago gave notice that he desired to submit remarks upon some matter pending. Without knowing how much time would be consumed this morning during the morning hour, I agreed to yield to him. I feel bound by that promise, and I hope the Senator will be as brief as possible under the circumstances.

Mr. PRITCHARD. Mr. President, I ask the indulgence of the Senate for a short time in order that I may submit some remarks in regard to the motion of my colleague [Mr. BUTLER] to refer the credentials of Hon. F. M. Simmons, Senator-elect from my State, to the Committee on Privileges and Elections. I had not intended to refer to political conditions in North Carolina during the present session of Congress, but since my colleague has seen fit to make the motion in question, I deem it proper that I should briefly review existing conditions in that State, as well as the incidents which led up to what the Democrats are pleased to term a revolution.

One would naturally suppose that the people of every State enjoy the benefits of a republican form of government, but I regret to state that such is not the case in the State which I have the honor in part to represent.

Article 4, section 4, of the Constitution of the United States provides as follows:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

The foregoing is explicit and leaves no doubt as to the duty of Congress with respect to the matter. The language of the Constitution is mandatory, plain, and unequivocal, but for some cause or other there is a disposition on the part of many to acquiesce in that which, in my judgment, will sooner or later undermine the foundation of the Government of the United States.

In 1894 the Republicans and Populists of North Carolina combined their forces in opposition to the Democratic party and succeeded in carrying the State by a large majority, securing control of both branches of the general assembly. For years prior thereto the Democratic party had been in absolute control of all branches of the State government, and in possession of the election machinery in every county in the State.

The Republicans and Populists, in 1895, enacted an election law that was perfectly fair in its provisions, it being provided, among other things, that the chairmen of the respective parties should have the right to select those who were to represent them on the election boards.

In 1896 the anti-Democratic forces again prevailed, electing all the State officers, consisting of Republicans and Populists, and in this connection I desire to say that we have never had our State affairs administered in a more satisfactory manner than they were under the administration of Governor Russell. The credit of the State was greatly improved during his administration, and not a dollar of the State's funds was unaccounted for when the government was turned over to the Democrats on the 1st of January.

The Democrats in 1898, realizing that a great majority of the people of the State were opposed to their policy, and knowing full well that anything like a fair expression of public opinion at the ballot box would mean their complete defeat, deliberately organized a systematic campaign of intimidation and violence (resulting, in some instances, in bloodshed) which has never had a parallel in any section of the country. Not only were the negroes in eastern Carolina denied the right to vote, but thousands of white men in the middle and eastern sections of the State were so completely terrorized that they refrained from voting, while many of them, by coercion, were induced to vote the Democratic ticket.

The adoption of such unlawful methods resulted in giving the Democrats a good working majority of the legislature at that election; and, among other things, they enacted an election law which was prepared with the sole view of enabling that party to overcome the large majority that was against them in the State. The legislature did not adjourn at the end of sixty days, as is provided by the Constitution, but took a recess until the month of June, 1900, and it was stated in many of the Democratic papers that a recess had been taken with a view of impeaching the governor and the judges of the superior court under certain contingencies; and this fact was from time to time referred to by many Democratic papers for the purpose, as I believe, of intimidating the governor to such an extent as to prevent him from taking such steps as were necessary to secure the proper enforcement of the law, and I am also inclined to the opinion that these rumors were intended to intimidate the judges to such an extent as to prevent them from granting the remedies to which we were entitled under the law, before the amendment, in relation to

mandamus, which is hereinafter referred to as having been adopted by the legislature at its June session.

Some time prior to the meeting of the legislature in June, a conference of Republicans, consisting of Hon. R. Z. LINNEY, Hon. W. P. Bynum, Hon. A. E. Holton, and myself, was held in the city of Greensboro, and it was decided, among other things, that although the new election law gave the registrars unlimited discretion as to what names should be placed upon the registration books, we could by mandamus compel them to place on the books the names of all parties who, under our constitution, were qualified electors, but, unfortunately, the result of our deliberations became known, and when the legislature convened in June, the following sections in regard to mandamus and injunction were enacted:

SEC. 88. That upon any application being made, or any action or proceeding of any kind commenced or had, before any judge of any court in this State, for a mandamus or any order in the nature of a mandamus, injunction, restraining order, or order in the nature thereof, to compel, prevent, prohibit, or restrain the performance of any act in respect to his duties against any officer or officers provided for in this act, the matters stated in the affidavit, petition, or complaint, upon which such application is based or action or proceeding had, shall be taken and deemed to be denied, and no judge shall issue any such order, temporary or otherwise, until the facts have been submitted to and found by a jury at a regular term of the superior court of the county in which such officer resides. No such order shall be made or issued upon any case agreed, or upon facts found by a jury at a special term.

SEC. 89. That when a jury has found the facts, and any judge shall issue a mandamus or order in the nature of a mandamus, injunction, or restraining order, or other order in the nature thereof, to compel, prevent, restrain, or prohibit the performance of any act in respect to his duties against any officer or officers provided for in this act, such officer or officers shall have the right to appeal from such order to the supreme court, upon giving bond in a sum not to exceed the sum of $100, conditioned to pay to appellee all such costs and damages as may accrue by reason of such appeal. The said bond shall be received and approved by the clerk of the superior court. A deposit of money of the amount of the penal sum named in such bond shall be received by the clerk in lieu of such bond. And upon filing such bond or making such deposit, such order shall be vacated until affirmed by the supreme court, and until so affirmed the election officer shall proceed to perform the duties imposed by this act notwithstanding such order.

SEC. 90. That all laws and clauses of laws in conflict with this act are hereby repealed, and the law regulating elections as contained in this act shall be construed as above and not in connection with any existing provision of law for regulation of elections.

This is the first instance, in so far as I am informed, wherein any political party has ever attempted to modify or abridge the writ of mandamus. With the exception of the writ of habeas corpus, mandamus is the most sacred writ that can be issued by the courts. It is intended to afford a remedy when it is sought to deprive the individual of his property or any of the rights guaranteed by the laws of the land, while the writ of habeas corpus is intended to protect the citizen in the enjoyment of his liberty. These writs constitute the most speedy and effective remedies that are afforded to the citizen by the courts, and while I am not prepared to say that the legislature does not possess the power to modify the writ of mandamus in some particulars, at the same time I am quite sure that there can be no question that the adoption of the provision as a part of the registration act under which our election was held renders the election void, from the fact that its provisions render it possible to prevent the elector from exercising the right of suffrage, and while the authority to limit its application in general may not be questioned, at the same time any effort to apply its provisions to a registration act as contemplated in section 88, is clearly in violation of the State constitution, which fixes the qualifications of voters and guarantees the right to vote to all men who qualify themselves in accordance therewith.

Section 35, article 1, of the constitution of North Carolina, among other things, provides:

All courts shall be open, and every person having an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

It will be observed by reading the foregoing section that the bill of rights of the constitution of my State provides that all courts of the State shall be open at all times for the purpose of granting such remedies as are necessary to secure to the citizen substantial justice in all matters that affect his person, property, or reputation, and that such remedy shall be granted without delay.

A registration act to be valid must be a thing of regulation simply, and the regulation must be necessary and reasonable; it must be to secure and facilitate the right of suffrage and not impair, abridge, or destroy it; registration must be subordinate to suffrage and not its master and destroyer.

In Paine's Law of Election (page 300) is the following:

The question whether a legislative provision is or is not constitutional, its validity always turns upon the question whether it is or is not a reasonable and convenient regulation of the right to vote, or is, under pretense of regulation and abridgment, a subversion or restraint of that right.

Judge Cooley thus states the law at page 757 of his work on Constitutional Limitations:

All regulations——

Mr. MONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. PRITCHARD. Certainly.

Mr. MONEY. I simply desire to ask a question. I would ask the Senator from North Carolina to tell me from what decision he was reading. I could not hear him distinctly.

Mr. PRITCHARD. I read in the first place from Paine's Law of Election, page 300.

Mr. MONEY. I could not understand the Senator.

Mr. PRITCHARD. I was also about to read from Cooley's Constitutional Limitations, page 757.

Mr. MONEY. I did not catch the decision. I understood the Senator to quote a decision of some court.

Mr. PRITCHARD. Yes, sir.

Mr. MONEY. Will the Senator please tell me what that was?

Mr. PRITCHARD. Yes, sir; I will read it.

Mr. MONEY. I want the reference.

Mr. PRITCHARD. If we could have order in the Chamber, Mr. President, perhaps I could make the Senator understand me.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRITCHARD. From Paine's Law of Election I read the following:

The question whether a legislative provision is or is not constitutional, its validity always turns upon the question whether it is or is not a reasonable and convenient regulation of the right to vote, or is, under pretense of regulation and abridgment, a subversion or restraint of that right.

Judge Cooley says in his work on Constitutional Limitations:

All regulations of the elective franchise, however, must be reasonable, uniform, and impartial; they must not have for their purpose directly or indirectly to deny or abridge the constitutional right of the citizen to vote or unnecessarily impede its exercise—if they do, they must be declared void.

Mr. MONEY. If the Senator will excuse me for interrupting him, I thought he was quoting from a decision, not from a textbook.

Mr. PRITCHARD. No, sir; but I do cite a number of decisions in this connection.

Mr. MONEY. May I be permitted to ask the Senator if his speech will appear in the RECORD to-morrow?

Mr. PRITCHARD. Yes, sir; it will all appear in the RECORD. I cite a number of authorities, but in order to get through rapidly I have omitted reading some of them.

In Page *vs.* Allen (58 Pa. Report, 338), among other things, Mr. Freeman, in reporting this case in the American decisions, says in a note:

The elaborate dissenting opinions of Justices Thompson and Sharswood clearly enforce the rule that registration laws should not be made so vexatious or so embarrassing as to impede or to discourage the attempt to register.

In the case of Monroe *vs.* Collins (17 Ohio, 665) it is very properly said:

That the legislation should be to facilitate rather than to impede the right of suffrage. Between the legislative power and the legal elector, no matter who or what he is, the constitutional provision stands as a bulwark for the protection of his right to vote.

In the case of Kenner *vs.* Wells (144 Mass., 497) we find:

Statutes can not impair the right to vote. Though they may regulate its exercise, every statute regulating it must be consistent with the constitutionally qualified voter's right to suffrage when he claims his right at an election—these statutes may require proof of the right consistent with the right itself, not to abridge or impair the right, but to require reasonable proof of the right.

Any legislation by which the exercise of his right is postponed, diminishing them, must be unconstitutional, unless it can be defended on the ground that it is reasonable and necessary in order that the right of the proposed voter may be ascertained and proven.

Brightly, in his Leading Election Cases, says:

The power to enact registration laws, so as to insure orderly exercise of the right of suffrage within the limits prescribed in Capen *vs.* Foster, is now generally admitted; that is to say, they must be reasonable and uniform regulations, and not under the color of regulation subvert or injuriously restrain the right itself.

Among the numerous other cases bearing on this point are the following:

Dell *vs.* Kennedy, 40 Wisconsin, 555.
Steanes *vs.* Connor, 22 Nebr., 285.
Morris *vs.* Powell (Ind.) 29 American Law Register, 839, 125 Ind., 231.
White *vs.* Commissioners of Multnomah Co., 13 Oregon, 317.
Daggett *vs.* Hudson, 43 Ohio, 548.

These decisions leave no doubt as to the restrictions that are placed upon the legislature when it undertakes to frame a registration act. After the legislature had adopted the sections which I have quoted with respect to mandamus, it was an easy matter for the Democrats to carry the State of North Carolina by any kind of a majority which they might desire to have counted and returned. The provisions contained therein rendered it absolutely impossible to secure an adjudication of the right of the citizen to vote until after the election had been held, which necessarily postponed and deferred his right to such a time as to render it impossible for him to exercise it as provided by the constitution of our State.

Section 15 of the election law reads as follows:

That the registrar of each township, ward, or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty between the hours of 9 o'clock a. m. and sunset, on each day (Sunday excepted), for twenty days preceding the day for closing the registration books, as hereinafter provided, to keep open said books for the registration of any electors residing within such township, ward, or precinct, and entitled to registration. That the said books shall be closed for registration at

sunset on the second Saturday before each election. That on each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct or ward for the registration of voters.

It will be observed that the foregoing provision for registration is limited to twenty days, and if the citizen should be denied registration (as thousands were in North Carolina at the last election) and should make application to the resident or presiding judge for a mandamus he would be confronted with section 88, which provides that no writ shall issue until the matter has been passed upon by a jury at the next regular term of the superior court, which, in nine cases out of ten, would convene after the twenty days had expired and after the election had been held, to say nothing about the other vexatious and unnecessary requirements that are to be found in section 89, placed there with the sole view of hindering and delaying the citizen in the exercise of a right which is guaranteed to him by the constitution of the State.

It is further provided by section 88 that the court shall not issue a mandamus at a special term, thereby precluding the possibility of the citizen having his right determined in the event that the governor should decide to call a special term for that purpose. This affords us another evidence of the fact that it was the intention of the legislature to place such restrictions in the statute as to render the citizen powerless to obtain relief from any quarter.

It is also provided in the same section that—

The matters stated in the affidavit, petition, or complaint, upon which such application is based or action or proceeding had, shall be taken and deemed to be denied—

thus permitting the election official to commit all manner of outrageous offenses, without being required to answer under oath any allegations made with respect to his official conduct.

In divorce proceedings, in many States, it is provided that the allegations in the complaint of either party are to be taken and deemed to be denied, but this provision is intended to prevent the commission of a fraud upon the rights of either party and are placed there owing to the confidential relations that exist between husband and wife. In the present instance, the provision to which I have alluded, was placed in the law in order to enable the unscrupulous election official to commit a fraud and as an assurance to him that the law would guarantee its concealment.

However, there are other provisions in the act which, in my judgment, are sufficient in themselves to render the act in question unconstitutional.

Section 28 provides that each ballot box shall be labeled in plain roman letters designating the officers to be voted for. Section 23, among other things, provides that each elector shall approach the polls from one direction through such passage; and after his ballot is deposited in the box, with as little delay as possible, shall depart from the passage leading from the polls. It is also provided that only one voter shall enter the passage at a time, and no one is permitted to speak or make signs to him, but there is no provision that the judges shall place the ballot in the proper box in the event the voter should be unable to read and write.

These provisions are in the nature of an educational qualification, and are in violation of the State constitution, in that they undertake to add an additional qualification to those prescribed by the constitution of the State.

In discussing this subject Mr. Narr, on suffrage, page 176, says:

The obvious conclusion is that the legislature can not add anything to the qualifications other than those prescribed by the organic law of the State.

The provision in question is a needless and vexatious requirement, which necessarily results in impeding the elector in the exercise of his right to vote.

There are many equally objectional features to be found in our election law, but I am sure that these sections are of such a character as to remove all doubt as to the unconstitutionality of the registration act under which our election was held. And this brings us face to face with a serious proposition, one that has never been passed upon by this body. It is as to whether we shall accept the credentials of one who claims the right to a seat in this body by virtue of having been elected by a legislature whose members were elected under an election law that violates the principles enunciated in the cases from which I have just quoted. In other words, does it not appear from an inspection of these provisions that the registration act is unconstitutional, and if such be the case, would it not necessarily follow that any election held under a registration act containing such provisions is void? If I am correct as to this proposition, the members of the present legislature of my State were not legally elected, and therefore do not possess the constitutional authority to elect a Senator to represent that State in this body. It is clear to my mind that the framers of the Constitution of the United States meant exactly what they said when they provided that it was the duty of the United States to guarantee to each State a republican form of government, and this is the first time in the history of the Government wherein a case has been presented to this body for its consideration which involved the question as to whether or not one of the States of this Union possesses a republican form of government.

I am aware of the fact that in the Turpie case this body held that the State legislature is the judge of the election, qualifications, and return of its own members; but while that is true, in so far as the action of the legislature with respect to the qualifications and election of its members is concerned, at the same time I do not understand that the Senate in that case decided that under no conditions would this body have jurisdiction to inquire into the methods and the laws under which a State legislature was elected. I call attention to the closing sentence of the report made in the Turpie case, which is as follows:

The majority of the committee do not mean to be understood as now committing ourselves to an opinion upon the question whether the Senate can not refuse to seat a claimant who owes his election to a legislative body which is itself the result of fraud or crime—which has overcome the true will of the people—even if it have possessed itself of legislative authority, and of the technical evidence of a rightful character, or whether the judgments of such a body as to the title to seats of its individual members are entitled to any respect whatever. If that question should hereafter unhappily arise, it will be dealt with on its own merits.

Here is an intimation by the distinguished Senator from Massachusetts [Mr. HOAR], who made the report for the committee, that this body would have jurisdiction to institute inquiry as to whether or not a State legislature had been elected by fraudulent or unfair methods. It would be difficult to present to this body evidence to the effect that the Democrats secured representatives from a majority of the counties in that State by intimidation; but when we remember the many outrages that were perpetrated in central and eastern Carolina at the last election, there can be no question as to the fact that the will of the majority of the people of that State was not expressed at the ballot box.

While I am not prepared to offer a remedy, at the same time I deem it my duty, as one of the Senators from that State, to give the Senate such information as I may possess with respect to the unlawful and unwarranted methods that have been resorted to by the Democratic party in order to obtain control of our affairs. However, these are matters which properly belong to the Committee on Privileges and Elections, and to that committee, composed as it is of some of the ablest lawyers in this body, I commend this question for its intelligent solution.

The present legislature has instituted impeachment proceedings against Chief Justice Furches and Associate Justice Douglas, of the supreme court, both of whom are Republicans, but inasmuch as the matter is now pending before the Senate as a court of impeachment I deem it improper that I should enter into a discussion of the merits of the case, further than to say that the judges are gentlemen of high character and standing, being lawyers of acknowledged ability.

I am informed that certain parties in the city of Raleigh are circulating a rumor to the effect that there exists an understanding between the judges and the leaders of the Republican party in the State, to the effect that the question of the validity of the amendments recently adopted to the constitution of the State, if brought before the court, to declare them unconstitutional and void; and that it is therefore necessary to remove the impeached judges to prevent the undoing of the work of the Democratic party in securing the adoption of the amendments.

In this connection I desire to state that there is not the slightest foundation for any such statement; that it is absolutely false, and a cruel wrong and injustice to these judges, to the Republican leaders of the State, as well as myself. The subject has not been mentioned, either directly or indirectly, to me by any member of the supreme court, and I am of the opinion that there is not a lawyer of any reputation in the State who would be guilty of such unprofessional conduct. I have not had the slightest intimation as to what would be the decision of the judges in relation to this question in the event that they should be called upon to hear the question upon review. It is highly probable that any proceedings which may be instituted for the purpose of testing the validity of the amendments will be begun in the United States court, inasmuch as there is a Federal question involved, and which will preclude the possibility of the State court being called upon to deal with the questions involved.

Mr. MCCOMAS. May I, without interrupting the Senator from North Carolina, ask him whether the newspaper statement is accurate in saying that the charges against the judges who are thus impeached is really in respect of the exercise of their judicial judgment? Is that or not so?

Mr. PRITCHARD. I do not know that I understand the Senator from Maryland.

Mr. MCCOMAS. What are the charges upon which the impeachment is grounded?

Mr. PRITCHARD. It is alleged that the judges of the supreme court violated the constitution in issuing a writ of mandamus to compel our State treasurer to pay over certain moneys that were due Mr. Theophilus White, shellfish commissioner. There was a contest in the court as to who was the proper occupant of the office. The supreme court held that Mr. White was entitled to the

office. The treasurer refused to pay over the amount due him, and the supreme court issued a mandamus directing the treasurer to pay over the amount found to be due him.

Mr. McCOMAS. Then, if I understand, the ground of impeachment is that in exercising their discretion, which they must do in issuing or refusing a mandamus, they exercised a discretion against the will of the legislature?

Mr. PRITCHARD. That is it.

Mr. McCOMAS. There is no allegation that they corruptly exercised it?

Mr. PRITCHARD. Of course, the articles of impeachment contain allegations to that effect, but as I understand it there is no evidence to sustain such allegations.

Mr. McCOMAS. What sort of a legislature and what sort of a system have you in North Carolina, if that be true?

Mr. PRITCHARD. I leave that to my distinguished friend to say, under the circumstances.

Mr. SPOONER. Will the Senator from North Carolina allow me to ask him a question for information?

Mr. PRITCHARD. Certainly.

Mr. SPOONER. The question is whether under the laws of that State there can be any question as to the right of this man to receive compensation if he were entitled to the office, which the court had decided him to be.

Mr. PRITCHARD. There could not. After the court had rendered judgment that he was the rightful occupant of the office it necessarily followed that he was entitled to the emoluments of the office.

Mr. SPOONER. Then the impeachment, so far as he is concerned, arises out of a disagreement of the legislative body with the supreme court in their decision that he was entitled to the office.

Mr. PRITCHARD. Yes, sir; they say the judges improperly decided it.

Mr. BUTLER. If my colleague will pardon me, in answer to the question of the Senator from Maryland, I want to make it emphatic that there is not only no charge of corruption in the impeachment, but no newspaper or politician in the State has ever suggested that there was any suggestion of corruption. So there is not even a hint or a suggestion of it.

Mr. TILLMAN. I was not fortunate enough to hear all that the Senator from North Carolina said, because I have been absent from the Chamber, and therefore I am not in a position to interrogate him intelligently; but it seems to me, as an outsider and a neighbor, that until the senate, which will try the impeachment cases, has acted the mere action of the house in ordering the impeachment, I believe, does not warrant the belief that the judges will be convicted, and that, therefore, we had better wait until we have here something of a concrete character to discuss.

Mr. PRITCHARD. I will say to my distinguished friend that if he had been in the Chamber a while ago he would have heard me say that I did not propose to discuss the merits of this question, inasmuch as it is pending before a court of impeachment. I was merely replying to questions that were propounded to me by different Senators.

Mr. TILLMAN. I thought from the tenor of the discussion that there was some imputation upon the integrity of purpose of the North Carolina legislature, and as it is a neighboring State, and I happen to believe, at least, that the members of that body are too high minded and have too much regard for their duties to be guilty of any underhand or dirty partisan action, I said what I did without intending to do more than to defend those people from any such imputation until they themselves have given ground for contrary belief.

Mr. McCOMAS. If the Senator from South Carolina will allow me, I understand now from the statement of the two Senators from North Carolina that the judges exercised their judgment in respect of a writ of mandamus and pronounced upon appeal the right of a person to office, but it is not alleged that in so doing they acted corruptly. For mistakes of law judges necessarily for centuries have been held not answerable. If there is no allegation in the impeachment by the house that the judges acted corruptly, then indeed it is an impeachment by the house differing in judgment from the members of the supreme court of North Carolina, which impeachment itself necessarily impeaches those who make it, because unless a judge acts corruptly or it is alleged that he acts from a malevolent feeling or motive, then undoubtedly it is a case without ground of impeachment. I do not know the facts, but the two Senators from North Carolina say that it is in this fashion.

Mr. DANIEL. Will the Senator allow me?

Mr. ALLISON. I wish to admonish the Senator from North Carolina that I yielded only for his observations and not for general debate.

Mr. PRITCHARD. On that suggestion, if the Senators will excuse me, I must decline to yield, because I am talking in the time of another Senator.

Mr. MONEY. Does the Senator from North Carolina decline to yield?

Mr. PRITCHARD. The Senator from Iowa yielded this morning with the understanding that I would be as brief as possible.

Mr. MONEY. I should like permission to proceed for about three minutes, if you please.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. MONEY. I want to say——

The PRESIDING OFFICER. The Senator from North Carolina has not yet yielded.

Mr. MONEY. Very well.

Mr. PRITCHARD. I can not yield unless the Senator from Iowa is willing.

Mr. MONEY. I give notice that I will reply to the Senator from North Carolina at 1 o'clock to-morrow, after the routine morning business shall have been concluded.

Mr. PRITCHARD. The Senator has a perfect right to do that.

Mr. MONEY. I give that notice.

Mr. TILLMAN. I suggest to the Senator from Iowa that as soon as the appropriation bill is taken up we can immediately proceed to discuss anything under high heaven, and if the Senate desires to eliminate the unknown quantities in respect of the little dirty linen of North Carolina that is being washed here we had better be allowed to wash it now, because it will protract the discussion and more time will be lost by bringing it up on a set speech than it will simply to get rid of the unknown quantities at this time.

Mr. ALLISON. I am sure the Senator from South Carolina will not ask to interrupt the sundry civil bill?

Mr. TILLMAN. Not at all.

Mr. ALLISON. There will be plenty of opportunity to discuss this question at other times.

Mr. PRITCHARD. I had not intended, as I said at the beginning, to refer to any matter that was pending before the court of impeachment, because I deem it highly improper to do so. I will now say that I have the utmost confidence in the integrity of the gentlemen who compose the senate of North Carolina. Many of them are my personal friends, and I feel sure that when they come to consider this matter they will consider it as judicial officers and as the law requires them to do, and that they will do justice to all parties concerned.

The Democratic party of North Carolina, in its mad rush for office and power, has ignored all rules of decency in its treatment of public affairs and public officials. It was contended by them that what they did in 1898 was a revolution, and I am inclined to believe that such was the case, because many of the acts of the present legislature are revolutionary in the extreme. That body, in its treatment of many public questions, has displayed a spirit of partisanship that ought to put to blush the cheeks of every conservative citizen of North Carolina of whatsoever party.

In the elections of 1898 and 1900 thousands of colored men, as well as a number of white men, who were entitled to vote under our State constitution, were refused registration, and, as a result, a number of registrars were indicted under sections 5508–5510 of the Revised Statutes of the United States, and some of them were charged with conspiracy. These cases are now pending in the United States district court for the western district. A number of bills were found subsequent to the last election, but on motion of the counsel for defense they were all continued until the spring term in order that partisan feeling might subside and thereby insure to them a fair and impartial trial. These men were indicted for denying to the citizen a right to which he was entitled under our State constitution and being indicted for violating the laws of the United States they had no right to expect the aid of the people of North Carolina in the conduct of their trial, but in face of the fact that the bills upon which they had been arraigned were found by a grand jury composed of leading Republicans, Populists, and Democrats, the legislature, during its present session, has passed a law which authorizes the governor to employ counsel to conduct their defense and to pay their attorney fees out of the funds in the State treasury. In the first instance, the Republican taxpayers of of the State are compelled to submit to the unlawful methods by which members of their party are denied their constitutional rights, and, in the second instance, they are taxed to raise money with which to pay the attorney fees of the very men who robbed them of their rights. Here we have partisanship of the rankest kind. I have never known any party to permit their greed for office to force them into such an uncompromising attitude before the American people. It only tends to show the character of the methods that are being employed in my State in order that a few Democrats may hold office. It is a blot upon the fair name of the State and places our people in a false attitude, because the majority of the people of North Carolina are honest, conservative, and law-abiding. The rank and file of the Democratic party, in my humble opinion, are not in favor of the unjustifiable methods that are now being resorted to by the members of the State legislature in order to retain control of our affairs in the future.

While discussing this phase of the question I desire to call attention to another bill which has been introduced in the State

legislature and which will, in all probability, become a law during its present session. The bill in question is as follows:

SECTION 1. That chapter 16, volume 2, of the Code, be, and the same is hereby, repealed.

SEC. 2. That sections 47, 48, and 52 of chapter 1 of the laws of 1900, enacted at the adjourned session in June, 1900, and ratified June 13, 1900, be, and the same are hereby, amended by adding at the end of each of said sections the words "*Provided*, That no indictment shall be found or prosecution begun, or maintained, under the provisions of this section or for any violations of the provisions of this act, unless such indictment be found or prosecution be begun within thirty days after the alleged commission of such offense."

SEC. 3. This act shall be in force from and after its ratification.

Section 47 provides that any registrar or judge of election, or county canvasser or commissioner, register of deeds, clerk or chairman of the county board of elections, who shall fail to make returns and perform the duties required of him, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six months nor less than two months, at the discretion of the court, and that he shall forfeit and pay the sum of $500.

Section 48 provides that if any chairman of the county board of elections, or other returning officer, shall willfully, or of malice, neglect to perform any duty, act, matter, or thing required or directed in the time, manner, and form in which such duty, act, matter, or thing is required to be performed in relation to the election and returns thereof, that the person so fined shall be guilty of a felony and fined not less than one thousand nor more than five thousand dollars, and be imprisoned not less than one nor more than three years.

Section 52 provides that any person who by force or violence shall break up or stay any election by assaulting the officers thereof, or depriving them of the ballot boxes, or by any other means, his aiders or abettors shall be guilty of a misdemeanor, and imprisoned not more than three months, and pay such fine as the court shall adjudge, not exceeding $100. It also provides that if any person shall interrupt or disturb the registrar while engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election, etc., he shall, upon conviction, be fined not more than $50 or imprisoned not more than thirty days.

These provisions were placed in the election law by a Democratic legislature and were referred to by speakers representing that party in the last campaign as an evidence of the fact that they were in favor of a fair and honest election; but I am informed that a number of election officials have already been indicted in the State courts and that quite a number of prosecutions are in contemplation, and in order to shield their henchmen who have deliberately violated the law in order to secure the election of some of the men who now constitute our legislature it is openly proposed to wipe from the statute book by limitation all the provisions by which they can be indicted and punished.

They expend the money of the people of the State to defend those who violated the law for their sake and in consequence of which they are indicted in the United States court, but inasmuch as the State of North Carolina is a party to all prosecutions for violations of law or of offenses over which the State courts have jurisdiction, it seems that our Democratic friends have decided that the only way to protect their political associates who are liable to be convicted in the State courts for violating a law, which many of the present members of the legislature helped to enact, they deliberately decide to pass a general amnesty law, granting a pardon to this class of violators of the law. I can not understand why it is that our Democratic friends should be so anxious about the fate of those who have been indicted, because it is contended by them that they are innocent, and if such is the case they will no doubt be acquitted by a jury of their countrymen.

I have been appealed to by a number of Democrats to do what I could to induce the district attorney to nolle pros the various cases that are pending in the United States court; but I have declined to interfere in these cases, feeling, as I do, that the enforcement of the laws of the United States is intrusted to the courts, and that any interference on my part would be unwarranted. If these men are innocent they ought not to be convicted or punished; but if they are guilty, then they ought to be required to answer the charges on which they are indicted in the State or Federal courts.

The enactment by the present general assembly of North Carolina of an honest election law will protect every citizen of the State in the enjoyment of his rights, and if such is executed then there will be few, if any, violations of the law in the future, and the necessity of indictments will cease. If such a statute is to be enacted, let its provisions be marked in every line with simplicity, for as the law demands obedience, its spirit and meaning should be brought within the intelligence of every citizen if obedience is expected.

The race question is a thing of the past in North Carolina. The colored man has never dominated the affairs of the white man in that State, and he is less inclined now than ever before to engage in political affairs.

The voting population of our State, according to the census of 1890, is as follows:

Total white vote	233,650
Total colored vote	124,107

making an excess of white over colored voters of 109,543.

I am sure that the present census will show that there are not more than 95,000 colored voters in the State of North Carolina to-day, thousands of them having left the State since 1890. But this cry of white supremacy by the Democrats is hypocritical, calculated and intended to deceive the voters of the State.

I call attention to the fact that at the August election in 1900 in 48 counties in North Carolina, wherein one-fourth colored people and more than one-half the white people reside, the Republicans secured a majority of 3,168, and in 50 counties, wherein four-fifths of the colored voters reside and less than one-half the white people, the Democrats secured a majority of 57,140.

Before the last election in North Carolina the chairmen of the Republican and Populist committees in a number of eastern counties submitted for appointment as judges of election a list of names of white Populists and Republicans who were men of high character and standing; but the leaders of the so-called white-supremacy party refused to appoint them and appointed colored men in their stead.

Under our laws judges of election are vested with judicial functions, being empowered to order arrests without warrants and to punish for contempt, and here we have an instance wherein the so-called white-supremacy party furnished us an example of its inconsistency by appointing colored men to positions wherein they are authorized to exercise the functions of a judge.

There is no disposition on the part of the Republicans of North Carolina to keep alive race or sectional questions. The constitutional amendment which was adopted at the August election has passed out of the realm of politics, and it now becomes a question for the courts, and no one is inclined to interfere with an orderly consideration of the question, in the event that it should be presented to the proper tribunal for solution. We have at last reached a point where the living issues of the day ought to be considered by the people of North Carolina without having them obscured by matters that are calculated to create a prejudice in the minds of our people and which necessarily result in the indifferent consideration of all questions that vitally affect our welfare.

It affords me pleasure to say that the Democratic machine of North Carolina is no respecter of persons when the fate of any member of the inner circle is involved. There was a primary held in our State at the last general election for the selection of a candidate to be voted for for United States Senator, and it is boldly charged by some of the best Democrats in the State that the result was secured by fraudulent and corrupt methods.

As to the truthfulness of this statement I know nothing, but the defeated candidate, Hon. Jule Carr, is one of the most highly respected citizens of our State. He has done more to aid the benevolent institutions of the State than any other member of the Democratic party; and, with the exception of Mr. Duke or Durham, I will say that he has done more in this line than any citizen in the State. He is an honored member of the Confederate Veterans' Association of the State, a majority of whom were exceedingly anxious to secure his election, but he could not stem the tide which for the present seems to be irresistible, and he shared the fate of those who have dared to incur the displeasure of the ring.

The present legislature has shown a disposition to legislate so as to dishearten rather than to encourage the many industrial enterprises that are being developed throughout our section and without which there is no hope for us in the future. The time is ripe for the organization of a movement on the part of those who desire to secure the upbuilding of our State and the development of our wonderful resources. We have all the natural advantages necessary to make North Carolina one of the richest States in the Union, but we can never expect to place her in that position to which she is so justly entitled until the conservative business men and the farmers come together with a determination to labor for the attainment of that end.

I desire to thank the Senator from Iowa for his indulgence.

Mr. BUTLER. Mr. President, I had intended to submit some brief remarks following my colleague on the resolution to which he has spoken, but I was out of the Chamber on a conference committee during a part of his speech and I desire to read it before speaking, and besides, I do not wish at this time to stand in the way of the appropriation bill being disposed of. I give notice that at a later time, before the end of this session, I will submit a few remarks on the resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the

bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation in the Territory of Arizona.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12396) to amend an act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes, approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said bill.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9829) to provide for the celebration of the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, and for other purposes; further insists upon its disagreement to the amendment of the Senate numbered 2, upon which the committee of conference were unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. STEELE, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 323) granting homesteaders on abandoned Fort Fetterman Military Reservation of Wyoming the right to purchase one-quarter section of public land on said reservation as pasture or grazing land;

A bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

A bill (H. R. 5220) for the relief of Charles M. Kennedy;

A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes;

A bill (H. R. 7760) for the relief of James Kelly;

A bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona;

A bill (H. R. 11161) to refund excessive postage paid on certain newspapers;

A bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder;

A bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River;

A bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902;

A bill (H. R. 13803) to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896;

A bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902;

A bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac Flats;

A joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition; and

A joint resolution (H. J. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Under Legislative," page 141, after line 18, to insert:

Senate: For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for 10 clerks to Senators who are not chairmen of committees, at the rate of $1,500 per annum, $7,500.

Mr. CULBERSON. I call the attention of the chairman of the committee to this provision and ask an explanation of it.

Mr. ALLISON. Under the law Senators who are not chairmen of committees are entitled to a clerk at the rate of $1,500 per annum. For the fiscal year, upon examination of the rolls of Senators, it is found that under the present organization of the committees there will be ten Senators who will not be chairmen of committees.

Mr. CULBERSON. Only ten Senators?

Mr. ALLISON. Only ten, I understand. That is the object of the amendment. Of course, if there are more than ten, they would be entitled to employ clerks, who will be paid, but they can not be paid under the appropriation made at this session.

Mr. CULBERSON. I understand, of course, that every Senator who is not a chairman is entitled to a secretary under the present law at a salary of $1,500 a year, and he is entitled to a messenger at a compensation of $720 a year. If this provision is intended to carry out that law, I can not so understand it, for it provides:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for 10 clerks to Senators who are not chairmen of committees, at the rate of $1,500 per annum, $7,500.

Does that propose that ten Senators who may be selected out of the body who have not chairmanships shall have an additional clerk at $1,500 a year while for other Senators there is provided a clerk and a messenger at $720 a year?

Mr. ALLISON. Clerks for certain Senators are provided for in the legislative appropriation bill, I understand, and certain others are provided for here. I had forgotten the provision in the legislative bill for the moment. It is difficult to ascertain exactly the number. For example, if the committees of the Senate are reorganized at the extra session of the Senate probably a portion of this appropriation will not be needed; but if there is not a reorganization of committees at the extra session all of this appropriation will be needed, and it is possible that provision may be required for one or two more clerks; but I think not. I think this provides for every Senator who will not be chairman of a committee under the present organization of the Senate.

It will be necessary before the session closes to adopt the usual resolution at the end of a Congress, which is that the committees as now organized shall continue until the next regular session, or until the Senate reorganizes its committees. So all that machinery will be necessary to make a proper adjustment and arrangement in respect of these clerks.

I think this provision will be ample, no matter what may be done or what may not be done at the extra session. There are 30 annual clerks to Senators who are not chairmen of committees provided for in the legislative appropriation bill, which will become a law, of course, and here 10 in addition are provided for. If the Senate is reorganized at the extra session of the Senate, it is probable that this appropriation will not be needed. If it is not needed, of course the money can not be used for that purpose. I think, taking the two bills together, the adjustment is a proper one for the convenience of all Senators.

Mr. MONEY. I fully understand the Senator; but I desire to ask him what is the sense of the word "messengers" in this clause:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for 10 clerks to Senators.

What is the use of inserting the words "officers, messengers, and others?" It seems to me the word "messengers" is superfluous.

Mr. ALLISON. It is not a superfluous word here, but that is the usual way under which this appropriation is made; and if there are no messengers required other than those already provided for in the legislative bill, I think that surplusage can do no harm.

Mr. MONEY. I do not know that it will, unless there is something that follows it. But I will ask the chairman, if there are 30 members of this body provided with clerks at the salary named—$1,500 per annum—whether there will be any 10 men needed? In other words, I should like to know whether these 10 extra clerks are to go to those who have no chairmanships and yet have private secretaries under the legislative appropriation bill at $1,500 a year?

Mr. ALLISON. For clerks to Senators who are not chairmen of committees. It has no relation to our adjustment here for the convenience of Senators as respects messengers.

Mr. MONEY. I understand that each Senator is allowed a private secretary, at $1,500 a year, if he is not chairman of a committee.

Mr. ALLISON. Which is this appropriation and the one corresponding to it in the legislative appropriation bill.

Mr. MONEY. I understand that private secretaries are provided for in the legislative appropriation bill for each one who is not chairman of a committee.

Mr. ALLISON. They are. There are 30 provided for in the legislative appropriation bill. Now, suppose it should turn out that there are 35 Senators who are not chairmen of committees in the reorganization?

Mr. MONEY. That is exactly the information I want to get.

Mr. ALLISON. If there are 35, then this additional appropriation will apply to that extent to Senators who are not chairmen; and if there shall be 10 more, this appropriation will provide for them. It was the expectation and desire of the committee to provide a sufficient number of clerks to Senators who were not chairmen of committees, whatever may be the result of the reorganization in March or a failure to reorganize until the next regular session.

Mr. MONEY. Then I understand the Senator to say that this

is simply provisional, in case there is an excess of 30 Senators without chairmanships?

Mr. ALLISON. If there would be more than 30 Senators without chairmanships, then this is intended to provide for those.

Mr. MONEY. And it is not intended to apply unless they are without chairmanships?

Mr. ALLISON. It can not, under the existing law.

Mr. CLAY. I did not exactly understand the Senator and I do not yet, although he is usually very clear. As I understand it, a Senator who is not chairman of a committee has his clerk at a salary of $1,500 a year and a messenger at $720 per year. That is the law as it stands at this time.

Mr. ALLEN. Practically so.

Mr. CLAY. Now, do I understand that this amendment gives ten Senators who have no chairmanships a clerk, to which they are entitled anyway, as an additional clerk, at $1,500 per year also?

Mr. ALLISON. It does not. Under these two provisions taken together every Senator who is without a chairmanship will be provided with a clerk. Under other provisions in the legislative appropriation bill, the provision as respects messengers, etc., that is already provided for, so that this is only an appropriation to make it certain that every Senator who appears here on the 4th of March and who is not after that time made chairman of a committee will have a clerk at an annual salary of $1,500.

Mr. CLAY. It does not change the present conditions, as I understand it.

Mr. ALLISON. It does not change the present conditions.

Mr. MONEY. There are 66 chairmanships, I am informed. There are only 90 Senators. Therefore there are only 24 Senators without chairmanships. If that is true, and 30 Senators have been provided for, provision has been made for 6 too many. I do not object to this item if I can understand what is proposed here. If it is proposed to give another clerk to 10 Senators and leave out others who will not be chairmen, there will certainly be objection made to it. If there are 66 committees, as I understand there are, although I am not particularly informed about it, then there can be only 24 Senators without chairmanships, and if the legislative appropriation bill provides for 30 we provide already for 6 more than are necessary. I suppose the Senator has the figures there, and he can tell me if I am correct about the statement regarding 66 chairmanships.

Mr. ALLISON. No one can tell what the number of committees will be after the 4th of March, whether it will be 60 or 66. We may have the same number of committees; we may increase the number of committees, or it may be diminished.

These two provisions, taken together, provide for all the Senators who are to be here after the 4th of March, either as chairmen of committees or as Senators, and if there shall be only five or three of the persons herein provided for required, that will be all that will be used of the appropriation. I suggest to the Senator that it is to the interest of Senators to make such provision as will not embarrass Senators who are not chairmen of committees after the 4th of March.

Mr. MONEY. If the number of committees should be reduced, of course there would be more Senators to be provided for who would not be chairmen, but there is not any likelihood of any reduction in the number of committees. If the number of chairmen is increased, which is more likely, then there will be less necessity for this provision.

All I am anxious to know is whether a Senator without a chairmanship, who is entitled to a private secretary, is to have another clerk or not, to the exclusion of other Senators who are in his condition without a chairmanship. In other words, there should be absolute equality all along the line. If I can understand that to be the purpose of this measure, which is obscure, I will raise no objection about it, and I do not desire to raise any. I simply want an understanding about it; that is all.

Mr. ALLISON. Of course, the Committee on Appropriations can only take the estimate of the financial clerk, who has charge of these payments and who presented to us this estimate. If it should turn out that we have provided for more clerks than are needed, they can not draw pay, because each Senator is entitled to one clerk and no more, and he can secure no more under this provision.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 141, after line 23, to insert:

For furniture for the new committee rooms of the Senate in the old Library portion of the Capitol, $21,000.

The amendment was agreed to.

The next amendment was, on page 143, after line 18, to insert:

Statue of Washington: For a replica of the bronze equestrian statue of Gen. George Washington, designed by Daniel Chester French and Edward C. Potter, erected in the city of Paris, France, by the women of the United States, $20,000, to be expended under the direction of the Joint Committee on the Library.

The amendment was agreed to.

The next amendment was, on page 143, after line 24, to insert:

Statue of Rochambeau: For the purchase by the Joint Committee on the Library of a replica of the bronze statue of Rochambeau by Ferdinand Hamar, and pedestal for the same, $7,500.

The amendment was agreed to.

The next amendment was, on page 144, under the head "Public printing and binding," line 16, before the word "thousand," to strike out "fifty" and insert "fifty-eight;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the costs of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, $4,658,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely.

The amendment was agreed to.

The next amendment was, on page 146, line 16, before the word "thousand," to strike out "seven" and insert "fifteen;" and in the same line, after the word "dollars," to insert:

And said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

So as to make the clause read:

For the United States Geological Survey as follows:

For engraving the illustrations necessary for the report of the Director, $15,000; and said sum shall complete all engravings and illustrations for said report, and no deficiency shall be made in this appropriation, and said report shall be confined to four volumes.

The amendment was agreed to.

The next amendment was, on page 148, after line 13, to insert:

The Public Printer shall print as many extra copies of the monthly catalogue of Government publications as may be needed by the superintendent of documents to supply the same to all who shall subscribe therefor at 75 cents a year.

The amendment was agreed to.

The next amendment was, on page 148, after line 17, to insert:

That the catalogue of Government publications, authorized by section 69 of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents, shall hereafter be designated as the "Document Catalogue;" and the same shall be prepared and published in one volume biennially, beginning with the Fifty-fifth Congress.

The amendment was agreed to.

The next amendment was, at the top of page 149, to insert:

That there be printed and bound 1,000 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, in the form prescribed by law for eulogies, of which 100 shall be for the use of the donor of the statue, 300 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 400 for the use of the Senate, and 800 for the use of the House of Representatives, and that the Public Printer be, and he is hereby, directed to procure a photogravure of the said statue, and photogravures of each of the two bronze panels, and of the unveiling, for insertion in said volumes.

The amendment was agreed to.

Mr. MONEY. If I may be allowed, I wish to call the attention of the chairman of the Committee on Appropriations to the paragraph we had under consideration a few moments ago, on page 141, beginning in line 19, "for compensation of officers, clerks, messengers, and others in the service of the Senate." The appropriation is for 10 clerks, at $1,500 per annum, and the total amount appropriated is only $7,500. I merely wish to call the attention of the Senator to the discrepancy in the sum. I think, instead of $7,500, the sum should be $15,000.

Mr. ALLISON. I take it that the appropriation necessary to cover the remainder will be found in the legislative, executive, and judicial appropriation bill. I presume the appropriation is for only a part of the year. I have no objection, however, if there be any question about it, to inserting "$15,000" instead of "$7,500," in line 23, on page 141, and then if we find it is not needed we can have it changed.

Mr. PLATT of Connecticut. Fifteen thousand dollars is the appropriation necessary to pay the ten annual clerks at $1,500 a year. I suppose this appropriation was intended to pay clerks during the session of the Senate, being an average of six months.

Mr. ALLISON. That is not the purpose. Clerks to Senators are paid an annual salary. I have not in mind just now why the aggregate amount there is only $7,500. I move to make the amount $15,000, and it can be corrected hereafter if we find there is any mistake about it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON] to the committee amendment, which has been adopted.

The amendment to the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 150, to insert:

PAN-AMERICAN EXPOSITION, BUFFALO, N. Y.

For the benefit and to the use of the Pan-American Exposition to be held at Buffalo, in the State of New York, from May 1, 1901, to November 1, 1901,

$500,000, to be immediately available, said sum to be paid to and be disbursed by the Pan-American Exposition Company under rules and regulations and under conditions to be prescribed by the Secretary of the Treasury: *Provided, however*, That in the distribution of any moneys that may remain in the treasury of the said Pan-American Exposition Company after the payment of its debts the aforesaid sum so appropriated shall be repaid in full into the Treasury of the United States before any dividend, return, or distribution shall be made to the holders of the capital stock of said corporation: *And provided also*, That the United States shall not in any circumstances be liable for any debt or obligation of the said corporation or for any payment in addition to the foregoing sum. That as a condition precedent to the payment of this appropriation the Pan-American Exposition Company shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Mr. COCKRELL. Let that amendment be passed over for the present.

The PRESIDENT pro tempore. It will be passed over.

The Secretary resumed and concluded the reading of the bill.

Mr. PLATT of Connecticut. What has become of the amendment relative to the Buffalo Exposition?

The PRESIDENT pro tempore. The Senator from Missouri [Mr. COCKRELL] asked that it might be passed over for the present.

Mr. ALLISON. I desire to offer one or two amendments to the bill on behalf of the committee. On page 12, after line 16, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 12, after line 16, it is proposed to insert:

For the establishment of a light-house and fog signal at Point No Point, Chesapeake Bay, Maryland, between Cove Point and Smiths Point, $65,000.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee, I also offer another amendment, on page 76, after line 2, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 76, after line 2, it is proposed to insert:

For examination of and report on the topography and geology of the territory adjacent to the forty-ninth parallel west of the one hundred and tenth meridian, $10,000, to be immediately available, and to remain available until expended.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 29, line 17, before the word "thousand," it is proposed to strike out "three" and insert "thirteen;" and after the word "thousand," in line 18, to insert "to be immediately available, and to remain available until expended;" so as to make the clause read:

For any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, $13,400, to be immediately available, and to remain available until expended.

The amendment was agreed to.

Mr. ALLISON. There are two or three amendments passed over, which I ask that the Secretary may now state.

The PRESIDENT pro tempore. The first amendment passed over was on page 68. The amendment will be stated.

The SECRETARY. The first amendment passed over was on page 68, beginning on line 29, as follows:

Provided further, That any person residing within the limits of any forest reservation in Colorado, Montana, Idaho, Utah, or Wyoming, or any person who did reside therein at the time of its creation, or whose live stock had ranged within the area covered by such reservation prior to its creation and still ranges within its limits, shall be permitted to graze live stock continuously throughout the year within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

Mr. PLATT of Connecticut. Has the amendment of the committee been amended?

The PRESIDENT pro tempore. The amendment has been amended, and was read as amended.

Mr. PLATT of Connecticut. I should like to make a single inquiry about this provision, and that is, who is to judge as to whether a man will "use his best efforts to prevent the starting and spread of forest fires in the locality?"

Mr. TELLER. I suppose the only way is to leave that to the Secretary of the Interior.

Mr. PLATT of Connecticut. This gives the Secretary of the Interior no authority in the matter. That is what I wish to call attention to.

Mr. TELLER. I wish to say to the Senator from Connecticut that nobody is so much interested in stopping fires as the men who live and graze their cattle on the reservations.

Mr. PLATT of Connecticut. I should like the attention of the chairman of the Committee on Appropriations for a moment. I do not know that there is any objection to the purpose of this amendment; but I do think that there should be some safeguard thrown about it, so that the person grazing cattle on these forest reservations should not be his own judge as to whether he is using the proper endeavors to prevent the spread of fires. If this question goes into conference, I hope the chairman of the committee will take it into consideration.

Mr. ALLISON. This amendment was inserted on the motion of a member of the committee, who seems to think that this provision will not prove disadvantageous to the forest reservations. I have great doubt about it myself; and I should be glad to have some member of the committee who advocated this measure in the committee room explain in detail just what it will do and what it will not do.

Mr. PLATT of Connecticut. To make myself perfectly clear, I wish to refer to the language of the amendment. It provides that any person whose live stock has ranged within the area covered by a reservation prior to the setting aside of the reservation shall be permitted to graze live stock continuously, as the language now reads, I believe.

Mr. TELLER. It reads "continuously throughout the year."

Mr. PLATT of Connecticut. The provision continues:

within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

The Senator from Colorado [Mr. TELLER] says it is as much for the interest of such a person as it is for that of anybody else that there should be no fires there. Probably that is true, but when a privilege is granted upon condition that a man will use his best efforts to prevent fires it seems to me there should be some provision as to the regulations prescribing the terms upon which that grazing shall be permitted. I do not know how to amend it, but I think it ought to be amended.

Mr. TELLER. The Secretary of the Interior, by general statute, has general authority over these forest reserves. The Department has provided regulations for the government of these forest reserves, and among other things they have provided that cattle should be grazed only nine months in the year. Every man familiar with the subject knows that no harm is done by grazing cattle there during the additional three months, and that no possible advantage occurs by taking the cattle off during the winter months. There is not anything for the cattle to eat except the dry grass, which cures in that country, and becomes like hay, on account of the aridity of the atmosphere.

To remove the cattle from those reserves would practically destroy the value of the property of the settlers residing within the reserves, who were there before the reserves were made, who can not be dispossessed, and who never ought to have been included in a reserve. Great hardship has been the result of that action, and a great deal of excitement now exists because of an attempt on the part of the Department to remove the cattle belonging to those people. It can not be done; it is an impracticable thing. When one reserve in the State of Colorado was made it had 135 settlers, who went there and who owned the land. They were shut out from any further settlement. Nobody else could go in. They have been left to take care of their schools in a limited way, with no help, as they had a right to expect from increased settlement. In every way it has been a great hardship.

I want to say that practically all those reserves were made against my protest, and almost all of them are absolutely useless for the purposes for which they were made.

I have now on my desk an application, made by a citizen in the vicinity of Cripple Creek, for permission to cut dead and dry timber on a forest reserve. The Commissioner of the General Land Office advised that he should be permitted to do so, but when it went to the Secretary of the Interior some clerk—I do not suppose the Secretary of the Interior ever saw it—decided that it should not be done and gave as his reason that the removal of the dead and down timber would injure the snow supply.

Every man who has ever been in a forest knows that a dead tree lying on the ground does not preserve the snow at all. It happens in this case that the streams upon which these men wanted to cut dead timber furnish not a quart of water for irrigating purposes during the irrigating season. There is not any irrigation on them. They are mountain streams that run out of the mountains close to the river, and by the time the irrigation season commences there is no snow at the heads of those streams at all.

Mr. President, we have been pestered and annoyed by these things to such an extent that our people are very much irritated over them. I myself confess to a great deal of irritation. The State of Colorado has passed the severest possible laws against setting out fires or allowing fires to get out in the timber. This provision may not be perfect, but there was no necessity of putting that clause in it at all. It was put in because the Department had been saying to the men there that if they were given permission to graze their cattle there they must do this, and the settlers have agreed to do it.

The Senator from Montana [Mr. CARTER] who introduced this provision knows the condition just as I know it, and I know he will bear me out in saying that no harm can come to the Government or to the timber reserves by letting this provision pass.

Mr. CARTER. Mr. President, in reference to the criticism made by the Senator from Connecticut [Mr. PLATT] on the phraseology of the amendment I can say little, except that the original law authorizing the creation of these forest reserves provided that the Secretary of the Interior might make all needful rules and regulations for the execution of the law and the preservation of the forests. It has been held judicially that the rules and regulations made by the Secretary, not in conflict with the letter or the spirit of the law, had in and of themselves the force of law. The phraseology was interjected into this amendment, requiring the party to use his best endeavors to prevent forest fires, to the end that, in conjunction with existing law or under its authority, the Secretary of the Interior might make a rule whereby any settler who might be injuriously negligent in this behalf might be excluded from the enjoyment of the privileges contemplated by this amendment. In that respect I think the amendment might be improved.

In reference to the general principle of the amendment, Mr. President, little need be said. These forest reservations were very recklessly outlined. The Lewis and Clarke Forest Reservation in the State of Montana is considerably larger than the State of Connecticut, and two of the reservations which lie side by side, but bear different names, are larger than Massachusetts and Connecticut combined. Within the exterior limits of these reserves, which were run in an arbitrary manner, there are villages, mining camps, farmhouses, well-cultivated fields; and settlers have resided there for many, many years. Their children have grown up; they have been educated; they have been married in the little village church near by. They are estopped from accepting further additions to the community; and by some unheard-of logic the law providing that no other settler shall go in, I am unable to see how the children that may be born on these reserves can get homes near by the old homestead.

By a logic, the basis of which I am unable to comprehend, the Interior Department has provided that the people who have resided there for, in some cases, a quarter of a century, who have their homes patented, and hold a fee-simple title to the land, shall not at certain seasons of the year allow the stock they own to graze on the hillsides near by, but must move the stock off to a great distance out on the public domain, because, forsooth, it is assumed that the eating of the grass under the trees will in some way contribute to the spread of forest fires.

This amendment proposes to render impossible the execution of that ridiculous rule. Where the timber is scattered and the growth of grass luxuriant, the grass tends to aid in the spread of the forest fire rather than to repress it. The amendment can not in any manner injuriously affect the growth of timber; it can not injuriously affect the public interest in any other way, and its effect will be merely to nullify a senseless rule made at the behest of certain forest cranks who make rules to govern these reserves, having only in their minds the Mall or the small parks in the city of Washington. Why, Mr. President, one of these reservations within the State of Montana is over 300 miles long and on an average of over 100 miles wide. There are six or eight thousand people residing within the limits of the reservation.

The rules require that these people should take their milch cows and whatever of stock they have and drive them out 100 miles into some open country beyond at a certain specified, arbitrary, and fixed day in the year.

I am astonished that any man who has passed a civil-service examination or has sense enough to keep out of St. Elizabeth's Asylum has assisted in framing such a rule. I am sure that the Secretary of the Interior never saw it and gave his approval only in a pro forma way; yet this rule has existed and annoyed whole communities and has tended to repress the growth of States. I think the amendment is eminently proper; and it is extremely unfortunate that any Department of the Government has rendered such an amendment necessary.

Mr. SHOUP. Mr. President, I want to indorse the statement made by the Senator from Montana [Mr. CARTER]. We have in Idaho several large forest reserves, one of which is known as the Bitter Root and another as the Priest River Reservation. On these reservations there are several hundred people who had located there prior to the time these reservations were set apart. They own ranches and have stock. Their ranches are not very large, it is true, but they have sufficient land under cultivation to raise a sufficient amount of hay to maintain their stock on the reservation during the winter months. I heartily concur in the statement made that it would be a very great hardship to compel the farmers to remove their stock outside of the boundaries of the reservations at certain periods.

In addition to that, hundreds of miners were on these reservations prior to the time they were set apart. They have got mills, machinery, and post-offices, and are in a very prosperous condition. I trust they will be allowed to get the benefit of this amendment.

The PRESIDENT pro tempore. The question is on the amendment as amended.

Mr. ALLISON. Before the amendment is agreed to I wish to amend, at the end of line 7, by inserting "but this privilege shall not be transferable."

Mr. TELLER. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. Mr. President, I feel that before this amendment is adopted I ought to call the attention of the committee to the grave dangers which must result, it seems to me, from this legislation.

Forest reserves of vast area—30,000,000 or 40,000,000 acres—have been set apart for the purpose of preserving the forests. In all these reserves there are settlers. As I understand this amendment, the settler has a right to graze that reserve. Suppose a settler takes in the land or takes in the cattle of other people—thousands of them, or perhaps hundreds of thousands of them—it seems to me under this amendment he would have a right to graze that whole reserve, and that we are setting apart really great pastures for a few people who now reside within the area of these reserves to their exclusive use and benefit for all time. I think that the amendment is susceptible of that construction; and it is a very dangerous thing to do.

I know of reservations of 1,000,000 or 2,000,000 acres where perhaps there are 20 or 30 families, and those 20 or 30 families thus become the owners—better than if they were the owners in fee—of the entire reservation. They have no taxes to pay; the Government furnishes its rangers to keep out fires, and those people pasture the cattle of everybody who will come and pay them for taking care of them, or they get a bill of sale, apparently becoming the owners of the cattle, and then graze the entire reservation to the exclusion of everybody else.

Besides that, this amendment provides that live animals may be pastured upon the reservation, and everyone knows that where a reservation is pastured with sheep no new timber will grow.

Not only will they bite off the new trees, but they will trample them under foot, moving in great bands, in compact masses, and those trees which they will not nip off they will cut to pieces with their sharp hoofs. You will destroy every purpose for which the forest reservation law was enacted if you allow the pasturing of sheep within those reservations. Senators may say that a pine tree is a tree which sheep will not eat. That is true, but when the tender pine shoot comes up from the ground the sheep's hoofs will cut it off. Therefore this country will be denuded of its forests.

I hope the committee will find some means to guard against these objections and will frame this amendment so that it can not do harm, so that it can not absolutely ruin and destroy the purpose of the forest reservation law and the forest reservations of the United States. I do not care to discuss the question. I dislike to oppose it, and I am not going to object to the amendment, but I want it framed so as to cover these questions. I believe the forest reservation law was a good one, and that it has been of great advantage to the West, and that we ought to preserve these forests, keep out the fires, and renew the forests as trees are cut down, and they ought not to be made pasturage for a few people.

We had better buy out the rights of those people and pay whatever is necessary to secure a relinquishment of their claims than to enact such legislation as this. There is a reservation in my State, and I would not have that provision extended to my State under any circumstances, and I believe any Senator living in those States where the people want to preserve the forests will find they are justified in getting their State included.

Mr. TELLER. Mr. President, this provision does not give any continuous right. It can be repealed at the next session of Congress. The Senator from South Dakota is imagining some great evil that is going to happen which will never happen. We have not given any rights here to these people except a temporary one, subject to the control of Congress at all times. I know as much about the timber interests and the general interests of my State as the Senator from South Dakota does. He has an entirely different condition in Dakota. He has deciduous forests. We do not have them in Colorado.

I say there is no danger coming to a forest reservation composed entirely of coniferous trees, or anything on it, by the pasture of sheep. To begin with, the sheep, as a rule, do not pasture in the high altitudes. The sheep ranges are in the valleys and the lower country, where the timber does not grow. There is no intention here except to protect the settlers and at the same time protect the timber. The timber is of no commercial value whatever. In a forest reserve which I have particularly in mind—and I hold in my hand a petition of a great number of people who have written to the Department of the Interior to give some attention to their condition, which they never have been able to get—every bit of the commercial timber was cut off years ago.

There is no danger. If the Senator from Iowa desires that the citizen shall not transfer his right, there is no objection to that. These are not the great cattle ranges. It will apply to a few settlers who have perhaps 50 or 75 or 100 head of cattle on a range where practically there is nothing to be done except to raise cattle.

Mr. PETTIGREW. Mr. President, I wish to call attention to an article on this subject, found in the Forum of February, 1901. The article is written by Charles Newhall, superintendent of forest reserves in northern and central California, entitled "Sheep and the forest reserves." He shows the capacity of the sheep in the forests to ruin the forests. Where the sheep are, the shrubs and small trees are stripped of every leaf and tender twig, and no new trees come; that if the pasturage is continued, those forests will not be renewed; and that the trees, as they grow old, rot and fall, and leave the forests without timber, the country totally denuded of that class of vegetation.

Mr. RAWLINS. Will the Senator permit me?

Mr. PETTIGREW. I yield to the Senator from Utah.

Mr. RAWLINS. Under the law as it is now in force and administered in my State, a forest reservation is thronged with sheep. The smaller foliage is all eaten up, trampled down, and destroyed and under the warden who is in charge of it timber is being cut and carried away. In other words, the end for which the forest reservation was created is being defeated. I am in favor of this amendment because, while I am opposed to any person having a monopoly, this will accord to the people who live on the reservation and adjoining it the privilege of grazing their milch cows and a few cattle and horses that they may have upon it.

Mr. KYLE. Will the Senator from South Dakota allow me? Does not this amendment permit anybody, parties who have formerly lived within the boundaries of a reservation but who are now living outside and who may have 50,000 head of cattle to graze them on the reservation free? It applies not only to those who live within the boundaries of a reservation, but to those who have lived inside the reservation and have moved off and now have herds of cattle outside.

Mr. PETTIGREW. I wish to read just an extract from this article by Mr. Newhall:

It is not claimed—

This in answer to the suggestion that the sheep will not eat pines—

It is not claimed that sheep prefer a diet of pine needles, or that they will thrive on it, but when hungry they will take it; and sheep in the mountains often are very hungry. Moreover, and probably worse, what a band of sheep may not care to eat it will trample to death. It is a common saying that "sheep kill more than they eat." Often they will kill more with their hoofs than with their mouths.

A letter from an old sheepman of the southern Sierras tells of a spring, long ago, when he took his sheep to the ranges. He writes:

"I have had experience in the mountains for over twenty years. In 1884 I took my sheep in near some meadows. All around the meadows, that spring, millions of little pine trees from 3 to 8 inches high had sprung up. But when the sheep left the mountains, about the 20th of September, there was not a young tree left. Their sharp hoofs had cut them all off. A horse-rake could have raked up stacks of the little dead trees."

One Sunday I was waiting over at a country tavern. A ranchman of the neighborhood, who proved interesting, lounged up and occupied an end of my bench. He said to me:

"Twenty-two years ago my brother came in on these mountains, and the country was all sheeped off, not a young tree growing. The sheep ate and tramped. Seed would lie till spring, then just as it sprouted and got about an inch high along came the sheep and tramped it to death. Nothing had a chance. My brother got some hogs, bucked against the sheepmen, and kept 'em out, and now the trees are up so thick you can't drive through 'em. Some are 1½ feet through."

One day I overheard this, in substance: "It ain't fair. Cattle are let on the reserves; why not sheep? A steer's heavier 'n a sheep, and its hoofs is bigger 'n a sheep's. If you're going to shut out the herder, shut out the cattleman, too. I say it's class legislation."

The reply was: "No such thing. You're all off. Bigness isn't the question. The point is, a steer's hoof isn't a chisel, and a sheep's is."

The last man was right. If the sheep would scatter in feeding, as cattle and horses do, it would be another matter; less harm would result. But that is not their way. They go in close bands. One will see 2,000 sheep moving in a compact mass across a meadow. That means a live cutting machine, made up of 8,000 closely placed double chisels, each chisel driven home at every stroke by some hundred pounds weight of live mutton, and with the strokes falling so thickly that not an inch of the ground escapes. No small growth can possibly resist a combined mowing and cutting and pounding like that. Nothing is left alive when the machine has passed. If sheep should eat off the year's growth only, one might claim that they have as good a right to it as any other animal. But they do more; they kill as they go, roots and all. There is no chance whatever of reforesting a sheep-infected range. The seedlings can get no start. In many places the native grasses even are killed out.

(2) But the eating and chiseling do not represent all the harm that is laid to the sheep. Aside from the cutting and killing of living things by this 8,000-footed, machine-like band of sheep, what would one imagine its effect to be on the ground itself? The sheep are a plow to the soil when it is dry. When it is clayey and moist the effect is the opposite, the same as that sometimes produced on a small scale in farm economy, when the farmer, having thrown up an embankment for a proposed reservoir, turns in a band of sheep and herds them there until they have tramped the clay floor into a waterproof, stone-like cement.

Whether the sheep in the reserve plow the soil into dust or stamp it into rock-like cement the natural conditions are changed. Now, what must follow when presently the rains fall or a hot day touches the snowdrifts? The blessed water comes, but what can it do? It can not sink where it falls, drop by drop, into mulched and root-bound, mellow soil.

* * * * * * *

Old mountaineers will show many a place where just such things as I have described have happened, in their time, from no other cause, it is claimed, but the coming and going of the sheep. One day I stopped to noon at a cabin larger and more comfortable than the average. The old man whose home it was said to me: "I came here thirty-seven years ago. Thinking of what the country was then, it is now like having come out of heaven into purgatory to live here, for the sheep." The Government had been guarding the region for a year; but it will be many a long year before the country can be what it was when the old man was young.

Then he winds up by saying:

And so it is that on every count the verdict is against sheep.

After going on and reciting the facts, he says:

Is it any wonder that nearly all who know the facts are against them? Is it any wonder that the United States Government has finally taken vigorous action, or that its policy in excluding sheep absolutely from the reserves in the dry and middle belts, and either absolutely or partially in all the other reserves, is deemed a wise policy? Naturally, herders who have used the pasturage unhindered for years are disturbed. It matters nothing to them what the outcome in the future would be, whether the result, here as in other lands, would be desolation and death.

Merchants dependent on the trade of the sheepmen also complain. One of them said to me: "Excluding the sheep means to me a loss in trade of $2,000 a year." Another said: "I should never have bought this place if I had known that the sheep were to be stopped from passing." In one case a small community was so seriously threatened financially that the State legislature was petitioned to intervene. The complaint was that without the tax per head levied on alien sheep the poor and tiny county—perhaps the poorest and smallest in all the States—would not have sufficient income for its official life, and would immediately become bankrupt.

But the majority, in the sheep districts even, are with the Government. I asked a Congressman for his opinion, and I was surprised at the promptness with which he replied: "Without doubt, the majority are with the Government for the exclusion of the sheep." And what is more, it is encouraging to know that the people are with the Government, not only in this one detail of its dealing with the sheep, but that they are with it heartily in its whole broad policy of advance in the forestry work of its great reserves.

And so on, Mr. President. Mr. Newhall, I think I stated, is the superintendent of forest reservations for northern and central California, and he knows.

Now, in the face of these facts are we going to pass improvident and dangerous legislation, so loosely drawn, as this is, that a man, in my opinion, can take in there from other people just as many cattle as he pleases and just as many sheep as he pleases, and thus have better than a fee to these reservations, and absolutely destroy the forests upon them? I say we had better appropriate money and pay these people and have them leave the reservation. Perhaps it is not true in Colorado. I do not know that the reservations in Colorado have any timber upon them that is worth anything. Then limit this provision to Colorado and to that particular class of people, and not destroy the forest reservations for which we passed the law.

Mr. WARREN. Mr. President, I do not desire to enter into an extended discussion of the forestry question; but as my silence might seem to give assent to what the Senator from South Dakota [Mr. PETTIGREW] has said regarding the effect of sheep pasturing, I wish to enter a total dissent. He has read from the report of one of the many forest supervisors in the United States, and this one takes the view that sheep should be excluded from all the forests. There are other supervisors who take the other view.

Mr. PETTIGREW. Who are they?

Mr. WARREN. I could name them, but it is not necessary to go down the list of supervisors. Officials of several departments who have made special investigations of the subject have reported that, under proper regulations, sheep and other live stock may be grazed upon forest reserves, not only without injury to the forest growth, but, on the contrary, with benefit. The Division of Forestry of the Department of Agriculture, supposed to be opposed to grazing on the forest reserves, does not contend that sheep injure forests of coniferous growth, but that the only injury done by sheep is in young forests in the lower altitudes, where deciduous growth is starting.

The proposed amendment does not apply to the Senator's State. He asks that it shall apply only to those who desire it. I understand that is all that the amendment comprehends. It takes in those States that desire it.

Under existing law the forest reservations, as they are now laid out, are under the absolute charge of the Secretary of the Interior, and, as the Senator knows, he is not a pronounced advocate of sheep grazing on the reserves; and yet he has found it to be to the interest of the Government to issue permits in given sections of certain forest reserves, and sheep are now grazing there.

While some few of these forest reserves contain only forest lands, most of them are great areas of country, squared out, and the boundaries formed by parallels of latitude or by section lines, and embrace broad tracts of grass lands that have never grown timber and never will. On some of these forest reserves a man may ride all day without seeing a tree. There are forests from which sheep should be excluded; there are forests from which cattle and horses should be excluded. This amendment does not propose to interfere with any of these.

I submit, in the first place, that none of the forests in the State which I have the honor in part to represent are of such character that they would be injured by the pasturage of sheep. The forest reserves in that State are composed of over 50 per cent open country, in which no forest has ever grown and none ever will, and it is nonsense to talk about excluding live stock from those parks and open acres, because, forsooth, doctrinaires have proposed it, and because there has been a great country squared off into a forest reserve, embracing open grazing country, as well as ridges covered with trees.

Of one of the reserves in Wyoming—the Big Horn Forest Reserve, which comprises 1,250,000 acres—an expert of the Geological Survey, who made a personal examination of the physical conditions of this reserve with a view to determining whether or not sheep grazing was injurious to the forests it contained, said in his report:

I have been informed that in the regulations governing timber reserves it is the purpose to prohibit the pasturing of sheep because it is believed that they eat off trees just springing up and also gnaw the bark of young trees and kill the growing timber.

I have had excellent opportunity to look into this. I have found sheep in almost every park in the mountains, and I have examined most carefully through the timber surrounding the parks after they had been occupied by sheep in every part of the reserve, and I have been unable to find the least evidence of the correctness of this belief. I have been unable to find so much as a single leaf or twig of a pine or spruce tree, large or small, which has been bitten or touched by them, or the smallest mark or the least abrasion of the bark on any pine or spruce tree of any size, caused by them. Hence, so far at least as this reserve is concerned, I am obliged to testify that this charge against the sheep is not well founded.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 77, line 3, after the word "wells," it is proposed to insert "in arid and semi-arid sections," and after the word "hundred," in line 7, to insert "and fifty;" so as to read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells in arid and semi-arid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $150,000.

Mr. HANSBROUGH. I gave notice that I would offer an amendment to take the place of the provision just read, and I send the amendment to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota does not offer it to the amendment proposed by the committee?

Mr. HANSBROUGH. I offer it as a substitute for the entire paragraph on page 77.

The PRESIDENT pro tempore. The question first will be on the amendment offered by the committee. If there is no objection, it will be agreed to.

Mr. CARTER. I move to strike out "one" and insert "two" where it says "one hundred and fifty," so as to make the amount "$250,000."

The PRESIDENT pro tempore. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. In line 7, strike out the word "one," before the word "hundred," and insert "two," so as to read "$250,000."

Mr. MONEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi will pardon the Chair for one moment. The Senator from North Dakota, the Chair understands, moves to strike out the entire paragraph?

Mr. HANSBROUGH. I move to strike out the entire paragraph and to insert the amendment which I send to the desk as a substitute therefor.

The PRESIDENT pro tempore. Then the amendments offered to perfect the clause will take precedence, of course.

Mr. MONEY. I desire to speak to the amendment.

The PRESIDENT pro tempore. The Senator from Montana moves to amend a portion of the matter proposed to be stricken out. The amendment will be stated.

The SECRETARY. In line 7, before the word "hundred," strike out "one" and insert "two," so that it will read "$250,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. ALLISON. I ask that the amendment may be again stated.

The Secretary again stated the amendment.

Mr. ALLISON. I hope if that is done the committee amendment to insert "and fifty" will be rejected. I will not object to increasing the amount to $200,000, but I object to its going beyond that sum.

The PRESIDENT pro tempore. The Senator from Montana moves to insert "two" in place of "one," in line 7. Without objection, that amendment will be agreed to, and the amendment of the committee proposing to insert the words "and fifty" will be disagreed to. Without objection, it is disagreed to.

Mr. MONEY. Mr. President, I have desired to be heard on the first amendment inserting the words "in arid and semiarid sections." I do not think the amendment made by the committee should stand. I think the text as prepared by the House is what was intended should be the law. This provision for gauging the streams and determining the water supply of the United States meant exactly what it said—for the United States, and not for a part of it, and a very small part of it. It was not only intended to discover underground currents in the arid, but also in the rainy sections of the United States. The provision for gauging the streams and determining the water supply of the United States can have no relation whatever to the arid or semiarid regions of the country. The intention of that paragraph is to determine the capacity of streams in the rainy sections of the country, not in the arid or semiarid sections, for use in the manufactures of the country.

It is particularly desirable in some of the Southern States, where the efficiency of a stream, its power for mills, is unascertained. I have an instance in mind where a cotton mill was proposed to be erected in the State of Georgia, but because the capacity of the stream upon which it was to be located was unknown and could not be certified to by competent authority the capital that was prepared to invest did not invest. Upon subsequent investigation and test of the stream it was found to be ample. Now, this provision was intended for that purpose as much as anything else. It was not simply to discover the possibilities of underground currents in arid or semiarid regions.

I am very glad the Senator from Montana has made the proposition to increase this by a hundred thousand dollars, because it takes in his country as well as the other. But it was not the original intention to limit it to the arid and semi-arid sections, and it is a total perversion of the whole purpose of this section as it was in the House bill. I will ask the Senator from Iowa, who is in charge of the bill, if he will not accept an amendment striking out these words. They certainly ought not to stand. I think the words "in arid and semi-arid sections" should go out, or instead of that insert, after the words "for the investigation of underground currents and artesian wells in the arid and semi-arid sections," the word "also," or something that will bring them within the intent of the bill.

The experiments in artesian water underground have been carried on to a great extent in my State. A large section of Mississippi has been considered unhealthy because of malaria, and it has been ascertained by experts that the malaria comes through the water more than anything else. They have been experimenting at great length; and I have myself, and am to-day, experimenting in discovering artesian underground currents, and have made two or three or four or five failures, in fact, and am going on with it now. We who have begun this thing, and we did begin it, are not quite satisfied to be left out in our own deal.

I hope the Senator from Iowa will accept this amendment. If he will not do so, I shall move to strike out "in arid and semiarid sections," so that the whole United States will be covered by this survey and this investigation, and one section as well as another will receive the benefit of the money and of the investigation. I want to say that I believe the investigation of the capacity of streams for manufacturing and other purposes and for the discovery of underground currents and artesian wells is just as much needed in the section east of the arid region as in the arid region itself, and more so, because you can not determine the value of streams out there, for they do not amount to anything. The streams are all carried off in ditches for irrigation purposes. Therefore I move to strike out the words "in arid and semiarid sections."

The PRESIDENT pro tempore. The Chair declared the amendment agreed to, but it will hold it to be an open question. The question is on agreeing to that amendment.

Mr. BUTLER. I hope the amendment will be disagreed to.

Mr. ALLISON. Before this amendment is voted on, I desire to say one word respecting it. This is an entire departure from any legislation we have ever had as respects these investigations.

Mr. HANSBROUGH. The Senator from Mississippi has made a motion to strike out certain features of the committee amendment. That is the amendment before the Senate, I understand.

Mr. ALLISON. That is precisely what I am addressing myself to. He proposes, I understand, that the committee amendment, inserting the words "in arid and semiarid sections," shall be rejected. This is a new feature in these provisions relating to the measurement of streams, and I trust that the Senate will not engage now in a scheme of expenditure which will include the measuring of all the streams of all the States in the Union. That is all I have to say about it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee to insert the words "in arid and semiarid sections."

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. HANSBROUGH] offers an amendment, which will be stated.

Mr. FORAKER. Before the substitute is considered I desire to move to further amend the paragraph. I understand it is in order to perfect it before the substitute is considered. I move to amend it by inserting in line 4, after the words "United States," the words "including Porto Rico."

Mr. HOAR. On what page?

Mr. FORAKER. On page 77.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 77, line 4, after the words "United States," insert "including Porto Rico;" so as to read:

For gauging the streams and determining the water supply of the United States, including Porto Rico, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments to this paragraph? If not, the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH] to strike out this paragraph and insert what he sends to the desk will be read.

The SECRETARY. It is proposed to strike out the paragraph beginning in line 3, page 57, and to insert in lieu thereof the following:

That all moneys received from the sale and disposal of public lands in the arid and semiarid regions of the United States, beginning with the fiscal year ending June 30, 1901, excepting moneys set aside by law for educational purposes, shall be, and are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the "arid land reclamation fund," which fund shall be at the disposal of the Secretary of the Interior for the examination, survey, and construction of reservoirs and other irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands: that until further provided by Congress not to exceed 10 per cent of the said fund shall be available for continuing examinations and surveys and for gauging the streams and determining the water supply of the United States and for the investigation of underground currents and artesian wells in arid and semiarid sections and the preparation of reports upon the best methods of utilizing the water resources of said sections.

Mr. ALLISON. That amendment is in the nature of general legislation, and I make the point of order that it is not permissible upon this bill.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I think the point of order ought to be submitted to the Senate.

Mr. HANSBROUGH. I wish the Chair would withhold the decision for a moment.

The PRESIDENT pro tempore. The Chair will withhold it if the Senator from North Dakota desires to address the Senate.

Mr. HANSBROUGH. Mr. President, this bill is merely in furtherance of all former legislation on the question of irrigation. It simply provides a new method for raising money to pay the expenses of irrigation enterprises. Heretofore we have had legislation and appropriated the money directly out of the Treasury for examinations, surveys, and reports. By the terms of the provision which I have offered we devote the receipts from the sales of the public lands in the arid and semiarid regions of the United States to a special fund, out of which fund the expenses hitherto paid directly from the Treasury shall be paid; and in addition we provide for the construction of reservoirs, so that we may get at something that is practical in the line of irrigation.

Now, Mr. President, I do not believe that the point of order should be made, although having been made, I do not believe that it lies against the proposition, because, as I have said, it is merely in furtherance of the general scheme of irrigation in this country.

Now, Mr. President, what have we been doing in regard to this question in the past ten or a dozen years? We have appropriated directly out of the Treasury of the United States over $2,000,000, for what purpose? To make examinations, investigations, and reports; but we have not irrigated a single foot of land in the whole country. All the irrigation that has been done in this country up to the present time has been accomplished by private parties, by private corporations, who have been benefited, it is true, to some extent by the surveys that have been made by the United States.

Over $2,000,000 have been appropriated directly out of the Treasury of the United States for making examinations, surveys, and reports, and here we are now proposing in this bill to appropriate $200,000 more for the same purpose. In the river and harbor bill, which passed this body yesterday, there is an appropriation of $190,000 for the same purpose. In the agricultural appropriation bill, which passed only a few days ago, there is an appropriation of $50,000 for the same purpose. In three of the appropriation bills going through this body this year there are provisions for direct appropriations out of the Treasury of the United States for irrigation purposes. It seems to me that the time has arrived when we should concentrate our efforts in this direction and put the work of irrigation under some one head.

Mr. WARREN. I suggest to my friend the Senator from North Dakota that his allusion to the amount appropriated in the river and harbor bill is not quite in harmony with his general remarks on that subject, because that appropriation is intended to carry out exactly what he has said he wishes to accomplish. This appropriation is to demonstrate the usefulness of the information which we have gathered heretofore and to make a working test; that is to say, to expend the appropriation in constructing something which will carry out the ideas obtained from the information we have heretofore received. So I do not think this particular appropriation should be classed in the category to which he alludes.

Mr. HANSBROUGH. My charge is that there are three provisions in the appropriation bills making appropriations directly out of the Treasury for irrigation, but my principal objection to the provision in the river and harbor bill to which I have referred—and I ask Senators to examine those provisions—is that we are going further than we have ever gone before in this respect. We are putting this matter in the hands of the War Department now. Heretofore it has been under the jurisdiction of the Interior Department and of the Department of Agriculture, and the Geological Survey has had a great deal to do with it; but now we are extending irrigation to the War Department and calling upon the engineers of that Department to construct and maintain reservoirs for irrigation purposes. We shall have all the Executive Departments under the Government engaged in this business if we keep on. Hence I say it is the duty of Congress to put this subject under one head, to put it in the Interior Department, where all questions pertaining to public lands have hitherto been, and where they ought to be.

Mr. SPOONER. Will the Senator from North Dakota allow me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. In all the legislation upon this subject hitherto, has Congress ever made any appropriation for the construction of a work of irrigation or authorized its construction, or has it been confined to investigations?

Mr. HANSBROUGH. It has been confined exclusively to investigations, examinations, and surveys and reports up to the present time, with one exception, I will say to the Senator. We passed the river and harbor bill yesterday, in which it is proposed now that the War Department shall commence the construction of reservoirs.

Mr. SPOONER. I was ill yesterday and was absent most of the time.

Mr. HANSBROUGH. It is in that bill, which is now in conference.

Mr. SPOONER. But the Senator's proposition now is, as I understand it, that the War Department, out of the proceeds of the public lands in the arid and semiarid States, shall construct irrigation works.

Mr. HANSBROUGH. Not at all. The Senator does not quite comprehend my proposition. My proposition is, I will say to the Senator, that all of the receipts from the sales of the public lands in the arid and semiarid regions of the United States shall be put into a fund to be known as the reclamation fund, to be under the control of the Secretary of the Interior, for further continuing examinations, investigations, reports, etc., and for the further purpose of constructing reservoirs, so that we may do something practical. I said a while ago that up to the present time we have not irrigated a single foot of ground in the United States, notwithstanding the fact that we have appropriated $2,000,000 for investigations.

Mr. SPOONER. Does the Senator's amendment authorize the expenditure of any of this money in the construction of reservoirs without further legislation by Congress?

Mr. HANSBROUGH. I will hand the amendment to the Senator and he may read it. It first creates this fund for the purpose of examinations, surveys, and the construction of reservoirs. It extends the enterprise of irrigating the public lands of the United States now to the practical purpose which we must meet of constructing reservoirs. You can not irrigate if you do not construct reservoirs.

Mr. STEWART. I suggest to the Senator that the Government is already engaged in a good deal of contract work in irrigation for Indians and is constructing ditches, reservoirs, etc., in various parts of the United States furnishing water to enable Indians to cultivate their lands.

Mr. HANSBROUGH. That is true with respect to two or three Indian reservations, I believe, but not on any great scale.

Mr. STEWART. It is not done on any great scale.

Mr. HANSBROUGH. My amendment contemplates the use of all the available waters in the arid and semiarid regions of the United States and their devotion to the purposes of irrigation, so that we may reclaim the 75,000,000 acres of arid lands in this country and turn it to some purpose and put population there, and thus enrich the country.

Mr. SPOONER. If I understand the Senator's amendment as I read it, it segregates from the proceeds of the public lands in arid and semiarid States an arid land reclamation fund, and authorizes the use of that fund for the purposes of investigation.

Mr. HANSBROUGH. Yes; for further investigation and the construction of reservoirs; not for irrigating.

Mr. SPOONER. I do not understand that it authorizes the construction of reservoirs.

Mr. TELLER. In line 9.

Mr. HANSBROUGH. Yes; it authorizes construction.

Mr. SPOONER. Yes; the construction of reservoirs and other irrigation works.

Mr. HANSBROUGH. "For the storage, diversion, and development of waters."

Mr. SPOONER. Then, the Senator's purpose is that the cost of the construction of reservoirs and the irrigation ditches and irrigation works generally shall be paid out of this fund by the United States?

Mr. HANSBROUGH. By the United States.

Mr. SPOONER. Contracts are to be made by the United States?

Mr. HANSBROUGH. By the United States.

Mr. MCCUMBER rose.

Mr. HANSBROUGH. But, Mr. President, I draw the line at this point. When it comes to the distribution of the waters which are gathered in the reservoirs which we propose to construct, that is a matter which belongs to the several States in which the reservoirs may be located. I will hear my colleague.

Mr. MCCUMBER. It strikes me that there is one objection to this amendment as it stands, unless the Senator will consent to an amendment.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Chair will suggest to the Senator from North Dakota that the question now pending is on the point of order.

Mr. MCCUMBER. I understand the Chair. I also understand that has not scarcely been argued so far in this debate; and inasmuch as it has not, I would like briefly to suggest a matter to my colleague. I suppose that the Senator from North Dakota will admit that all lands in the State of North Dakota are really part and parcel of its territory, and to a certain extent belong to the State of North Dakota; that the lands in the State of Colorado are a part of the domain of Colorado; that while the Government may hold the title in fee to those lands, the State certainly has a residuary interest in them, and such an interest that it would be affected seriously by the turning of the lands over to the Government, the proceeds to be used in any other State than the State in which the land is situated.

It does not seem to me to be either just or proper that we should take the arid lands in the State of Colorado and sell them, and out of the proceeds of those sales construct reservoirs in Wyoming, or some other State or Territory; and it does seem to me, if this should become a law, it ought to provide that the proceeds of the sales of any of the arid lands should be used exclusively in the State in which the sales are made. I hope that the Senator will agree to that in case he desires to press this amendment.

Mr. HANSBROUGH. My colleague, I believe, is entirely mistaken in his reading of the proposed amendment. We do not propose to sell the public lands for the benefit of anyone except settlers. We propose, as Senators will understand thoroughly, when we build reservoirs and make it possible to put water upon the lands, that the lands shall be taken up under the homestead law, and they will thus become the property of settlers, and not the property of any State or any individual. They are not to be sold for the purpose of irrigation.

Mr. MCCUMBER. If my colleague will allow me a moment, I agree with him entirely in that, but the point that I desire to make is that the proceeds of the land in the State, when it is sold either to actual settlers or to others, ought to be used in the State from which the proceeds are derived.

Mr. HANSBROUGH. That is a matter that will be entirely in the hands of Congress hereafter. We could legislate as to that not at this session, but at the next session. All I desire to do now is to establish the principle that the proceeds from the sales of public lands should go to the improvement of the public lands.

I want to go a step further in the line of irrigation. I want now to do something practical. I want to stop appropriating money out of the Treasury of the United States merely to make examinations, reports, and investigations and surveys. I want now to build some reservoirs and to put water upon the land and put the people upon the land to cultivate it. That is the object now. As to the details of this proposition Congress can legislate hereafter. That is my proposition.

Mr. President, I have incorporated in the proposed substitute the very language which has come out of the Committee on Appropriations and as it is now in the bill, so as to provide that 10 per cent of the amount of money put into this proposed fund shall be devoted to further examinations, surveys, and reports, and thus continue the great scheme of irrigation that we commenced some years ago.

Mr. WARREN. Mr. President, I favor absolutely the main idea, the central figure, if you please, of the amendment as offered. I do not agree with the contention that money expended through other Departments is money thrown away. I do not agree with the proposition that if reservoirs are what we want it is impossible to construct them under the War Department.

The plans for reservoir construction made by the War Department, and the estimates and figures for such construction, are complete, practical, and up to date.

At a former time we appropriated $5,000 in the river and harbor bill for the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage of water, and I hold in my hands, as one of the results, a copy of the report made by the engineer officer of the War Department, Capt. H. M. Chittenden, who conducted the examination.

I want to say, without reflecting upon any other Department, without reflecting upon the Agricultural Department or the Interior Department, that there is ten times as much information in this report on the one subject of reservoir construction for irrigation purposes than has ever been produced by the expenditure of a like amount of money through any other Department. This is because the Engineer Corps of the War Department is equipped with the necessary apparatus, implements, and engineering instruments for making such investigations.

It has the men, trained in engineering work, prepared to make complete and accurate estimates. The Interior Department is equipped to examine and report upon physical conditions of the public lands, the Agricultural Department upon the producing qualities of the soil; and both are valuable factors in the general good sought to be secured for the West and the country generally, but neither of these Departments is at present as well prepared to plan or construct the reservoirs and other hydraulic works as is the War Department.

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. The Chair dislikes to interfere with the course of the debate, but the Chair will suggest to Senators that the question is on the point of order and not upon the merits of the amendment.

Mr. PETTIGREW. It is customary in the Senate, I think, to discuss the merits of a question in discussing a point of order, and I believe I have seen the Chair himself indulge in that practice.

Mr. President, it seems to me that something ought to be done, and done at once, by the Government with regard to our arid lands. The Government of the United States owns, west of the Mississippi River, 600,000,000 acres of land in the semiarid region. There is water enough in that country to reclaim 100,000,000 acres of this land. The question which confronts the Government today is this: Shall we sit idle until private parties control all the water? If we do, then they will control all that vast area of 600,000,000 acres of land, and they will control it, without owning it, as absolutely as though they had a deed. The Government can own it. No taxes will be paid upon it, and the people who own the water—the great corporations—if we go on as we are going now, will own the water, and then they will command not only the land that can be watered, but the land that can not. They can graze the great area of the Government land between the water reservoirs and the streams, and thereby own the entire country.

Therefore steps ought to be taken at once to preserve the water for the people, so that small homes can occupy the cultivable areas, so that homes of 40 and 80 acres can be scattered over that vast region rather than have it monopolized by a few great corporations. Homes for 25,000,000 people can be secured in the arid regions of the United States in addition to the population already there if the Government will take steps to reserve the reservoir sites and reserve the water from private appropriation. We have waited too long already, and there is no more time to wait if you would preserve this vast property for the people of the United States.

More people of our race could find homes in that country by the expenditure of half the money we have spent on it already in trying to force, 10,000,000 of the Asiatics to come under our dominion, people of our race, who would inhabit the region west of the Missouri River, consume our products, and make a market for the manufacturers of the East and business for the railroads of the country.

We have tried for years to secure an appropriation for this purpose directly out of the Treasury, and although the Senate has always favored it and we have passed appropriation after appropriation, the other House has always refused. I will give the reason. Every State has two Senators, but the apportionment of Representatives is according to population, and while Idaho is as strong in the Senate as New York, in the other House Idaho has one Representative and New York has thirty-six. The consequence is that through want of knowledge of this great question and its great importance, the other body has always refused to make an appropriation directly out of the Treasury to carry on this work.

Now, we propose that the region itself shall furnish the money, that the proceeds from the sale of the public lands in the arid and semiarid land States shall be devoted to the reclamation of the desert lands of those States. What can be more reasonable and more proper, and what thing can be done that will more conserve the interests of the whole Government, as well as the region in which the lands are located? Why should we not do this, then? Can any argument of force be presented against it when the advantages are so great, the purpose to be accomplished so important?

Mr. President, I think this amendment ought to be adopted. I

think if the Chair proposes to rule it out of order he should submit the question to the Senate itself and let it be passed upon on its merits.

The purpose of the bill which the Committee on Public Lands reported to this body was to reserve all the lands that could be irrigated and to allow them to be occupied by homesteaders in tracts not exceeding 80 acres. The detail of that plan is not in this amendment, but the provision allowing the Secretary of the Interior to make rules and regulations to carry it into effect will give him the opportunity to make the provisions to withdraw the land and to accomplish the purpose. Future Congresses can also enlarge the scope of the law and thus accomplish the purpose in that way.

It seems to me that if the people of the East understood this question, if they knew the conditions existing in the Western country, they would be as anxious as we are to secure this legislation. They are seeking markets for their goods; they are looking out across the sea. A market for their goods, a market of a people of a kindred race, a market better, richer than they can secure anywhere in the world, can be made by the passage of this amendment.

I know of no reason, I have heard of no reason given by anybody in these debates, why this should not be done. It seems to me hardly necessary to talk to the Senate in view of the fact that the Senate has gone on record year after year for the last ten years in favor of doing this work, not exactly in this way, but by direct appropriation.

Therefore I hope the chairman of the Committee on Appropriations will accept this amendment and let us try again to see if the House will not accept this alternative proposition. Before, we have asked for money direct from the Treasury. Now we ask that the proceeds of the sales of the lands themselves shall be devoted for this purpose. The sales will increase as the water is conserved, reservoirs built, and the land reclaimed, for as fast as we reclaim the land homesteaders will occupy it, and of course we will charge a price equal to the cost of covering it with water; and hence new funds will be furnished to go on with the work and reclaim the rest of the areas that can be reclaimed.

Mr. CARTER. Mr. President, I wish to address myself to the merits of this proposition only in case the Chair holds the amendment to be in order. The question is one of great national importance. Nearly two-fifths of the continent is involved in the proper solution of this great question of irrigation and the conservation of the waters for that purpose. I do not wish, however, to consume the time of the Senate before the ruling of the Chair on the question of order.

Mr. ALLISON. Mr. President, I desire to say only one word upon this question. Of course, I understand that the Chair can only rule one way as respects this amendment.

I want to say in reply to the suggestion of the Senator from South Dakota [Mr. PETTIGREW], that I should withdraw the point of order in order that the amendment may become a part of the bill, that this question is not a new question. It is a question which has been before the two Houses for a great many years. It is a question which is under the special jurisdiction of the Committee on Public Lands of this body, of which the Senator from North Dakota [Mr. HANSBROUGH] is chairman. That committee has not brought into this Chamber, so far as I know, any proposition in regard to this subject except one which was introduced by the Senator from North Dakota on the 31st day of January of this year and reported back on the 3d day of February, and which has not been considered in this Chamber.

Mr. HANSBROUGH. Will the Senator allow me a moment?

Mr. ALLISON. Certainly.

Mr. HANSBROUGH. The Committee on Public Lands has reported unanimously twice at this session in favor of this proposition.

Mr. ALLISON. Very well; then I stand corrected as respects that matter.

Mr. HANSBROUGH. Not only that, but, if the Senator will excuse me, I understand the Committee on Irrigation and Reclamation of Arid Lands of this body, although they have not made any report, are unanimously in favor of it. The Secretary of the Interior has reported upon it favorably. The Commissioner of the General Land Office is in favor of it. The Director of the Geological Survey is in favor of it. There is no opposition to it anywhere except as developed in this point of order.

Mr. ALLISON. I shall probably be willing to vote with the Senator from North Dakota and other Senators here for a judicious and carefully prepared provision for the purpose of dealing with the question of the irrigation of the arid and semiarid lands, but I protest against allowing a proposition of this character to be placed on an appropriation bill within certainly forty hours of the adjournment of this Congress.

The point of order is made for the purpose of protecting these appropriations from legislation which is under the control of the committees of this body, and which they have had nearly two years to dispose of, coming in now at this late hour without any careful consideration. This amendment is not an amendment proposed by any committee of the body. It is the amendment of the Senator from North Dakota to take the place of a long amendment which was submitted a week ago to the Committee on Appriations, embracing legislation——

Mr. HANSBROUGH. It is word for word the same. It contains the principle and very essence of the bill, and it is word for word with the measure that was before that committee and reported favorably on two occasions.

Mr. ALLISON. Mr. President, I make a point of order in good faith, because we have not the time to give this subject consideration on this appropriation bill.

Mr. GALLINGER. Mr. President, a single word on the point of order.

After what has happened during this session in the matter of general legislation on appropriation bills, and in view of some of the discussions and decisions which have been reached in this body, I am not very strongly impressed with the point of order that this is general legislation.

I note with interest the suggestion made by the Senator from Iowa [Mr. ALLISON], the chairman of this great Committee on Appropriations, that the Chair can decide this matter in only one way. Mr. President, there are two ways in which the Chair can decide this matter; and as an Eastern man, an Eastern Senator, who believes that something ought to be done in the way of irrigation of the arid and semiarid regions of this great country, I trust the Chair will see his way clear to take the second way, which he will find in paragraph 2 of Rule XX, which says:

> The Presiding Officer may submit any question of order for the decision of the Senate.

That is the fair way to do in matters where any doubt whatever exists, and it is the way that is frequently done in this body when a great question of this kind is under consideration and when there is a division of opinion in the body.

Mr. President, that is all I care to say about the subject. I am not going to discuss the merits of the proposition. If I should say anything on that point I should say that I believe this amendment ought to be incorporated into law; but I simply rose for the purpose of appealing to the Presiding Officer that he submit this matter to the Senate, and do it under the terms of paragraph 2 of Rule XX, which gives him that right.

Mr. HANSBROUGH. Mr. President, I want to say only a word in regard to this point of order, and on the question of general legislation.

I want to call the attention of the Senate to the extreme hardship which the representatives of the Western States have been under in securing legislation. I came to this body ten years ago. I have never been able to secure a single piece of important legislation for my portion of the country or any portion of it, on its own merits, in this body, because of the fact that we have not the time to consider it. I have only been able to get legislation for my little State of North Dakota by putting things of this character upon the appropriation bills. I am glad to say I have had several propositions inserted in such bills, against which the point of order has been raised.

When I was a member of the other House twelve years ago, and North Dakota had but one Representative in that body, I secured by unanimous consent the passage of a few bills. At the present time the Representative from North Dakota has been able to secure but two unanimous consents during this session. It is absolutely necessary for the new States throughout the West to put their measures upon the appropriation bills in order to secure their enactment into law. I point to this fact to show you the hardships under which we labor when we secure legislation of any character. I think the Senate ought to consider these facts when they pass upon the point of order which has been raised by the Senator from Iowa.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order made by the Senator from Iowa [Mr. ALLISON]. The amendment is clearly obnoxious to the first part of clause 3 of Rule XVI. The present occupant of the chair, however, has no pride of opinion on the subject, and the Senator from North Dakota [Mr. HANSBROUGH] has his remedy. The Chair certainly would not feel hurt if the Senate should otherwise decide.

Mr. HANSBROUGH. I would not wound the feelings of the Chair for anything in this world, but I shall appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from North Dakota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The Chair is in doubt.

Mr. HANSBROUGH, Mr. STEWART, and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTUS. I ask that the amendment be read on which we are to decide.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 77 strike out all of the paragraph beginning in line 3 and insert the following:

That all moneys received from the sale and disposal of public lands in the arid and semiarid regions of the United States, beginning with the fiscal year ending June 30, 1901, excepting moneys set aside by law for educational purposes, shall be, and are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the "arid land reclamation fund," which fund shall be at the disposal of the Secretary of the Interior for the examination, survey, and construction of reservoirs and other irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands; that until further provided by Congress not to exceed 10 per cent of the said fund shall be available for continuing examinations and surveys and for gauging the streams and determining the water supply of the United States and for the investigation of underground currents and artesian wells in arid and semiarid sections and the preparation of reports upon the best methods of utilizing the water resources of said sections.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate? upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. In his absence, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], but I feel at liberty to vote upon this proposition. I vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. SULLIVAN (when his name was called). I have a pair with the Senator from Illinois [Mr. MASON]. As he is not in the Chamber, I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Washington [Mr. TURNER]. I do not see him in the Chamber, and so I withhold my vote.

The roll call was concluded.

Mr. CLARK (after having voted in the negative). I wish to inquire if the Senator from Kansas [Mr. HARRIS], with whom I am paired, has voted.

The PRESIDING OFFICER. The Chair is informed that the Senator from Kansas has not voted.

Mr. CLARK. Then I withdraw my vote.

Mr. PENROSE. I have a general pair with the Senator from Delaware [Mr. KENNEY]; but I transfer that pair to my colleague from Pennsylvania [Mr. QUAY], and vote "nay."

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] has already given notice of a pair with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. PENROSE. I will vote under any circumstances, Mr. President, on this question. I vote "nay."

Mr. BATE. I beg to state that my colleague [Mr. TURLEY] is not present to-day. He is paired, however, with the Senator from Wisconsin [Mr. SPOONER].

Mr. MONEY. I am paired with the senior Senator from Oregon [Mr. MCBRIDE], who is absent, and therefore I withhold my vote.

Mr. HEITFELD. I wish to announce that the Senator from Washington [Mr. TURNER], who is unavoidably absent, if present would vote "nay."

Mr. WARREN. Upon the statement made by the Senator from Idaho [Mr. HEITFELD] that the Senator from Washington [Mr. TURNER], if present would vote "nay," I feel at liberty to vote, and I vote "nay."

Mr. CULLOM. I inquire if the junior Senator from Virginia [Mr. MARTIN] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Virginia has not voted.

Mr. CULLOM. I have a pair with that Senator, and therefore withhold my vote.

Mr. CLAY (after having voted in the affirmative). I have been asked to pair with the senior Senator from Washington [Mr. TURNER] on this question. I have been informed that the Senator from Washington, if present, would vote "nay." I withdraw my vote.

Mr. SPOONER. I have a pair with the Senator from Tennessee [Mr. TURLEY]. He is absent from the Chamber, and I am informed will not return during this session. I am therefore not at liberty to vote. If I were at liberty to vote, I should vote to sustain the ruling of the Chair.

The result was announced—yeas 34, nays 20; as follows:

YEAS—34.

Aldrich,	Foraker,	Lodge,	Proctor,
Allison,	Frye,	McComas,	Rawlins,
Bard,	Gallinger,	McEnery,	Scott,
Bate,	Hale,	McMillan,	Sewell,
Chilton,	Hanna,	Mallory,	Taliaferro,
Depew,	Hawley,	Nelson,	Tillman,
Dillingham,	Kean,	Perkins,	Wetmore.
Dolliver,	Kyle,	Pettus,	
Fairbanks,	Lindsay,	Platt, Conn.	

NAYS—20.

Bacon,	Heitfeld,	Platt, N. Y.	Thurston,
Butler,	Kearns,	Pritchard,	Vest,
Carter,	McCumber,	Shoup,	Warren,
Chandler,	Penrose,	Stewart,	Wellington,
Hansbrough,	Pettigrew,	Teller,	Wolcott.

NOT VOTING—34.

Allen,	Cockrell,	Jones, Ark.	Quarles,
Baker,	Culberson,	Jones, Nev.	Quay,
Berry,	Cullom,	Kenney,	Simon,
Beveridge,	Daniel,	McBride,	Spooner,
Burrows,	Deboe,	McLaurin,	Sullivan,
Caffery,	Elkins,	Martin,	Turley,
Clapp,	Foster,	Mason,	Turner.
Clark,	Harris,	Money,	
Clay,	Hoar,	Morgan,	

So the Senate sustained the decision of the Chair.

The PRESIDING OFFICER. There are some further committee amendments which were passed over, which, under the order of the Senate, will be first considered.

Mr. THURSTON. I ask the Senator in charge of the bill to let me submit a conference report on the Indian appropriation bill, which I think will take but a moment.

Mr. ALLISON. I yield for that purpose.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I submit the report of the committee of conference on the Indian appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12004) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 51 and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 45 and 56; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: After the word "payments," in line 18 of said amendment, insert: "gratuities;" at the end of said amendment, after the word "passed," in line 20, add the following: "Proceedings shall be commenced by petition verified by the attorney for said Indians who may appear for and on their behalf, and said case shall have preference and be advanced on the docket of said court; and if said court shall find that said bands preserved their loyalty to the United States they shall ascertain and state the amount that would be due to said Indians on account of said annuities had said act of Congress of February 16, 1863, not been passed, stating in connection therewith what credits should be charged against said annuities on account of the lands, appropriations, payments, gratuities, or other provisions, as hereinbefore stated;" and the Senate agree to the same.

JOHN M. THURSTON,
O. H. PLATT,
R. F. PETTIGREW,
Managers on the part of the Senate.
J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14018) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WOLCOTT. I desire to offer an amendment to the pending bill.

Mr. ALLISON. I hope the Senator will allow the committee amendments to be first acted on.

The PRESIDENT pro tempore. There are three more committee amendments.

Mr. WOLCOTT. I understood there was but one, and that that had been agreed to.

The PRESIDENT pro tempore. No; there are three. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over was on page 77, line 10, after the word "been," to strike out "or may hereafter be;" so as to make the clause read:

For continuation of the survey of the public lands that have been designated as forest reserves, $130,000, to be immediately available.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. ALLISON. On page 76, line 1, I move to strike out the word "forty" and insert "sixty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, line 1, it is proposed to strike out "forty" and insert "sixty;" so as to make the total "$260,000."

The amendment was agreed to.

Mr. ALLISON. On page 83, after line 3, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 83, after line 3, it is proposed to insert:

Education in Alaska: For the industrial and elementary education of children in Alaska, without reference to race, $30,000.

The amendment was agreed to.

Mr. ALLISON. On page 81 there was a committee amendment passed over.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 81, after the word "available," in line 15, the committee propose to insert:

Provided, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre.

Mr. LODGE. I asked that that amendment be passed over yesterday, but I am satisfied that is the best arrangement that can be made, and I have no objection to it.

The PRESIDENT pro tempore. Without objection, the amendment will be considered as agreed to. It is agreed to. Are all of the committee amendments disposed of?

Mr. ALLISON. No; there is still one more committee amendment relating to the Pan-American Exposition at Buffalo, on page 150.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 150, beginning in line 1, it is proposed to insert——

Mr. BUTLER. If the Secretary will postpone reading for one moment, I rose to the amendment just adopted, but the Chair failed to recognize me and declared it carried. I refer to the amendment on page 81.

The PRESIDENT pro tempore. What is the Senator's request?

Mr. BUTLER. I wish to submit an amendment to that amendment.

The PRESIDENT pro tempore. The Chair will recognize it as an open question.

Mr. BUTLER. I ask the chairman of the committee in charge of the bill to accept the additional amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. It is proposed to amend the amendment on page 81, at the end of line 22, by adding the following after the word "acre:"

And it is furthermore provided, That a roadway 90 feet wide be reserved out of and on the south side of the land so acquired as a public highway from Nichols avenue to the river.

Mr. BUTLER. That refers to Congress Heights. The people there will be bottled up if this land is to be purchased.

Mr. ALLISON. The land is not to be purchased; it is to be exchanged. I will say to the Senator that I will not object to his inserting the amendment, so that it may be investigated afterwards by the conference committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WOLCOTT. I desire to offer the amendment which I send to the desk.

Mr. COCKRELL. Let us first dispose of the pending amendment.

Mr. WOLCOTT. The amendments of the committee are disposed of, as I understood.

Mr. COCKRELL. Not at all.

The PRESIDENT pro tempore. There is one more committee amendment which has not been disposed of.

Mr. WOLCOTT. There is always one more.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Beginning at the top of page 150, it is proposed to insert:

PAN-AMERICAN EXPOSITION, BUFFALO, N. Y.

For the benefit and to the use of the Pan-American Exposition to be held at Buffalo, in the State of New York, from May 1, 1901, to November 1, 1901, $500,000, to be immediately available, said sum to be paid to and be disbursed by the Pan-American Exposition Company under rules and regulations and under conditions to be prescribed by the Secretary of the Treasury: *Provided, however*, That in the distribution of any moneys that may remain in the treasury of the said Pan-American Exposition Company after the payment of its debts the aforesaid sum so appropriated shall be repaid in full into the Treasury of the United States before any dividend, return, or distribution shall be made to the holders of the capital stock of said corporation: *And provided also*, That the United States shall not in any circumstances be liable for any debt or obligation of the said corporation or for any payment in addition to the foregoing sum. That as a condition precedent to the payment of this appropriation the Pan-American Exposition Company shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Mr. COCKRELL. Mr. President, I offer as an amendment, to come in after the word "fair," on page 150, line 23, what I send to the desk, headed "Louisiana Purchase Exposition."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 150, line 23, after the word "fair," it is proposed to amend the amendment of the Committee on Appropriations by adding:

LOUISIANA PURCHASE EXPOSITION COMMISSION.

That an exhibit of arts, industries, manufactures, and products of the soil, mine, forest, and sea shall be inaugurated in the year 1903, in the city of St. Louis, in the State of Missouri, as herein provided.

That a nonpartisan commission is hereby constituted, to consist of nine commissioners, to be known and designated as the "Louisiana Purchase Exposition Commission," who shall be appointed, within thirty days from the passage of this act, by the President of the United States, and who shall also be subject to removal by him. Vacancies in said commission to be filled in the same manner as original appointments.

That the commissioners so appointed shall be called together by the Secretary of State of the United States, in the city of St. Louis, by notice to the commissioners, as soon as convenient after the appointment of said commissioners, and within thirty days thereafter. The said commissioners, at said first meeting, shall organize by the election of their officers, and they may then or thereafter appoint such executive or other committees as may be deemed expedient, and a secretary at a salary of $3,000 per annum; that in addition to the salary of the secretary of said commission there is hereby allowed, out of any money appropriated to aid in carrying forward said exposition, the sum of $10,000 per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary expenses of said commission.

That said commission, when fully organized under the provisions of this act, shall appoint two of their number to act in conjunction with a like number appointed by the Louisiana Purchase Exposition Company to constitute a board of arbitration, to whom all matters of difference arising between said commission and said company concerning the administration, management, or general supervision of said exposition, including all matters of difference arising out of the power given by this act to the said company or to the said national commission to modify or approve any act of the other of the two bodies, shall be referred for determination; and in the case of the failure of said board of arbitration to agree upon such matters as may be so referred, said board of arbitration shall appoint a fifth member thereof; and in case of the failure of the said board to agree upon a fifth member, such fifth member shall then be appointed by the Secretary of the Treasury. And the decision of said board shall be final in all matters presented to it for consideration and determination.

That said commission be empowered, in its discretion, to accept, for the purposes of the exposition herein authorized, such site as may be selected and offered, and such plans and specifications of buildings for such purpose at the expense of and tendered by the corporation organized under the laws of the State of Missouri, known as "The Louisiana Purchase Exposition Company."

That the allotment of space for exhibitors, classification of exhibits, plan and scope of the exposition, the appointment of all judges and examiners for the exposition, and the awarding of premiums, if any, shall all be done and performed by the said Louisiana Purchase Exposition Company, subject, however, to the approval of the commission created by section 2 of this act; and said commission is hereby authorized to appoint a board of lady managers, of such number and to perform such duties as may be prescribed by said commission, subject, however to the approval of said company. Said board of lady managers may, in the discretion of said commission and corporation, appoint one member of all committees authorized to award prizes for such exhibits as may have been produced in whole or in part by female labor.

That after the plans for said exposition shall be prepared by said company and approved by said commission the rules and regulations of said corporation governing rates for entrance and admission fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed or established by said company, subject, however, to the modification or approval of said commission.

That said commission shall provide for the dedication of the buildings of the Louisiana Purchase Exposition, in said city of St. Louis, not later than the 30th day of April, 1903, with appropriate ceremonies, and thereafter said exposition shall be opened to visitors at such time as may be designated by said company, subject to the approval of said commission, not later than the 1st day of May, 1903, and shall be closed at such time as the national commission may determine, subject to the approval of said company, but not later than the 1st day of December thereafter.

That whenever the President of the United States shall be notified by the national commission that provision has been made for grounds and buildings for the uses herein provided for, he shall be authorized to make proclamation of the same, through the Department of State, setting forth the time at which said exposition will be held, and the purpose thereof; and he shall communicate to the diplomatic representatives of foreign nations copies thereof, together with such regulations as may be adopted by the commission, for publication in their respective countries; and he shall, in behalf of the Government and the people, invite foreign nations to take part in the said exposition and to appoint representatives thereto.

That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the person who may be guilty of any illegal sale or withdrawal.

That it shall be the duty of the national commission to make reports monthly to the President of the United States, showing receipts and disbursements and giving a general summary of the financial condition of said exposition, and a final report within six months after the close of the exposition, presenting the results and a full exhibit thereof.

That the national commission hereby authorized shall cease to exist on the 1st day of January, 1905.

That the United States shall not in any manner nor under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said Louisiana Purchase Exposition Company, its officers, agents, or employees, or any of them, or for the service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

That there shall be exhibited at said exposition by the Government of the United States from its Executive Departments, the Smithsonion Institution, the National Museum, the United States Commission of Fish and Fisheries, and the Department of Labor such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and the Bureau of the American Republics is hereby invited to make an exhibit illustrating the resources and international relations of the American Republics, and space in the United States Government building shall be provided for the purpose of said exhibit; and to secure a complete and harmonious arrangement of

such Government exhibit a board, to be known as the United States Government board, shall be created, independent of the commission hereinbefore provided, to be charged with the selection, purchase, preparation, transportation, arrangement, installation, safe-keeping, exhibition, and return of such articles and material as the heads of the several Executive Departments, the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, the Commissioner of Labor, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit.

The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department, one by the Secretary of the Smithsonian Institution, one by the Commissioner of Fish and Fisheries, one by the Commissioner of Labor, and one by the Director of the Bureau of American Republics. The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board.

Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the said Louisiana Purchase Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of $30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereafter to be made for the Government exhibit, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibit as authorized by the board of management herein created.

That the Secretary of the Treasury is hereby authorized and directed to place on exhibition, in connection with the exhibit of his Department, upon such grounds as shall be allotted for the purpose, one of the life-saving stations authorized to be constructed on the coast of the United States by existing law, and to cause the same to be fully equipped with all apparatus, furniture, and appliances now in use in all life-saving stations in the United States.

That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Louisiana Purchase Exposition for the Government exhibits, as provided in this act, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contracts for said building or buildings shall not exceed the sum of $250,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of erecting said Government building or buildings hereby authorized. The Secretary of the Treasury shall cause the said building or buildings to be constructed from plans to be approved by said Government board; and he is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of St. Louis or to the said Louisiana Purchase Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine.

That the commissioners appointed by the President under the authority of this act shall receive as compensation for their services and expenses the sum of $5,000 each per annum, the same to be paid by the Secretary of the Treasury and deducted from any money appropriated for said exposition.

That no member of said commission or of said Government board, whether an officer or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the said commission or by the said United States Government board herein authorized.

That whereas the Secretary of the Treasury has certified, under date of February 6, 1901, that the Louisiana Purchase Exposition Company has presented to him proof to his satisfaction that it has raised $10,000,000 for and on account of inaugurating and carrying forward an exposition at the city of St. Louis, Mo., in the year 1903, to celebrate the one hundredth anniversary of the purchase of the Louisiana Territory; therefore there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, to aid in carrying forward such exposition, to pay the salaries of the members and secretary of the national commission herein authorized, and such other necessary expenses as may be incurred by said commission in the discharge of its duties in connection with said exposition, and to discharge all other obligations incurred by the Government on account of said exposition, except for the erection of its own buildings and the making and care of its own exhibits at said exposition.

That the money hereby appropriated shall be disbursed under the direction of the said Louisiana Purchase Exposition Company under rules and regulations to be prescribed by the Secretary of the Treasury and upon vouchers to be approved by him: *Provided*, That, except for the payment of the salaries and expenses of the national commission, no part of said appropriation shall become available until the sum of $10,000,000 shall have been expended by said company on account of said exposition to the satisfaction of the Secretary of the Treasury: *Provided further*, That all sums expended by the Government on account of said exposition, including the salaries and expenses of said national commission, except for the erection of its own buildings and the making and care of its own exhibits at said exposition, shall be limited to and paid out of the appropriation of $5,000,000 herein provided for such purpose.

That there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the Louisiana Purchase Exposition Company or the city of St. Louis: *Provided*, That this section shall not be taken or construed to give the United States a right to share in the proceeds of said exposition beyond the actual amount appropriated to aid in carrying forward said exposition.

That any bank or trust company located in the city of St. Louis, or State of Missouri, may be designated by the Louisiana Purchase Exposition Company to conduct a banking office upon the exposition grounds, and if the bank so designated shall be a national bank, upon such designation being approved by the Comptroller of the Currency, said national bank is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby, if the same shall be a branch of a national bank, shall not be operated for a period longer than two years, beginning not earlier than July 1, 1902, and closing not later than July 1, 1904.

That no citizen of any foreign country shall be held liable for the infringement of any patent granted by the United States, or of any trade-mark or label registered in the United States, where the act complained of is or shall be performed in connection with the exhibition of any article or thing at the Louisiana Purchase Exposition.

That the Secretary of War be, and he hereby is, authorized, at his discretion, to detail for special duty, in connection with the Louisiana Purchase Exposition, such officers of the Army as may be required, to report to the general commanding the Department of Missouri; and the officers thus detailed shall not be subject to loss of pay or rank on account of such detail, nor shall any officer or employee of the United States receive additional pay or compensation because of services connected with the said exposition from the United States or from said exposition.

That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission.

That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Mr. COCKRELL. I will state to the Senate that the amendment contains the Louisiana Purchase Exposition bill just as it was passed by the Senate, including the Teller amendment, and leaving out the preamble. There is not a change in any shape, manner, or form in it. I hope the Senator from New York [Mr. DEPEW] will accept it as a part of his amendment, which has been embodied in the bill by the committee.

Mr. ALLISON. I wish to say a word upon this amendment, and also upon the amendment found in the bill. The amendment in the bill relating to the Pan-American Exposition is an amendment that ought to be agreed to; but any Senator may make the point of order upon it, because it is legislation. The committee reported the amendment relative to the Buffalo Exposition with the understanding that if objection was made to it because of its being not in order, it would go out; and I want it understood that in making this report the committee made it with that understanding. I also suppose that will apply to the amendment offered by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. I hope the Senator from New York will accept the amendment.

Mr. DEPEW. I will accept the amendment offered by the Senator from Missouri [Mr. COCKRELL].

Mr. TILLMAN. Mr. President——

Mr. ALDRICH. I did not understand the remark of the Senator from New York.

Mr. DEPEW. Mr. President, there is at the end of this bill an amendment in relation to the Pan-American Exposition. There are three propositions pending in regard to industrial expositions. One is the Buffalo Pan-American Exposition; another is the Louisiana Purchase Exposition, and the third is the Charleston Exposition. The Buffalo Exposition carries an appropriation of $500,000; the Louisiana Purchase Exposition carries an appropriation of $5,000,000, and the Charleston Exposition carries an appropriation of $250,000.

The situation in regard to them is this: So far as the Pan-American Exposition at Buffalo is concerned, the Secretary of State issued an invitation to the South American Republics to be present and make their exhibits. The letter of the Secretary of State, which I will not detain the Senate by reading, is virtually an invitation, carrying with it the idea, as they understand it, that the Government of the United States is making this exhibit.

Under that invitation the South American Republics have demanded space at Buffalo, which has caused an expenditure exceeding the original estimate, and either they are to have the space which they have been invited by this Government to occupy or else they are to be told that there is not money enough to grant them the facilities to which they have been invited.

Under this provision, $500,000 is asked from the Government, under circumstances which will make it a loan, which will certainly be repaid, for it takes precedence of the contributions to the stock made by the citizens there, and under any calculation that can be made the returns of the exposition will repay the Government this money. The citizens will raise $500,000 more, and that will put the exposition in a position where the pledge of the Government to the South American Republics can be redeemed.

As to the St. Louis Exposition, in the bill which passed last year Congress committed itself in honor to the people of Missouri and the citizens of St. Louis that if they would raise $10,000,000 the Government would loan $5,000,000. St. Louis has raised $11,000,000; and that obligation is an honorable one on the part of the Congress from which it can not escape.

So far as the exposition at Charleston is concerned, they only ask for a Government building to be erected at a cost of $250,000. So, as we stand to-day, we are committed absolutely in honor to the Pan-American Exposition, to the Louisiana Purchase Exposition at St. Louis, and to the exposition to be held at Charleston. I think as a matter of right the appropriations proposed should be agreed to.

Mr. LODGE. Mr. President, the St. Louis Exposition appropriation and the Charleston amendment are in conference between the two Houses on the bill that was passed by the Senate. The Charleston amendment was put on that bill by the Senate unanimously. Of course, with this amendment added to this bill, I

suppose there will be no further attempt made to reach an agreement in conference. The House voted by a large majority to strike out the Charleston amendment from the bill which passed the Senate. I think the Charleston amendment stands on just as good grounds as the others, and if they all go on the bill I should hope that they will all succeed or all fail.

It does not seem to me fair to strike out one of them. I hope after this Congress that we shall cease the industrial exposition business; but these three are now all before Congress in these different ways. My attention has been brought to it, being on the conference committee on the industrial exposition bill, and it seems to me it would be very unfair for Charleston to be sacrificed, the smallest and quite as meritorious as any of these. I merely make this statement because they are all now open to the point of order. They all go in purely by sufferance, and if they go in on that understanding I do not think one ought to be sacrificed in conference. If they have all got to go, let them all go. If we are going to save them, I do not think the smallest ought to be sacrificed.

Mr. PLATT of Connecticut. I do not want to take up the time of the Senate, but I desire to say one word about industrial expositions. I do not object to this amendment. I do not object to the addition to it of the amendment proposed by the Senator from Missouri, which carries both the St. Louis appropriation and the Charleston appropriation. I think it is quite true that Congress committed itself in honor at the last session to the appropriation of the $5,000,000 for the St. Louis Exposition, and I think that the Senate is certainly committed to the payment of $250,000 for the Charleston Exposition.

But I want to give notice here that if I remain in the Senate I will endeavor to prevent the frequent legislation for the establishment of industrial expositions in this country. We ought to have not more than one in ten years, or at least five years, and we have now three in progress. I do not believe that it is to the benefit of the country, to the benefit of its business, its inventors, its merchants or manufacturers thus to overdo the exposition business. I wish therefore now, in order that I may not, when the next proposition comes up, be accused of being unfair to such a proposition, to give notice that so long as I remain in the Senate, and for several years at least, I will oppose any new projects of this kind.

Mr. McCOMAS. Mr. President, I have been waiting and hoping that somebody would make the point of order. It is ungracious to do it, but I make the point of order against both the amendment and the amendment to the amendment. Let the legislation be passed upon in conference or in the two remaining days. I believe the point of order is well taken, and I ask the Chair, if it is, so to rule.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment, which will be stated.

Mr. COCKRELL. That amendment has been accepted by the Senator who proposed the amendment.

Mr. PLATT of Connecticut. It has not been read.

The PRESIDENT pro tempore. The committee has not accepted it.

Mr. COCKRELL. So far as he can, he has accepted it. I understood the Senator from Iowa to accept it if the other went in.

Mr. LODGE. No, he has not.

Mr. ALLISON. I share very largely the view of the Senator from Massachusetts—that these propositions should go together.

Mr. LODGE. I do not understand that any has been agreed to.

Mr. ALLISON. Not yet.

Mr. LODGE. They are all subject to the point of order.

Mr. ALLISON. The Buffalo Exposition has not yet been agreed to.

Mr. COCKRELL. I understood the Senator from Maryland to make the point of order against the Louisiana Purchase Exposition, and not against the other.

Mr. GALLINGER. He made it against all.

Mr. LODGE. He made it against the amendment and the amendment to the amendment.

Mr. CULLOM. All have been objected to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Missouri to the amendment.

The amendment to the amendment was agreed to.

Mr. TILLMAN. I have been trying to get from the document room the reprint of the South Carolina amendment as it passed the Senate. It seems that it has not been printed in the shape in which it went through here, but I suppose the original can be found, and I move it as an amendment to the amendment of the Senator from New York.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Carolina to the amendment will be stated.

The Secretary proceeded to read the amendment to the amendment, which is as follows:

INTERSTATE AND WEST INDIAN EXPOSITION IN THE CITY OF CHARLESTON, IN THE STATE OF SOUTH CAROLINA.

And be it further enacted, That to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, beginning on the 1st day of December, 1901, and closing on the 1st day of June, 1902, all articles that shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or custom duty shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for or actually on exhibition in the exposition buildings or on the grounds, subject to such regulation for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when sold or withdrawn for consumption in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against the persons who may be guilty of any illegal sale or withdrawal: *And provided further*, That all necessary expenses incurred in carrying out the provisions of this section, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the South Carolina Interstate and West Indian Exposition Company, under regulations to be prescribed by the Secretary of the Treasury.

That there shall be exhibited at said exposition by the Government of the United States, from its Executive Departments, the Smithsonian Institution and National Museum, the United States Commission of Fish and Fisheries, the Department of Labor, and the Bureau of the American Republics, the islands of Porto Rico and Cuba and the Philippines, such articles and material as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, and its relations to other American Republics, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people. And to secure a complete and harmonious arrangement of such Government exhibit a board of management shall be created, to be charged with the selection, purchase, preparation, transportation, arrangement, safe keeping, exhibition, and return of such articles and materials as the heads of the several Departments and the Secretary of the Smithsonian Institution, the Commissioner of Fish and Fisheries, the Commissioner of Labor, and the Director of the Bureau of the American Republics may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one person to be named by the head of each Executive Department, one by the head of the Smithsonian Institution and National Museum, one by the head of the United States Commission of Fish and Fisheries, one by the Commissioner of Labor, one by the Director of the Bureau of the American Republics, one by the governor of Porto Rico, and one by the governor-general of Cuba.

The President shall name one of said persons so detailed as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The members of said board of management, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with the South Carolina Interstate and West Indian Exposition.

Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of $20,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation for the Government exhibit, not exceeding at any one time three-fourths of the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the board of management herein created.

That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the South Carolina Interstate and West Indian Exposition for the Government exhibits from plans to be approved by the board, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States, but the contract for said building or buildings shall not exceed the sum of $75,000. The Secretary of the Treasury is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Charleston or to the South Carolina Interstate and West Indian Exposition Company to purchase the same at an appraised value to be ascertained in such manner as may be determined by the Secretary of the Treasury.

That the United States shall not be liable on account of said exposition for any expense incident to or growing out of same, except for the construction of the building or buildings hereinbefore provided for, and for the purpose of paying the expense of selection, preparation, purchase, installation, transportation, care, custody, and safe return of exhibits by the Government, for the employment of proper persons as officers and assistants by the board of management created by this act, and for their expenses, and for the maintenance of the said building or buildings, and other contingent expenses, to be approved by the chairman of the board of management, or, in the event of his absence or disability, by such other officer as the board may designate, and the Secretary of the Treasury upon itemized accounts and vouchers; and the total cost of said building or buildings shall not exceed the sum of $75,000; nor shall the expenses of said Government exhibit for each and every other purpose connected therewith, including transportation, exceed the sum of $175,000, amounting in all to not exceeding the sum of $250,000, which said sum of $250,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be disbursed by the board of management hereinbefore created, of which not exceeding the sum of $10,000 shall be expended for clerical service: *Provided*, That no liability against the Government shall be incurred, and no expenditure of money under this act shall be made, until the officers of said exposition shall have furnished the Secretary of the Treasury proofs to his satisfaction that there has been obtained by said exposition corporation subscriptions of stock in good faith, contributions, donations, or appropriations from all sources for the purpose of said exposition a sum aggregating not less than $250,000.

SEC. 30. That medals with appropriate devices, emblems, and inscriptions commemorative of said South Carolina Interstate and West Indian Exposition, and of the awards to be made to the exhibitors thereat, shall be prepared at some mint of the United States for the board of directors thereof, subject to the provisions of fifty-second section of the coinage act of 1866, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

SEC. 31. That the United States shall not in any manner nor under any circumstances be liable for any acts or doings of said South Carolina Interstate and West Indian Exposition Association, its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation, or accruing by reason of the same.

That nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of liquidation of any debts or obligations created by said commission in excess of appropriations made by Congress therefor.

That the act of Congress approved February 23, 1885, prohibiting the importation of foreigners under contract to perform labor, and the acts of Congress prohibiting the coming of Chinese persons into the United States and the acts amendatory of these acts shall not be construed, nor shall anything therein operate to prevent, hinder, or in anywise restrict any foreign exhibitor or citizen of a foreign nation, or the holder who is a citizen of a foreign nation, of any concession or privilege from the South Carolina Interstate and West Indian Exposition Company, of Charleston, S. C., from bringing into the United States, under contract, such mechanics, artisans, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparations for installing or constructing any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the South Carolina Interstate and West Indian Exposition Company, of Charleston, S. C., in connection with such exposition: *Provided, however*, That no alien shall, by virtue of this act, enter the United States under contract to perform labor except by express permission, naming such alien, of the Secretary of the Treasury, and any such alien who may remain in the United States for more than one year after the close of said exposition shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien contract labor law aforesaid.

That the appropriation herein made of $250,000 in all shall take effect and become available immediately upon the passage of this act.

That as a condition precedent to the payment of this appropriation the directors shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Mr. TILLMAN. We can save time in regard to reading it. This bill has already passed the Senate as a separate bill, and it has passed the Senate as an amendment to the St. Louis bill. It is identical in its terms with the original law which was passed last year for a Government exhibit at the Pan-American Exposition at Buffalo. Therefore, unless Senators wish merely to have read what has been read twice, there is no need to do more than to let the Charleston Exposition bill be tacked onto the St. Louis Exposition bill, which has already been tacked onto the Buffalo bill.

Mr. CARTER. Ask unanimous consent.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Carolina to the amendment.

The amendment to the amendment was agreed to.

Mr. McCOMAS. I make the point of order.

The PRESIDENT pro tempore. Will the Senator from Maryland state his point of order?

Mr. McCOMAS. It is that it is not in order, as being new legislation, general legislation on this appropriation bill, and not relevant.

Mr. HOAR. I rise to a parliamentary suggestion about the point of order. Is it general legislation—for as to new legislation, everything is new legislation on the bill—to provide for the free introduction of certain goods from abroad, under certain conditions to be fixed by the Secretary of the Treasury?

Mr. McCOMAS. It is general legislation, which is my point.

Mr. HOAR. My suggestion is that it is not.

Mr. VEST. We can not hear anything.

Mr. DEPEW. We can not hear.

Mr. VEST. Has the amendment been adopted?

The PRESIDENT pro tempore. It has.

Mr. VEST. This is a similar amendment?

The PRESIDENT pro tempore. It has been adopted.

Mr. CULLOM. All three have been agreed to.

Mr. PLATT of Connecticut. Mr. President, on the point of order I desire to say a word. Rule XVI provides:

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Now, does not that make it in order?

The PRESIDENT pro tempore. The point of order raised was not with respect to either of those propositions, but that it was general legislation. There is another rule which provides that no general legislation whatever shall be received to an appropriation bill; and that is not cured by having been reported by a committee and referred to a committee, nor is it cured by having been previously passed by the Senate. It is simply the question whether this is general legislation.

Mr. FORAKER. The Chair correctly states the question. How can it be said that it is general legislation when it refers to a specific matter and makes a specific provision for one specific transaction?

Mr. GALLINGER. It seems to me the irrigation amendment was rather specific.

Mr. PLATT of Connecticut. Does not the fact that it is an appropriation already passed by the Senate, so far as St. Louis and Charleston are concerned, take it out of the category of general legislation?

Mr. FORAKER. I think clearly it does. It does not seem to me it is general legislation, within the meaning of that term.

Mr. HOAR. I should like to submit to the Chair, in view of what has been said by the Senator from Ohio, that it is not an appropriation of public money which simply provides that some foreign article, which otherwise would not come in at all, so that the revenues would not be increased by it, may come in without the payment of duty. It certainly seems to me, with great respect, that that is not an appropriation.

The PRESIDENT pro tempore. Is it the opinion of the Senator from Massachusetts that this is not general legislation?

Mr. HOAR. I understood the point of order was confined simply to the proposition about the articles coming in free of duty.

Mr. GALLINGER. No.

Mr. HOAR. My colleague now tells me there is a sum of money appropriated, which is embraced in the point of order. It seems to me very clearly that it is not general legislation. Whether it carries an appropriation under the rule suggested by the Senator from Connecticut I express no opinion whatever.

Mr. VEST. I call attention to the fact that this appropriation is to carry out the provisions of existing law. Both Houses of Congress made a solemn agreement with the city of St. Louis that if $10,000,000 should be raised there then the Government would advance $5,000,000. That is the law enacted by both Houses of Congress and approved by the President, in the sundry civil act of last session.

Now, in regard to the other appropriations, without being at all invidious, and I am not at all opposed to either of them, the Charleston Exposition appropriation has only passed one House, the Senate. It has not passed the House of Representatives. The Buffalo Exposition appropriation has not passed either House. I call the attention of the Senate to the additional fact that this can not be general legislation, because it is a specific appropriation for a specific purpose. It can not be said to be general legislation in any sense of the term.

Mr. FORAKER. When I made the point a moment ago that this is not general legislation and could not be because it is specific, having reference to a special matter, the Senator from New Hampshire [Mr. GALLINGER] interrupted to say that the amendment voted on a moment ago, offered by the Senator from North Dakota [Mr. HANSBROUGH], was quite as specific as this. I do not know of anything better to illustrate the difference between special legislation and general legislation than just what has just been suggested.

The amendment offered by the Senator from North Dakota provides for a general law which is to continue in force and under which they are to operate until Congress shall otherwise provide. It is as much general legislation as any statute could possibly be, whereas this, as the Senator from Missouri has just said, is merely a special provision having reference to a special matter, and not in any sense whatever general legislation. The difference between general and special legislation is so manifest and the distinction is here so easily drawn that it seems to me unnecessary to touch upon it. Therefore I think the point of order is not well taken that this is general legislation.

Mr. GALLINGER. Mr. President, I have no desire to go into argument about general and special legislation. I have been impressed very profoundly with the fact during this session of Congress that it is always special legislation when we want to put a matter of this kind into an appropriation bill and general legislation when we want to rule it out.

Mr. LINDSAY. I will ask whether it was special legislation when we put in the amendment to the Army appropriation bill? Was that special or general legislation?

Mr. FORAKER. I think it was general.

Mr. LINDSAY. Then the Senate has decided that general legislation may be put on an appropriation bill.

Mr. WOLCOTT. Mr. President, I think the Senator from Maryland [Mr. McCOMAS] ought to be open to one appeal. All of us can understand that a man's rugged sense of duty would require him to make a point of order against appropriations of public money for expositions in the different States, but we seem to have reached a parliamentary situation here where large appropriations for two expositions have passed the Senate and are now in conference upon another bill between the two Houses, $5,000,000 for St. Louis and $250,000 for Charleston, while the Pan-American appropriation of $500,000 comes in upon this bill only.

If they all go out upon the point of order, as all will, if any does, then it remains true that the five million for St. Louis and the $250,000 for Charleston may still become the law, and the particularly meritorious appropriation for Buffalo of $500,000 goes out of the bill, the one appropriation of the three where the money is to be absolutely refunded, every dollar of it, to the Government.

I hope the Senator from Maryland will not bar the consideration of Buffalo and its $500,000, when the effect of it may be that notwithstanding this point of order, and notwithstanding the effect upon this bill, if the Chair sustains it, we may yet have the appropriation for St. Louis and Charleston, notwithstanding that the other goes out.

Mr. MCCOMAS. The pending bill has grown to be very large, and this objection is ungracious and difficult to make. I waited for others to make it. The most meritorious case is that of Buffalo, and in some fashion, if it can be passed, it would be different; but these amendments on this appropriation bill, under the most familiar rule, propose general legislation. I can not conceive of three instances more directly out of order than these. I do not care to argue the proposition. I put it to the experience of the Chair and to the record of the rulings of the Chair. If it is irregular and out of order, let the Chair say so. If it be not, let the Chair say so.

I do not desire to discuss it. Above all, I would be glad to meet the view of the Senator from Colorado and those who take the same position, but if I make the point of order, and they are all of the same kind, I ought to make the point apply to all, and I appeal to the Chair to rule if I be right or wrong as to this being general legislation upon an appropriation bill.

Mr. CHANDLER. Will the Chair hear a suggestion on the point of order?

The PRESIDENT pro tempore. Certainly.

Mr. CHANDLER. The rule against general legislation, as it is termed, was directed or intended to be directed against general legislation or legislation which had no reference to an appropriation. The power of appropriation remains, and limitations upon appropriations, directing how a specific appropriation shall be expended, are in order. Now it is in order to move to add to the bill an appropriation to carry out some bill which has already passed the Senate, and here is an appropriation, and all these other long provisions are not general legislation under the rule, I submit. They are merely limitations and directions as to an appropriation which is in order, because it has passed the Senate at this same session.

The PRESIDENT pro tempore. The Chair is of opinion that as to these three amendments, or two amendments at any rate, for the St. Louis Exposition and the Charleston Exposition, the appropriation is in order, because in both instances a bill has already passed the Senate making the appropriation, and that the other provisions of those two amendments are simply instructions and limitations upon the expenditure of the money arpropriated. That would make those two in order. The Chair is inclined, recognizing the very evident disposition of the Senate, to rule this entire amendment as amended in order. The question is, Will the Senate agree to the amendment as amended?

The amendment as amended was agreed to.

Mr. WOLCOTT. I offer an amendment, which I send to the desk.

The SECRETARY. On page 77, after line 17, it is proposed to insert the following:

That the Colorado Cliff Dwelling Association is hereby authorized to lease from the Wi minuchi Ute tribe of Indians, for a period of ten years, all that tract of land known as the Mesa Verde, situated in the county of Montezuma, in the State of Colorado, said tract of land to be described by metes and bounds, and the lease to include and cover the ruins and prehistoric remains situated therein; and said Colorado Cliff Dwelling Association to have the right to use and occupy said tract of land for the purpose of preserving and controlling said ruins and remains and protecting them from depredation.

Mr. ALLISON. May I ask the Senator from Colorado whether he proposes to ask unanimous consent for the adoption of the amendment?

Mr. WOLCOTT. I ask unanimous consent, and I can in a word explain to the Senate the situation.

For some years an association of patriotic and public-spirited women in Colorado have endeavored to preserve the cliff-dwelling ruins which exist in the southwestern portion of the State. Attempts have been made through the Interior Department and the Indian Bureau to accomplish this purpose. Everywhere there has been the hearty cooperation of the Administration; but upon the survey it has been ascertained that the principal seat of these ruins is within an Indian reservation.

They are rapidly being denuded of their treasures. Relic hunters and tourists, from time to time, chip off and carry away the remnants of these wonderful dwellers and the evidences of their occupancy of these almost impassable cliffs. So the Department has agreed with the association, and it would be glad to do so, to lease them for a substantial price—something like $300 a year—the Indians consenting, the few acres that contain these dwellings, to be set apart to this association, which proposes to police them and to protect them. This amendment, at the close of the present session, is intruded upon the pending bill solely that the Interior Department may carry out a measure which it desires to execute and to carry out, but which it has not the direct authority of law to do.

Therefore I ask unanimous consent that, as a matter of form, it may go upon this bill. It carries no money. It will bring money to the Government. It is only in the public interest. It is to further no private interest of any sort.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that this amendment may be made to the pending bill. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. CULLOM. I ask the chairman of the committee to accept an amendment which I will send to the desk to be read.

The PRESIDENT pro tempore. The Senator from Illinois proposes an amendment, which will be stated.

The SECRETARY. On page 25, after line 2, it is proposed to insert:

The Secretary of the Treasury is hereby authorized to have constructed a revenue cutter for use in the waters of the Territory of Hawaii, at a cost not to exceed $200,000, and the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be made immediately available, for such purpose.

Mr. CULLOM. I hope there will be no objection to the amendment.

Mr. ALLISON. We do not want to appropriate $250,000 for this purpose.

Mr. CULLOM. It is $200,000 for a revenue cutter. I reduced it $50,000. It is very much needed, and the Secretary of the Treasury recommends the provision in order to protect that coast from Chinamen and every other class of people who are trying to get into this country through the Hawaiian Islands.

Mr. PLATT of Connecticut. What is the amendment? I did not catch it.

Mr. CULLOM. It provides for a revenue cutter for the Hawaiian Islands.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. PETTIGREW. Is there an estimate for it?

Mr. CULLOM. I do not know whether there is or not, except that there is a letter from the Secretary of the Treasury, in which he says:

In my opinion it is essential that a vessel shall be provided for duty in those waters, and I therefore recommend the adoption of the amendment.

Which has just been read.

Mr. PETTIGREW. I shall not make the point of order against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. I have another amendment which I should like to submit. I move to insert, after line 7, on page 74, what I send to the desk.

The SECRETARY. On page 74, after line 7, it is proposed to insert:

To enable the Commissioner of General Land Office to examine and report on the public lands of the Territory of Hawaii, $10,000.

Mr. ALLISON. I am constrained to make the point of order on the amendment.

The PRESIDENT pro tempore. Will the Senator from Iowa state his point of order?

Mr. ALLISON. My point is that it is not estimated for.

Mr. CULLOM. Here is a long letter from the Commissioner of the Land Office urging very strongly that it be adopted, so that they can dispose of the lands there at some time or other.

Mr. ALLISON. What is the date of the letter?

Mr. CULLOM. February 13.

The PRESIDENT pro tempore. Has the amendment been favorably reported from any standing committee?

Mr. ALLISON. Not that I know of.

Mr. CULLOM. It has.

The PRESIDENT pro tempore. What committee?

Mr. CULLOM. It went to the Committee on Public Lands, I am told, and was reported favorably.

Mr. HANSBROUGH. I do not recall any provision of that kind being reported. I desire to say, if the Senator from Illinois will allow me, that while I believe there should be an investigation of the public-land question of Hawaii, because I think the public lands there are going to be frittered away, yet I do not think it ought to be done as proposed by the Senator from Illinois. I think a committee of this body and a committee of the other body should go there and make an impartial investigation. The Commissioner of the General Land Office can not himself go there. He will probably appoint somebody to go there, and we do not know whether or not they are the persons who ought to go and make this examination.

Mr. CULLOM. I withdraw the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. WARREN. I ask for the adoption of the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add as a new section the following:

SEC. —. That section 4 of the act of August 18, 1894, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," is hereby amended so that the ten years' period within which any State shall cause the lands applied for under said act to be irrigated and reclaimed, as provided in said section as amended by the act of June 11, 1896, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if the State fails within said ten years to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period of not exceeding five years, or may, in his discretion, restore such lands to the public domain.

Mr. WARREN. I wish to ask unanimous consent of the Senate for the adoption of the amendment. The amendment may be open to a point of order, but the substance of it is to extend the time for proofs of reclamation of certain lands that were to be irrigated under legislation which was embraced originally in the sundry civil appropriation act and later was amended in a sundry civil bill. The amendment provides that the ten years shall extend from the date of segregation rather than from the date of the original act.

I submit on this subject a communication from the honorable Secretary of the Interior, which I ask leave to print:

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1901.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
United States Senate.

SIR: Under your reference I have considered the amendment intended to be proposed by Mr. WARREN to the sundry civil bill, which amendment relates to the million-acre desert-land grant made to certain States in the arid region by section 4 of the act of August 18, 1894 (28 Stat., 372, 422). The granting act has been amended in an important particular by the act of June 11, 1896 (29 Stat., 413, 434; see 26 L. D., 74). The purpose of the amendment now proposed is manifestly a good one—namely, the extension of the time within which the irrigation and reclamation of lands segregated and intended to be granted shall be accomplished.

This grant was a departure from former legislation, and therefore in a measure experimental. In actual experience it has been attended with good results, but the great work involved in the irrigation and reclamation of such large quantities of land and the necessity of obtaining the requisite capital or the necessary combination of individual labor have been found to usually require the maximum time limited for the completion of the work—namely, "within ten years next after the passage of this act" (August 18, 1894). The effect of this limitation is that where arid lands were segregated soon after the passage of the act practically the full period of ten years could be employed in their irrigation and reclamation; but now, more than six years having elapsed, sufficient time does not remain within which lands segregated at this time could be irrigated and reclaimed.

The result is that the States will not receive the full quota of the lands intended to be granted, nor will the purposes of the act be anything like accomplished unless the limitation with respect to time be so changed that the period of ten years shall commence to run in each instance from the date of the segregation instead of from the date of the original granting act. To avoid any possible confusion in the matter, and to give full effect to the purpose underlying the amendment now proposed, I have caused to be drawn, and herewith submit, a substitute amendment, which I commend to your favorable consideration.

If this amendment is adopted the result will be that each State affected can from time to time obtain segregations of arid lands under this grant until the full amount of 1,000,000 acres is obtained, and with respect to each segregation there will be a full period of ten years allowed within which to complete the work of irrigation and reclamation. The substituted amendment also contemplates that there may be instances in which a failure to complete the work within the prescribed time will nevertheless be attended with such efforts and equities that an additional period should be allowed, and in this view it is provided that in case of such default the Secretary of the Interior, in his discretion, may continue the segregation for not exceeding five years, or may restore the lands to the public domain.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the amendment may be made to the bill. Is there objection? The Chair hears none, and it is accepted.

Mr. GALLINGER. Mr. President, I submit an amendment that I trust will go in the bill. For the purpose of possibly avoiding some debate, I will say that it has passed the Senate and has been reported favorably by another standing committee.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 13, page 149, insert:

That there be printed 6,000 copies of the document known as Messages and Papers of the Presidents, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress; and an edition of 10,000 copies shall be printed, to be held by the superintendent of documents and by him sold at the actual cost of publication.

Mr. ALLISON. I suggest to the Senator from New Hampshire that he omit the latter part of that amendment.

Mr. GALLINGER. I think that that is the most important part of it. Here are gentlemen going over the country imposing upon the people of this country by selling a public document for $35 that can be published for about nine or ten dollars, and they have brought themselves into such disrepute that a judge, Justice Childs, of the supreme court of the State of New York said the other day:

The plain purpose of the person who originated this system of obtaining subscribers for these books was to defraud the public. Such a scheme, permeated with fraud from start to finish, should not be permitted by sanction of any court to succeed.

If it ought not to be permitted by a court, it ought not to be permitted by the Congress of the United States, under whose sanction and by whose authority this publication was first issued.

Mr. President, I do not want to take the time of the Senate. I have a mass of documents here which show that a gigantic fraud is being perpetrated upon the people of this country. If any Senator will take the trouble to read an article in the New York Sun of this very day it seems to me that he will see the importance of the Government publishing an edition of this book, which it will sell to the people of the country at cost price, and not permit this fraud to continue any longer which is being perpetrated upon the people and upon the Congress.

Mr. CHANDLER. How recent are the transactions stated in the Sun, I will ask the Senator?

Mr. GALLINGER. Very recent.

Mr. CHANDLER. How recent?

Mr. GALLINGER. Within a very few days, Mr. President.

Mr. ALLISON. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. ALLISON. The reason why I made the suggestion is that an edition of 10,000 copies will not go very far to ameliorate the conditions now stated by him.

Mr. GALLINGER. It will be a starter.

Mr. ALLISON. As the Senator says, it will be a starter to a very large addition hereafter.

Mr. GALLINGER. I think so.

Mr. ALLISON. I withdraw any suggestion of amendment and will allow it to be passed.

The amendment was agreed to.

Mr. COCKRELL subsequently said: I want to make a request. In the amendment of the Senator from New Hampshire [Mr. GALLINGER], passed a few moments ago, for the publication of the Messages and Papers of the Presidents, the allotment is 2,000 to Senators and 4,000 to the members of the House. That is not sufficient. I ask unanimous consent that 3,000 may be inserted for the Senate and 6,000 for the House.

Mr. GALLINGER. I hope that may be done, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none.

Mr. GALLINGER. I will venture to express the hope, furthermore, that the conferees on the part of the Senate will see that this amendment remains in the bill, if they can do so.

Mr. JONES of Arkansas. I move to amend the bill by inserting at the proper place what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add to the bill as an additional section the following:

SEC. —. That the Secretary of the Interior be, and is hereby, authorized and directed to determine the value of certain condemned buildings formerly located on Hot Springs Mountain Reservation, and on the east side of Valley street, in the city of Hot Springs, in the State of Arkansas, which buildings were condemned by the Hot Springs Commission, and proof of value taken by said commission, under authority of law, and which were destroyed by fire on the night of the 5th day of March, 1877, before said commission had issued certificates for the value thereof, as they were authorized and directed, and did afterwards do for buildings similarly situated, but not burned. That the value of each building so condemned and burned shall be determined by the Secretary from the petitions and evidence filed before said commission by the owners and occupiers thereof, by order of said commission, and now on file in the Interior Department, or such other evidence as the claimants may file, and after such investigation as he may think proper.

That a sum of money sufficient to pay for such investigation and the claims so ascertained and fixed by the Secretary of the Interior be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of the Interior is hereby authorized and directed to pay to such person or persons, claimants, their executors, administrators, the sum or sums of money equal to the values so as aforesaid found by him.

That the Secretary of the Interior is required to report to Congress the results of his action under the foregoing section.

Mr. ALLISON. I make the point of order upon this amendment that it is not estimated for and, as I understand the reading, it is a claim. But in addition to that, it is now under consideration by the Committee on Appropriations on the deficiency appropriation bill, and has been partially rejected, I understand.

Mr. JONES of Arkansas. Mr. President, this provision has passed the Senate at this session. It has been reported favorably from a standing committee. It simply authorizes the Secretary of the Interior to adjust these claims, part of which have been already paid. By reason of the fact that the Hot Springs commissioners failed to issue certificates for the buildings that were burned, as they did for the buildings that were not burned, the Secretary of the Interior did not feel himself authorized to pay these claims, and it is to authorize the Secretary of the Interior to pay these just as all the others have been paid. That is the purpose of this amendment, and I do not think it is in any sense amenable to a point of order. Certainly these claims ought to be paid.

This matter has been standing for many years, and the only reason why it has not been settled is because the Secretary of the Interior has not considered himself authorized by the statute to

pay these claims because the certificates were not issued by the Hot Springs Commission. That is the only trouble.

Mr. PLATT of Connecticut. While the Chair is examining the amendment, will the Senator state just what it is that he is seeking pay for? I suppose he already stated it, but I did not hear him.

Mr. JONES of Arkansas. When the Hot Springs Commission was appointed by Congress years ago and went to Hot Springs with authority to make certain changes in the town, they were authorized to condemn buildings where it was necessary for it to be done to carry out the purposes. The commission condemned a number of buildings and took possession of them on the part of the Government, and rented them and collected the rent. While this was being done they ordered testimony to be taken as to the value of all these buildings. The testimony was taken. It was all in the hands of the commission. They had possession of the buildings; they were collecting rent on the buildings; and a fire broke out before certificates were issued, and a part of the buildings were burned. The commission did not issue certificates to the owners of the buildings that were burned, but did issue certificates for all the buildings that were still standing, when they should have issued certificates for all the buildings alike.

Mr. PLATT of Connecticut. Why did they not?

Mr. JONES of Arkansas. It was simply a technical misunderstanding on their part. There was no reason given except that they supposed that as the buildings were burned, they ought not to issue the certificates. That is what they ought to have done. This amendment simply authorizes the Secretary of the Interior to pay upon the testimony taken by them and at the time in the same way that other buildings were paid for.

Now, the Government had these buildings, had possession of the buildings, collected the rent on them, which rent went into the Treasury of the United States, and these people are entitled to the same pay as the others. They are a number of small claimants. They can not employ attorneys to help them here. The total amount is only about $30,000, or a little over, to be divided among fifteen, twenty, or twenty-five people, and the Secretary of the Interior ought to have the right to issue the certificates as the commission would have done at the time.

The PRESIDENT pro tempore. Was this bill passed at the present session of Congress?

Mr. JONES of Arkansas. I do not know that it was passed at this session. It was passed during this Congress.

The PRESIDENT pro tempore. The rule is that it must be passed during the present session.

Mr. JONES of Arkansas. The amendment I submitted shows the date at which it was passed; I do not remember the date. I hope the Senator from Iowa will not insist on a point of order. It would do an injustice to a number of people who are entitled to this money at the hands of the Government. The amendment simply authorizes the Secretary of the Interior to do what that commission should have done at the time.

Mr. SCOTT. I should like to ask the Senator from Arkansas a question.

Mr. JONES of Arkansas. I yield to the Senator from West Virginia.

Mr. SCOTT. Were the buildings that were burned insured; and if so, who collected the insurance?

Mr. JONES of Arkansas. I do not know that they were insured at all. I presume they were not. The Government had condemned them, had possession of them, was renting them and collecting the rent. When they were burned they were in the hands of the Government. For the other buildings that were not burned the commissioners issued certificates, and the money was paid. The only difficulty in this case was that the commissioners did not issue the certificates for the buildings that were burned when the testimony was taken.

Mr. HOAR. Allow me to suggest to the Senator from Arkansas that if these people, or any of them, collected any insurance the Secretary of the Interior will look out for that and will not issue certificates under the amendment.

Mr. JONES of Arkansas. That, of course, will be true.

Mr. COCKRELL. The individuals could not have insured it; it was not their property.

Mr. JONES of Arkansas. They did not have it.

The PRESIDENT pro tempore. The Chair finds that the bill was passed at the last session and not at the present session. It was passed April 26, 1900. The Chair is obliged to sustain the point of order.

Mr. JONES of Arkansas subsequently said: In view of the hardship done to a number of small claimants in the matter that I have just stated to the Senate, which must appeal to the sense of fairness of every American citizen, I ask unanimous consent that the amendment which I had read a few minutes ago may be incorporated in this bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the amendment offered by him a few moments ago may be made to the pending bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. At the bottom of page 88, after the word "dollars," line 26, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 88, after line 26, insert:

That the officer in charge of public buildings and grounds is hereby authorized to set apart a sufficient portion of Rawlins Park, in the District of Columbia, for the site of a memorial building to be erected by the National Society of the Daughters of the American Revolution, and to be used only for such purposes of said society as are authorized by its charter.

Mr. ALLISON. Did the Senator from West Virginia ask unanimous consent to have the amendment inserted in the bill?

The PRESIDENT pro tempore. He did not.

Mr. BURROWS. I will say to the Senator from Iowa that it is an amendment embodying the substance of a bill which has already passed the Senate, which had been reported in the first instance by the Committee on Public Buildings and Grounds. This amendment was offered by me as a proposed amendment to this bill and referred to the Committee on Public Buildings and Grounds, and it was reported favorably by that committee.

Mr. ALLISON. I shall raise a point of order if the amendment is proposed. I am not certain whether it is in order or out of order under the statement of the Senator, but if unanimous consent is asked I shall not object.

Mr. SCOTT. Then I ask unanimous consent that the amendment may be inserted in the bill.

The PRESIDENT pro tempore. The Senator from West Virginia asks unanimous consent that this amendment may be adopted. Is there objection? The Chair hears none, and it is so ordered.

Mr. HANSBROUGH. I move to insert after the word "districts," in line 16, page 72, the following words:

And the examination of surveying returns in the General Land Office.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "districts," line 16, page 72, it is proposed to insert:

And the examination of surveying returns in the General Land Office.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOAR. I move an amendment which passed the Senate at a prior Congress, has the entire approbation of the Committee on Appropriations, I understand, and will not be objected to.

The PRESIDENT pro tempore. Where will the Senator have the amendment inserted?

Mr. HOAR. At the foot of page 149.

The SECRETARY. At the foot of page 149 insert:

That sections Nos. 2529 and 2544 of the Revised Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

The salary of said appraisers shall be $4,000 each per annum, instead of $3,000 each, as now established by law.

Mr. SPOONER. The reference to the sections does not explain the amendment. I should like to ask the Senator from Massachusetts to explain it.

Mr. HOAR. This matter was fully stated to the Senate in the last Congress. It had the unanimous approbation of the Committee on Appropriations and of the Senate. There are two appraisers of merchandise for the port of Boston authorized by law, at $3,000 apiece. This amendment substitutes one appraiser and increases his salary to $4,000. So it is a saving to the Government in this respect of $2,000 a year.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CAFFERY. I offer an amendment to come in on page 59, after line 25.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 59, after line 25, insert:

That the Secretary of the Treasury is hereby authorized and directed to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 9006 and 14903 during the period between July 1, 1878, and February 21, 1882, both inclusive, in which he shall credit said company with nonland grant rates over that portion of its route between New Orleans and Morgan City, La., in accordance with the decision of the Court of Claims in case No. 1867, and shall pay to said company, out of any money in the Treasury not otherwise appropriated, such sum as shall remain due upon such adjustment.

Mr. ALLISON. I have no doubt that is a proper claim to be paid, but it is impossible to put all such provisions upon this bill. So I am constrained to raise the point of order that there is legislation in the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. CAFFERY. Mr. President, if you will permit me to make a statement about the point of order, this claim arises out of a ruling of the Postmaster-General in withholding 20 per cent of the pay of this railroad on the ground that it was a land grant railroad. That matter was taken before the Court of Claims and

the Court of Claims decided that the claimant company was not a land-grant railroad.

Now, Mr. President, the money is held in the Treasury of the United States in point of fact as in a trusteeship for this company. The claim is not only authorized by a report of the Committee on Claims favorably upon an amendment identical to this one to the sundry civil bill, but it has been sustained by the Court of Claims and it is now based upon the existing law. This money is unduly held in the Treasury, and is there to the credit of this railroad company. It occurs to me that the law authorizes the Postmaster-General to contract with this company, as any other company, for pay. The pay is withheld on an error, and you only execute existing law by paying the amount so withheld.

The amount is only 20 per cent of the original claim, and I am told by the Senator from Nevada [Mr. STEWART], who reported the claim favorably, that it does not amount to more than some $7,500. It is a just claim. The amendment certainly is not amenable to the point of order, and the claim ought to be paid.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. FAIRBANKS. I ask the unanimous consent of the Senate for the consideration of an amendment which I have sent to the desk.

The PRESIDENT pro tempore. The Senator from Indiana offers an amendment and asks unanimous consent for its insertion.

Mr. FAIRBANKS. It is to be inserted at page 131, after the word "judicial," in line 5.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After the word "judicial," line 5, page 131, insert:

That the commissioners heretofore appointed in pursuance of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, to revise and codify the criminal and penal laws of the United States, be, and they are hereby, directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

That in performing this duty the said commissioners shall bring together all statutes and parts of statutes relating to the same subjects, shall emit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and they may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

SEC. 3. That the said commissioners shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with head notes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same, and they shall provide by an index for an easy reference to every portion of such revision.

SEC. 4. That when the commissioners have completed such revision in accordance herewith, they shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that this amendment may be adopted as an amendment to the pending bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORGAN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following:

That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, subject to the approval of Congress, if such rights are acquired by contract, or by the Senate, if such rights are acquired by treaty for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movement of ships of the greatest tonnage and draft now in use from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean.

And in substantial accordance with the subsisting conventions with Nicaragua and Costa Rico in the words following, the agreement with each of said States being in identical terms:

Proctocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements in detail found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal. And the sum of $10,000 is hereby appropriated for these purposes, to be immediately available.

Mr. ALLISON. Mr. President——

Mr. MORGAN. Does the Senator from Iowa propose to raise the question of order?

Mr. ALLISON. I was about to say that I think this amendment is clearly not in order. It is general legislation; and I am compelled to make that point, although I am a friend of the Nicaragua Canal.

Mr. MORGAN. I merely wish to say a few words upon the point of order.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. MORGAN. Mr. President, all the money that has been appropriated for canal purposes by the Government of the United States heretofore has been on appropriation bills—some on the sundry civil bill, and some on the river and harbor bill. The first appropriation was made in the Fifty-fifth Congress in the following language:

For the purpose of ascertaining the feasibility, permanence, and cost of the construction and completion of the Nicaragua Canal by the route contemplated and provided for by an act which passed the Senate January 28, 1895, entitled "An act to amend the act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,' approved February 20, 1889," $20,000, to be expended under the direction of the Secretary of State.

That was the so-called Ludlow Commission. That commission went out and made a survey under this act of Congress in pursuance of a policy established by the Government of the United States in the prior acts chartering the Maritime Canal Company. In the Fifty-fifth Congress, first session, Congress enacted:

Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," into the proper route, the feasibility and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, $150,000; and to carry out this purpose the President of the United States is authorized to appoint, by and with the advice and consent of the Senate, a commission to consist of 1 engineer from the Corps of Engineers of the United States Army, 1 officer of the Navy, who may be taken from the active or retired lists, and 1 engineer from civil life, said commission to have all the powers and duties conferred upon the commission provided for in said act.

This was the first Walker commission. Both of those commissions went into the field and made their reports. Before that time the Government of the United States had also, through the Secretary of the Navy, caused a survey to be made by Menocal and others of this canal, at a cost of $400,000 or $500,000, as I understand.

At the next session of Congress came on the Walker commission, and the following provision was made under the act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899:

SEC. 3. That the President of the United States of America be, and he is hereby, authorized and empowered to make full and complete investigation of the Isthmus of Panama with a view to the construction of a canal by the United States across the same to connect the Atlantic and Pacific oceans; that the President is authorized to make investigation of any and all practicable routes for a canal across said Isthmus of Panama, and particularly to investigate the two routes known, respectively, as the Nicaraguan route and the Panama route, with a view to determining the most practicable and feasible route for such canal, together with the proximate and probable cost of constructing a canal at each of two or more of said routes.

And the President is further authorized to investigate and ascertain what rights, privileges, and franchises, if any, may be held and owned by any corporations, associations, or individuals, and what work, if any, has been done by such corporations, associations, or individuals in the construction of a canal at either or any of said routes, and particularly at the so-called Nicaraguan and Panama routes, respectively; and likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route; and likewise to ascertain the probable or proximate cost of constructing a suitable harbor at each of the termini of said canal, with the probable annual cost of maintenance of said harbors, respectively. And generally the President is authorized to make such full and complete investigation as to determine the most feasible and practicable route across said isthmus for a canal, together with the cost of constructing the same and placing the same under the control, management, and ownership of the United States.

I might stop right there, Mr. President, and insist with perfect security, I think, that this proposed appropriation of $10,000 is to enable the President of the United States to carry out an existing law, which requires him to ascertain what claims are against or in favor of other persons upon either of those routes of communication; and also, it seems to me, perfectly palpable that when the Government has in three enactments upon appropriation bills entered into the subject of surveying and ascertaining the practicability and feasibility of a canal route, what is the cost of it, and what is to be the cost of harbors, and the like of that, it is a clear proposition that it is in order for a succeeding Congress to carry out that purpose by any additional legislation it may see fit in order to accomplish the great purpose of building this canal.

Heretofore, Mr. President, in a great many instances the Congress of the United States have had surveys made with a view to public improvements, and spent money to have surveys made for a great many rivers and harbors, and after the Congress had gone to that extent I have never heretofore heard the point of order made that the Congress could not proceed to make an appropriation to carry out that state of law.

Was that a state of law, Mr. President, or not? If it was a state of law, of course Congress can proceed with it to complete its purpose. The policy is not doubtful. There is nothing in the way now of a completion of this purpose, but to enable the

President, through this little appropriation, or without it, if you please—I put the appropriation into the amendment in order that it might be an appropriation, not because it is perhaps absolutely necessary—but is there any reason why Congress can not now go forward, and with the assistance of this little appropriation complete the work of examining and removing whatever difficulty there may be in the way of the completion of this canal?

The Walker commission have come in here; they have examined two routes—the Panama route and the Nicaragua route; they have made their preliminary report, which was sent in here by a message from the President. In that report there are full estimates of all the cost of constructing every part of this canal, and also of the Panama Canal; but they have decided, in their own recommendation, at least, that the Nicaragua is the preferred route, the best route. In fact, they have decided, as I understand their report, that the Panama route is not feasible within, at least, the limit of any reasonable cost.

I could rest right here on this point of order. I could rest on the doctrine stated to-day very correctly by the Senator from Ohio that this is not a general appropriation; it is an appropriation for a specific purpose, and not for a purpose that is general to the whole of the laws of the United States; but I do not care to rest upon that proposition, or any one proposition. I think that I have demonstrated that this appropriation, when made, will be to carry out a purpose that has been declared by law upon these three appropriation bills and has been executed at a very great expense—an expense of at least a million and three or four hundred thousand dollars.

Is that to be thrown away? Are we to abandon it, or is this case in such condition as that it can not be touched upon another appropriation bill? Why has Congress been making these surveys upon appropriation bills if we can not now, in obedience to express enactment of the last Congress, clear off these difficulties and these incumbrances?

And likewise to ascertain the cost of purchasing all of the rights, privileges, and franchises held and owned by any such corporations, associations, and individuals in any and all of such routes, particularly the said Nicaraguan route and the said Panama route.

This commission has gone forward and has ascertained and reported upon claims that are stated by others to be valid. The object of this amendment to this bill, however, is not to reach those claims at all; it is not to pay them, or to provide a fund to pay them, for they will have to undergo scrutiny before they can be paid, if they are ever paid, if they are lawful. But still they exist and are reported to this Senate, sent through the message of the President for our consideration.

This amendment, however, contains another very important feature, and it is this: The President of the United States has made the following contract with Costa Rica and Nicaragua:

Protocol of an agreement between the Governments of the United States and of Costa Rica—

I read from the Costa Rican contract—

Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to the future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President is authorized by law—

I call the attention of the Senate to that language—

to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and operate a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

The President has made a preliminary agreement here with Nicaragua and Costa Rica by which certain rights are secured in the event that we authorize him by law to make that contract. If we do not authorize him by law to do so, that contract goes for nothing, it amounts to nothing, and the rights that have been acquired by this protocol of agreement are simply thrown away.

Before I proceed upon that point, I want to call the attention of the Senate to the question in regard to the value of these rights. Have we ever had with the States of Nicaragua and Costa Rica any rights by contract or by treaty, as the Government of the United States, to construct a canal through their country? We have had nothing of the kind, and we can not move in the direction of building a canal in Nicaragua and Costa Rica unless we do it by main force or else by agreement. The President has agreed with them, signed, sealed, and delivered an agreement; and in that agreement is the condition precedent that he shall be authorized by law to make it; and whenever he is authorized by law to make that agreement, then it becomes a binding obligation on Nicaragua and Costa Rica.

Until we get some agreement of that kind out of those two States it is utterly futile to talk about building a canal in Nicaragua or Costa Rica, or both of those States, until we have made up our minds that we intend to go down there, capture those countries, and compel them, as a matter of conquest, to give us those rights. Those States have come forward, agreed to give us those rights, subject, of course, to treaty modifications hereafter to be made; but the main body of those rights is accorded to the Government of the United States under this convention.

I put a provision in the amendment, which I have read, that if those rights are acquired by contract they shall be submitted to Congress for its ratification, and if acquired by treaty they shall be submitted to the Senate for its ratification; so that the President can not make an agreement about this matter at all without bringing back the whole matter to the consideration of either Congress or the Senate, according to whether he shall acquire those rights by treaty or whether he shall acquire them by contract. To keep control of the matter—and it is very important that Congress should do it—the President can not do anything, can not take a step, except to abandon the situation that has thus by him been deliberately taken, unless the following stipulation is complied with by the Congress of the United States:

It is agreed between the two Governments that when the President is authorized by law to acquire control of such portion, etc.

That then those Governments will assent to it upon the terms and stipulations that will be made hereafter.

What is this agreement? It is what we call a convention. Will it be ratified by the Senate or by an act of Congress? For either body can do it. That depends, first, upon the question whether it shall have a legal existence. What is requisite to give it legal existence? The assent of the Congress of the United States that the President may enter into such a contract with Nicaragua and Costa Rica.

Why did the President make this convention, this agreement? Was it simply to be abandoned? Was it a mask? Is it to be abandoned now without question? We compel the President to abandon it if we withhold our assent to it, if we do not confer upon him power to make it, for the reason that Nicaragua and Costa Rica put that provision in the contract itself.

Now the Senate of the United States is called upon to say finally and forever, so far as this matter is concerned, whether they are willing to empower the President of the United States to do what that contract requires him to do. That is what we have got to say now about it, and that is all that is asked here. There is a provision that when the President makes this agreement, either by treaty or by contract, he must bring it back to Congress for their approval.

Mr. President, under Rule XVI—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

There are treaty stipulations. If an existing law applies to a private claim, of course it applies with less force to a public claim, a claim of the right of the Government of the United States to go on and provide for a matter of this kind.

I am perfectly aware that there are Senators on this floor who are sensitive about this matter, but there is no occasion for any sensitiveness—not a particle. When the President is empowered to execute that agreement, he is empowered to do everything that lies in his constitutional right as President of the United States of a diplomatic nature; and if there is any government, like Great Britain, that claims the right to interfere with the action that Congress has taken here to-day, what is to prevent him under this bill from going on negotiating with Great Britain about that right? There is nothing at all. That matter is conjured up in the minds of gentlemen for the purpose of alarming themselves out of their duty as well as their propriety, it seems to me.

It is said that this business results from the fact that there are three more days remaining, or parts of three days remaining, one of them a holiday—the Christian Sabbath—during which the Government of Great Britain has the right to pass upon certain amendments that the Senate of the United States sent to Great Britain upon the Hay-Pauncefote treaty, and that is the only shadow that is in the way of this proceeding. If we pass this act, Great Britain can not find in its spirit or purpose any reason in the world for taking offense, unless she can really find it in the fact that these protocols of agreement were made by the President of the United States without her consent.

Was it contrary to the Clayton-Bulwer treaty that the President of the United States should make this agreement with Nicaragua and Costa Rica? Has this Government been placed in that attitude where our President has lost his constitutional power to make these agreements with Costa Rica and Nicaragua? If so, Mr. President, it is a very humiliating thing that the President of the United States should undertake to do a thing like this. He had a right to do it. Great Britain has no right to complain because all of the Presidential power still remains with him to negotiate and decide or agree with Great Britain as to any matter that may possibly affect their rights, claims, interests, feelings, or sensibilities.

Is not that all true? Is it not shown on the face of this amendment, and is it not true, that the President of the United States has entered into these agreements? What are we to do with them? It will not do for him to go and say to Nicaragua, "The Congress of the United States would have consented to give me this power, would have consented for me to make these agreements with you, but Great Britain objected, or somebody objected for Great Britain," for as yet we have heard of no objection from Great Britain. Great Britain has made no objection, so far as our Department of State is advised or so far as the Congress of the United States is advised.

It will not do to rest this case upon the ground that the President of the United States had no right and no business to make these agreements unless he felt that he had the authority to do it; and now for us to refuse to consent that he may have the authority to make such agreements is simply for us to turn the back of our hand to him and say: "You have violated your constitutional duty and your sense of propriety in making this agreement—this protocol—with Costa Rica and Nicaragua."

I therefore claim, Mr. President, that this amendment is justified by the state of the law in the United States, by the fact that we have dealt with this question on three appropriation bills in succession, by the proposition that it is not new legislation. It is not now new matter; it is not general legislation. It applies only to a specific purpose which Congress has itself adopted, and it is in order. It also is covered by the provision in the last clause of that treaty, which expressly reserves existing laws and existing stipulations of treaty out of this rule.

Is there nothing of treaty in this country except what has been ratified by the Senate? If, even upon what we know here to-day, it is necessary, in our opinion, for us to vote money for the purpose of assisting in the defense of our legations in China, or for any purpose connected with what is going on in China, we will be bound to do it, as we would have a right to do it, because what has occurred in China has occurred through the exercise of the diplomatic power of the President of the United States. We have made one treaty with China, and that, too, binds us.

Some of my colleagues on this side of the Chamber and on the other, perhaps, do not agree with me about that, that what the President of the United States has done in China binds the Government. It does bind it, and yet we have never had the terms of a treaty sent to us. We have had no communication from the State Department or from the President of the United States to show that we have made any agreement with the Chinese people at all. Yet men are having their heads cut off under a diplomatic agreement that we have made there. We are bound by it. We can not get rid of it, and do not want to get rid of it. There may be those who disapprove of it, but that is quite a different thing from denying the authority to make it.

I do not know, Mr. President, that I care to argue this question more fully on the point of order. I regret very much indeed that the Senator has made the objection. I think if there is any one case in which unanimous consent ought to apply—we seem to-day to have resorted to that way of getting rid of our rules—it ought to be in a matter in which the Government of the United States is so immensely concerned and upon which the people are so anxious to have a start made. If we abandon these protocols on this vote to-day, by ruling that the Senate of the United States has no power to act, or that it can not act upon this bill, then they go by the board. I suppose there will be some people who will be delighted with that, but the President of the United States ought not to be satisfied with it, when he himself has put the provision in the contract that it requires the assent of Congress to enable him to make this agreement.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The amendment offered by the Senator from Alabama proposes a new item to the appropriation bill. It is not offered or recommended by any standing or select committee——

Mr. MORGAN. It has been recommended by a standing committee.

The PRESIDING OFFICER. It does not appear that this amendment was offered by a standing or select committee.

Mr. MORGAN. It was.

The PRESIDING OFFICER. That does not appear upon its face.

Mr. MORGAN. It is recommended by a standing committee, and was sent to the Committee on Appropriations, and they have passed upon it.

The PRESIDING OFFICER. Nothing to that effect appears on the paper.

Mr. MORGAN. That may be, but that is the fact. It is so recommended.

The PRESIDING OFFICER. When was it reported from the committee?

Mr. MORGAN. The records here will show. It has been three weeks ago, at least; perhaps four.

The PRESIDING OFFICER. The amendment as now offered?

Mr. MORGAN. No; not exactly in the words now offered, but the body of the same amendment.

The PRESIDING OFFICER. Was the item of appropriation in it?

Mr. MORGAN. There was an indefinite appropriation in it, and I reduced that to $10,000.

I desire to say this to the Senate. I did not want to put a definite appropriation in here, for the reason that we are dealing with Nicaragua and Costa Rica. Suppose I had put in $5,000,000 or $10,000,000. They would have grabbed every cent of it, or perhaps they might have done so if I had put in a million dollars. The better plan is to have only enough appropriation to enable the President to send his commission there to deal with these questions, rather than to have a large appropriation here which might be a temptation to them to make demands upon us. I do not believe that those nations ought to charge us one single cent for the work we are doing, and I hope when they come to a proper knowledge of what is their interest and welfare they will not.

I did not want to place any temptation in the bill. So, when the bill was introduced with an indefinite appropriation, I thought it was better to reduce the sum so that there would be no temptation in it at all, and give the President only money enough to enable him to pay the expenses of the commissioners that he might find necessary to send to Nicaragua and Costa Rica.

The PRESIDING OFFICER. Without stopping to consider the question whether or not this amendment has been reported from a standing or select committee, the Chair sustains the point of order on the ground that it is general legislation.

Mr. MORGAN. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Alabama appeals from the decision of the Chair.

Mr. MORGAN. I wish to know if this matter is now open to argument?

Mr. GALLINGER. Yes.

The PRESIDING OFFICER. It is, within a reasonable limit.

Mr. MORGAN. Never mind about my limit; I will take care of my limit.

The PRESIDING OFFICER. The Chair will listen to the Senator from Alabama.

Mr. MORGAN. I ask the Senate to listen to the argument. It is not for the Chair to decide.

The PRESIDING OFFICER. In the first instance it is for the Chair to decide.

Mr. MORGAN. The Chair has decided, and I now appeal to a different body.

The PRESIDING OFFICER. The Senator from Alabama appeals from the decision of the Chair upon this question.

Mr. MORGAN. To the Senate——

The PRESIDING OFFICER. Will the Senator from Alabama allow the Chair to state the question?

Mr. MORGAN. Yes.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate; on which the Senator from Alabama is entitled to the floor.

Mr. HOAR. I rise to ask unanimous consent of the Senate to put in an amendment, to which I think there will be no objection. Does the Senator from Alabama object to my asking consent now, and then going on with his argument?

Mr. MORGAN. On a different subject?

Mr. HOAR. On a different subject entirely.

Mr. MORGAN. So I do not lose the floor, I do not care.

Mr. HOAR. Unless it is entirely agreeable to the Senator I will not make the request.

Mr. MORGAN. I do not want to lose the floor on this amendment.

Mr. HOAR. No; I understand. The Senator does not lose the floor. I only ask that he allow me to make this request. If it takes more than a minute I will withdraw it.

Mr. MORGAN. I yield to the Senator from Massachusetts without yielding the floor.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. I do for this particular purpose.

Mr. HOAR. I ask unanimous consent for the adoption of an amendment which has already been passed by the Senate at the present session. May I be allowed to say in one word that it is an amendment for the site and pedestal for the Longfellow statue, which is to be paid for by a corporation or an association of which the Chief Justice of the United States is president?

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that an amendment offered by him may be adopted. It will be read for information.

The SECRETARY. It is proposed to insert the following:

Statue of Henry Wadsworth Longfellow: For the preparation of a site and the erection of a pedestal for a statue of the late Henry Wadsworth Longfellow in the city of Washington, said site to be selected by and said pedestal to be approved by the chairman of the Joint Committee on the Library and the chairman of the Longfellow Memorial Association, $4,000, to

be expended under the direction of the officer in charge of public buildings and grounds: *Provided*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment proposed by the Senator from Massachusetts? The Chair hears none, and it is so adopted.

Mr. ALLISON. The amendment should be inserted on page 143.

Mr. MORGAN. Senators seem to have abandoned the Chamber. They have gone in search of dinner, or something of that kind, I suppose. I was about to suggest, if the Senate is willing, that we take a recess until 8 o'clock. Has any notice been given that the Senate would proceed in that order?

Mr. ALLISON. I desire to suit the convenience of the Senate. I had hoped that before 8 o'clock we could complete the bill.

Mr. HALE. We do not want a night session.

Mr. ALLISON. It is desired to avoid a night session if possible.

Mr. MORGAN. I would very much prefer——

Mr. ALLISON. I hope we can go right on, unless there is some reason personal to the convenience of the Senator——

Mr. JONES of Arkansas. The Senator from Alabama does not wish to go on to-night; and he proposes to be heard on this question, I understand. It seems to me, under the circumstances, it would be better to take a recess until 8 o'clock.

Mr. ALLISON. I hope we will go right on.

Mr. MORGAN. Does the Senator from Iowa say we must go right on?

Mr. ALLISON. I say I hope so. I of course submit to the Senate. If it desires to take a recess, very well.

Mr. MORGAN. I move that the Senate do now adjourn; and on that I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama that the Senate adjourn.

The motion was rejected.

Mr. JONES of Arkansas. The Senator from Alabama asked for the yeas and nays on the motion to adjourn.

Mr. HOAR. Will the Senator from Alabama allow me to make a suggestion for his convenience and that of others? I ask unanimous consent to make a suggestion simply.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

Mr. HOAR. I wish to ask the Senator from Iowa a question. This is a very important matter, and the Senator from Alabama, as we all recognize, knows more about it than any of the rest of us. My suggestion is, whether we could not have an agreement to go on and finish the rest of this bill to-night, and then let it stand over until morning for the purpose of dealing with the amendment of the Senator from Alabama alone, and let him then address the Senate on it.

Mr. MORGAN. I should be very glad to do that. I am willing to limit my remarks to-morrow morning to half an hour.

Mr. HOAR. Would not that be agreeable?

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from Massachusetts?

Mr. ALLISON. If it can be agreed to that immediately after the reading of the Journal to-morrow we can take up the matter and dispose of it by 1 o'clock and then go on and dispose of the remainder of this bill——

Mr. HALE. If the Senator will allow me——

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. MONEY. I desire to say something in regard to the proposition of the Senator from Iowa, which is that I gave notice to-day that I would take the floor after the routine business to-morrow in order to reply to the Senator from North Carolina [Mr. PRITCHARD].

The PRESIDING OFFICER. The Chair understood that the notice of the Senator from Mississippi was for 1 o'clock.

Mr. MONEY. One o'clock? Whatever it is.

Mr. HOAR. The Senator from Alabama says he will speak only half an hour after the reading of the Journal to-morrow morning.

Mr. HALE. If the suggestion of the Senator from Massachusetts can be adopted, the Senator from Iowa can go on and finish the bill, I have no doubt, in an hour.

Mr. HOAR. To-night?

Mr. HALE. To-night.

Mr. TELLER. To-night.

Mr. HALE. And nothing will be left except the amendment proposed by the Senator from Alabama, and then let that be taken up in the morning.

The PRESIDING OFFICER. The pending question, the Chair will state to the Senator from Maine, is on the appeal from the decision of the Chair.

Mr. HALE. Undoubtedly the unanimous consent will include that. The whole thing goes over until morning. In the meantime we can finish the rest of the bill, taking up only this item in the morning, and save Senators a night session, which nobody wants.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. PETTIGREW. I object.

The PRESIDING OFFICER. The Senator from South Dakota objects.

Mr. PETTIGREW. I shall object to all requests for unanimous consent until I have a vote upon the resolutions I offered to-day. They were talked out. Two hours was spent talking them out. I shall insist upon a vote on those resolutions, and shall object to requests for unanimous consent until they are voted on.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Alabama that the Senate adjourn.

Mr. ALLISON. I hope the Senator from Alabama will withdraw the motion to adjourn, and I will then move that the Senate take a recess until 8 o'clock this evening. That was the original suggestion of the Senator from Alabama. I had hoped we could finish this bill at an early hour, but I see it is impossible.

Mr. MORGAN. I withdraw my motion.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw the motion to adjourn?

Mr. MORGAN. I did. I said so.

Mr. ALLISON. Then I move that the Senate take a recess until 10 minutes after 8—a recess of about two hours.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate took a recess until 8 o'clock and 10 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 10 minutes p. m.

REPORTS OF A COMMITTEE.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 5929) for the relief of the heirs of the late Charles P. Culber, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 628) for the relief of Hamilton M. Sailors, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3288) for the relief of Daniel Coonan.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 5935) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.;

A bill (S. 6012) to provide an American register for the steam yacht *May;*

A bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana;

A bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided by said act;

A joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort; and

A joint resolution (H. J. Res. 306) concerning printing of additional copies of the annual report of the Geological Survey.

HOURS OF LABOR ON GOVERNMENT WORK.

Mr. PETTIGREW. I offer a resolution, and ask that it be read, and lie over until to-morrow.

The PRESIDENT pro tempore. If there be no objection the resolution will be received.

The resolution was read, as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of H. R. 6882, an act limiting the hours of daily

service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

The PRESIDENT pro tempore. The resolution will go over under the rule.

SAFETY APPLIANCES ON RAILROADS.

Mr. PETTIGREW. I offer a resolution, and ask that it may go over until to-morrow.

The PRESIDENT pro tempore. If there be no objection, the resolution will be received.

The resolution was read, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, and so forth, by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and so forth, approved March 2, 1893.

The PRESIDENT pro tempore. The resolution will go over under the rule.

UNIFORMS OF NAVAL OFFICERS.

Mr. ALLEN. I introduced a resolution of inquiry this morning, and I understand the Senator from New Hampshire withdraws his objection to it. I should like to have it considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let the resolution be read for information.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate if commissioned officers in the naval service promoted from the ranks are in any respect debarred the use of the uniform and other privileges of commissioned officers of the Navy; whether there is any distinction in the insignia of office of such officers and the officers graduates of the Naval Academy; and if so, why, and what steps are being taken, if any, to permit this class of officers to wear the regular insignia and uniform of the naval officers graduated at the Naval Academy.

Mr. CHANDLER. I am not going to object to the resolution, and only desire to say that the Senator from Nebraska will not find that there is any foundation for making the inquiry. All the officers of the same grade wear the same uniform, but the graduates of the Naval Academy become ensigns and officers in the Marine Corps. The officers to whom the Senator refers are warrant officers, and of course they do not wear the same uniform that ensigns and lieutenants in the Marine Corps wear; but they all wear the prescribed uniform for their grade, and the Senator will get nothing by his resolution.

Mr. ALLISON. I ask that the resolution may lie over, and I call for the regular order.

The PRESIDENT pro tempore. The Senator from Iowa objects to the resolution. It will take its place on the table.

Mr. ALLISON. I will allow the resolution to pass if the Senator from New Hampshire and the naval people are willing, and then I shall call for the regular order.

The resolution was considered by unanimous consent, and agreed to.

E. H. M'ELHENNY.

Mr. MCENERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to examine the petition, account, and evidence of E. H. McElhenny for expenses incurred and services rendered by him in rescuing, housing, feeding, clothing, and caring for shipwrecked sailors in the Arctic Ocean in the years 1897 and 1898, and to make a report to Congress at its next session, stating the result of his examination and what sum he considers adequate and proper to be paid to said McElhenny for such expenses and services.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

Mr. CLAPP. I have the permission of the Senator from Alabama to submit the amendment which I send to the desk to the bill under consideration, and I ask unanimous consent that it may be incorporated as an amendment to be inserted at the end of line 19, on page 9.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of an amendment to the pending bill.

The SECRETARY. At the end of line 19, on page 9, it is proposed to insert:

Post-office, court-house, and custom-house, St. Paul, Minn.: For extension of limit of cost of site and building from $1,050,000 to $1,150,000. That so much of the provisions of the act of Congress entitled "An act for the erection of a public building at St. Paul, Minn.," approved February 16, 1891, as authorized the Secretary of the Treasury, after the completion of the new United States post-office, court-house, and custom-house building, to sell and convey the present property of the United States in said city now occupied as a court-house, custom-house, and post-office, and of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898, as directs the Secretary of the Treasury to cause suitable accommodations to be provided in the new United States post-office, court-house, and custom-house building for all officials of the United States located in said city who are entitled to quarters in public buildings, are hereby repealed; and the Secretary of the Treasury is hereby authorized and directed to retain the custody and control of the property of the United States in said city now occupied as a court-house, custom-house, and post office, to rearrange and remodel the same as may be necessary for public business, and to assign the space therein to such officials located in said city who are entitled to offices in public buildings as in his judgment shall be proper; and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. CLAPP. I ask unanimous consent that this may be incorporated as an amendment, upon this ground: Some years ago the Federal Government undertook the building of a court-house and post-office at St. Paul. It soon became manifest that the old building would still be required. The Secretary of the Treasury has recommended the retention of the old building. This amendment has been recommended by the Committee on Public Buildings and Grounds, and I understand that the Senator from Iowa, who has in charge the bill under consideration, has no objection to it. Therefore, I ask unanimous consent that it may be accepted as an amendment.

Mr. ALLISON. I do not object to the amendment, although I think it is not necessary, and I will allow it to go in. It does not change existing law, I believe. The Secretary recommends it, and I am perfectly willing that it may go in, as it does not change the existing law in any way.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Minnesota.

The amendment was agreed to.

Mr. MONEY. I desire to offer an amendment to this bill, to come in—I suppose a good place would be on page 4, after the fifth line.

The PRESIDENT pro tempore. Will the Senator from Mississippi pardon the Chair for a moment? What was the understanding at the time the recess was taken? There was pending an appeal from the decision of the Chair.

Mr. ALLISON. I understand that appeal is now pending.

Mr. MORGAN. Is the appeal now before the Senate?

The PRESIDENT pro tempore. The appeal is before the Senate, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. I do not desire to discuss the appeal in the absence of Senators. I would rather know whether they are here or not.

Mr. TELLER. What was the ruling of the Chair?

The PRESIDENT pro tempore. That the amendment offered by the Senator from Alabama [Mr. MORGAN] was out of order.

Mr. HOAR. Let the amendment be read so far as to show its character, so that Senators who were not present when the appeal was taken may understand it.

Mr. TELLER. I was here, but there was so much confusion in the Chamber that I could not tell what happened.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, subject to the approval of Congress, if such rights are acquired by contract, or by the Senate, if such rights are acquired by treaty, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, and in substantial accordance with the subsisting conventions with Nicaragua and Costa Rica in the words following, the agreement with each of said States being in identical terms:

Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal. And the sum of $10,000 is hereby appropriated for these purposes, to be immediately available.

Mr. COCKRELL. I ask unanimous consent that the amendment, as it will lead to discussion, may be temporarily laid aside, and some other amendments considered first. I hope the Senator from Alabama will consent to that.

Mr. MORGAN. I have no objection to consenting to that, but I do not want to be thrown way down into midnight.

Mr. COCKRELL. Oh, no. It is only for a short time—at the will of the Senator.

Mr. MORGAN. Very well.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the appeal and the amendment be temporarily laid aside. Is there objection? The Chair hears none.

Mr. MONEY. I desire to offer an amendment, to be inserted on page 4, after line 5. The amendment is favorably reported by the

Committee on Public Buildings and Grounds, and is recommended by the Attorney-General, and has passed the Senate once before.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be read.

The SECRETARY. It is proposed to insert, after line 5, on page 4:

For the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., $332,500, and the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose hereinafter provided, the following-described real estate, with the improvements thereon, known and designated as original lots Nos. 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., and containing 17,733 square feet, lying and being at the corner of Pennsylvania avenue and Seventeenth street NW., fronting on Pennsylvania avenue 106 feet and on Seventeenth street 160 feet, and being the property of the Corcoran Gallery of Art. Said property to be used by the Court of Claims, or for such other purposes as may be determined: *Provided*, That the same can be secured for a sum not exceeding $332,500; and so much of the act entitled "An act to provide for the erection of a building for the Department of Justice," approved March 3, 1899, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims," be, and the same is hereby, repealed.

Mr. ALLISON. What did the Senator from Mississippi ask as to this amendment?

Mr. MONEY. I ask that it be adopted as an amendment.

Mr. ALLISON. I shall object to it at the present moment. Let it lie over for the present.

Mr. MONEY. I could not hear the Senator from Iowa.

Mr. ALLISON. I asked the Senator to let it lie by for the present.

Mr. MONEY. Without prejudice?

Mr. ALLISON. Certainly.

Mr. MONEY. I have no objection.

Mr. GALLINGER. I submit an amendment that has been favorably reported by the Committee on the District of Columbia and referred to the Committee on Appropriations. I move that it be inserted after line 4, page 39.

The SECRETARY. On page 39, after line 4, it is proposed to insert the following:

For the purchase by the Commissioners of the District of Columbia of the land necessary to provide a park way connecting Rock Creek park with Connecticut avenue between Klingle Ford road and Pierce Mill road, not less than 17 acres in area, $125,000: *Provided*, That the streets laid down on the highway extension plans abutting the ground selected for said park way shall be dedicated to the District of Columbia before any of the appropriation hereby made shall be expended: *And provided further*, That one-half of the amount herein appropriated be paid from the revenues of the District of Columbia.

Mr. ALLISON. I hope the amendment will not be agreed to. That was considered by the Committee on Appropriations on the District of Columbia appropriation bill. It properly belongs there, and I trust the Senator from New Hampshire, under the circumstances, will not press it at this time.

Mr. GALLINGER. The amendment was more carefully considered by the Committee on the District of Columbia than it possibly could have been by the Committee on Appropriations. The Committee on the District of Columbia, or a majority of them, closely investigated this property, and came to the conclusion that it ought to be purchased in connection with the magnificent park that we have dedicated to the uses of the country. It is the only decent approach that there is to the park. It is a magnificent property. The present owner has expended $40,000 on it, which is practically given to the Government if we make the purchase. The value of the property is undisputed. It ought by all means to be purchased at the present time as a matter of economy.

In a letter addressed to the chairman of the Committee on the District of Columbia by Capt. Lansing H. Beach, of the Corps of Engineers, a member of the Board of District Commissioners, attention is called to the fact that Mr. William P. Richards, engineer in charge of highway extensions, who has, according to Captain Beach, as much knowledge of values as anyone in the District, estimates it to be worth 30 cents per square foot. He estimates that the 17 acres suggested for park purposes are worth from $4,000 to $12,000 per acre. Then Commissioner Beach says:

When the condition of dedication of streets is taken into account it is believed that the price at which the land is offered—$125,000—is quite reasonable. This would be for the purchase of 17 acres conditioned on the donation of 6½ acres more, or 23½ acres in all, which would make the cost about $5,375 per acre. It is known that the portion of the land immediately adjoining Connecticut avenue could be sold for from 50 to 60 cents per square foot.

If we deduct the $40,000 which it is conceded Mr. Waggaman has expended on that property, it is to cost the Government $85,000, or $5,375 an acre, when Mr. Richards, who is acknowledged by everybody to be as good a judge of property as there is in the District, and who is not engaged in the purchase or sale of real estate, estimates it to be worth from four to twelve thousand dollars an acre, an average of $8,000 an acre.

I venture to say that if Senators could examine the map that I have here, which they can not do to-night, and see the location of this land as I have done, and as almost every member of the District Committee has done, making a personal visit to it, I feel sure that there would be no vote in opposition to this amendment. It has been given very careful consideration by the committee that is supposed to take a little more interest in the affairs of this District than any other committee of this body, including the Committee on Appropriations.

I hope, Mr. President, that the amendment will become a part of the bill.

Mr. STEWART. I want to appeal to the chairman of the committee not to object to this amendment. I have been out there to see this land. It is manifest that the District would buy it and buy it in any near time in the future at a very much increased price. It seems to me absolutely essential for the entrance to the park. Although very familiar with that part of the District, until it had been developed and streets laid out I had no conception of the importance of the acquisition of this land. If we are going to have a national park it will be bought of course, and now it can be bought cheaper than at any other time.

I hope the chairman will allow a proposition so manifestly important as this to go through. It is one of those things that ought to be adopted now, and not have the park clogged up by one or two entrances of the park that would have been very much more improved if bought earlier. I think a postponement means more expense and perhaps a blocking up of the park in every direction.

Mr. ALLISON. All I have to say respecting the amendment is that this question was thoroughly and carefully considered by the Committee on Appropriations. I personally visited the land proposed to be purchased. It is a desirable purchase in very many respects, but the appropriations for the District of Columbia have far exceeded the appropriations for the District in many years. Indeed, I believe there never have been such large appropriations before, and it seems to me that this, like many other necessary things, must be postponed. But if the Senate desires to put it upon the bill, I shall be content with its action.

Mr. ALLEN. Mr. President, I do not think I can be charged with favoring the District of Columbia, or appropriations for it, to any considerable extent. I am in favor of economical appropriations for this District and for this city. I know no reason why the Government should be more liberal with the city of Washington than it is with any other city in the United States aside from beautifying the Capitol and other public grounds.

I have had occasion to go over this ground several times within the last four or five years. It is a delightful ground, as no doubt all Senators here know by having traveled through it and over it. I believe this appropriation is wise and just. I believe to make this appropriation to-day will save the Government of the United States probably three or four hundred thousand dollars within the next two or three years in the purchase of this identical ground.

For that reason I trust the chairman of the Committee on Appropriations will not resist the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" have it.

Mr. ALLISON. I feel constrained to ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. BUTLER. Let the amendment be read.

The PRESIDENT pro tempore. It will be again read.

The SECRETARY. On page 39, after line 4, insert:

For the purchase by the Commissioners of the District of Columbia of the land necessary to provide a park way connecting Rock Creek Park with Connecticut avenue between Klingle Ford road and Pierce Mill road, not less than 17 acres in area, $125,000: *Provided*, That the streets laid down on the highway extension plans abutting the ground selected for said park way shall be dedicated to the District of Columbia before any of the appropriation hereby made shall be expended: *And provided further*, That one-half of the amount herein appropriated be paid from the revenues of the District of Columbia.

Mr. BUTLER. Mr. President, I have heard several Senators express the opinion that if the Government did not buy this land now, we would have to pay one hundred thousand or two hundred thousand or three hundred thousand dollars more for it within a few years. If that were true the men who own the land, and who know more about real estate than Senators, would not sell it now at that price.

Mr. GALLINGER. I did not say that.

The PRESIDENT pro tempore. The yeas and nays having been ordered, the roll will be called on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. In his absence, I withhold my vote. If he were present, I should vote "nay."

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. Were he present, I should vote "nay."

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS], and withhold my vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT], and withhold my vote.

Mr. MCLAURIN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD].

In his absence, I withhold my vote. If he were present, I should vote "nay."

Mr. MARTIN (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. SPOONER (when his name was called). I am paired with the Senator from Tennessee [Mr. TURLEY]. I do not know how he would vote, and I withhold my vote.

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). My colleague [Mr. TALIAFERRO] is unavoidably absent. I do not know how he would vote if he were here.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON]. In his absence, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER]. I do not see him in the Chamber. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CLARK. I have a general pair with the Senator from Kansas [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. NELSON (after having voted in the negative). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I suggest to the Senator from South Carolina [Mr. TILLMAN] that we transfer our pairs and both vote.

Mr. TILLMAN. That is agreeable to me.

Mr. NELSON. Under the transfer the Senator from Missouri [Mr. VEST] and the Senator from Nebraska [Mr. THURSTON] will stand paired. I have voted.

Mr. TILLMAN. I vote "yea."

Mr. BACON. In the absence of the junior Senator from Rhode Island [Mr. WETMORE] I withhold my vote. I have a general pair with that Senator.

Mr. SCOTT. I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I will transfer that pair to the junior Senator from Massachusetts [Mr. LODGE] so that the Senator from Georgia [Mr. CLAY] and I can vote, if that is agreeable to the Senator from Georgia.

Mr. CLAY. Then the junior Senator from Massachusetts [Mr. LODGE] will stand paired with the junior Senator from Florida [Mr. TALIAFERRO]. I am willing.

Mr. SCOTT. I vote "yea."

Mr. CLAY. I vote "nay."

Mr. HANNA. I transfer my pair with the Senator from Utah [Mr. RAWLINS] to the Senator from Kansas [Mr. BAKER] and I vote "nay."

Mr. MONEY. I have a general pair with the Senator from Oregon [Mr. MCBRIDE], which I transfer to the Senator from Kansas [Mr. HARRIS], who is paired with the Senator from Wyoming [Mr. CLARK], so as to enable the Senator from Wyoming and myself to vote. I vote "nay."

Mr. CLARK. I vote "nay."

Mr. THURSTON (after having voted in the negative). I understand that my pair has been transferred so that I stand paired with the Senator from Missouri [Mr. VEST], and I withdraw my vote.

The result was announced—yeas 16, nays 29, as follows:

YEAS—16.

Allen,	Gallinger,	McMillan,	Scott,
Chandler,	Hansbrough,	Mallory,	Stewart,
Dillingham,	Jones, Nev.	Pettigrew,	Teller,
Frye,	McCumber,	Proctor,	Tillman.

NAYS—29.

Allison,	Culberson,	Jones, Ark.	Platt, Conn.
Bard,	Cullom,	Kean,	Sewell,
Berry,	Daniel,	Kearns,	Shoup,
Butler,	Dolliver,	Lindsay,	Simon,
Carter,	Fairbanks,	McComas,	Sullivan.
Clark,	Hanna,	Money,	
Clay,	Hawley,	Nelson,	
Cockrell,	Hoar,	Pettus,	

NOT VOTING—43.

Aldrich,	Elkins,	McLaurin,	Spooner,
Bacon,	Foraker,	Martin,	Taliaferro,
Baker,	Foster,	Mason,	Thurston,
Bate,	Hale,	Morgan,	Turley,
Beveridge,	Harris,	Penrose,	Turner,
Burrows,	Heitfeld,	Perkins,	Vest,
Caffery,	Kenney,	Platt, N. Y.	Warren,
Chilton,	Kyle,	Pritchard,	Wellington,
Clapp,	Lodge,	Quarles,	Wetmore,
Deboe,	McBride,	Quay,	Wolcott.
Depew,	McEnery,	Rawlins,	

So Mr. GALLINGER'S amendment was rejected.

Mr. DANIEL. I desire to offer an amendment to the first section of the amendment of the Senator from Indiana [Mr. FAIRBANKS], the report of the Committee on the Revision of the Laws, as to the codification of the general laws of the United States. The words that I desire to insert are written in the amendment which I offer. I ask the Secretary to read the whole, so as to see how it would read with the words inserted. I will call attention to my amendment after he has finished the reading.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

That the commissioners heretofore appointed in pursuance of an act of Congress entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, to revise and codify the criminal and penal laws of the United States, together with two additional commissioners whom the President is hereby authorized to appoint, by and with the advice and consent of the Senate, be, and they are hereby, directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto all laws of the United States of a permanent and general nature in force at the time when the same shall be reported: *Provided*, That not more than three of the said commissioners shall be of the same political party.

Mr. DANIEL. The only changes which the amendment which I offer would make in the text of the bill as it now is are contained in these words:

Together with two additional commissioners, whom the President is hereby authorized to appoint, by and with the advice and consent of the Senate.

And the additional words at the end of the section:

Provided, That not more than three of the said commissioners shall be of the same political party.

I desire to say that I submitted this amendment to the chairman of the Committee on the Revision of Laws, and he stated that he had no objection to it.

Mr. ALLISON. May I ask a question of the Senator from Indiana? I understood the Senator from Indiana [Mr. FAIRBANKS], by unanimous consent, to have inserted something upon this same subject during the day.

Mr. FAIRBANKS. The amendment which I offered was adopted this afternoon. The Senator from Virginia happened to be absent from the Chamber when the amendment was offered.

Mr. ALLISON. If we are to modify and change all these amendments that go on the bill by unanimous consent, we shall never get through with the bill.

Mr. DANIEL. I happened to be out of the Senate Chamber about three minutes. I had been watching this matter all day, and I gave the closest attention to it.

Mr. ALLISON. What is the effect of the amendment proposed by the Senator from Virginia?

Mr. DANIEL. I will explain it. There are now three commissioners who were appointed to revise and codify the criminal laws of the United States. They have not yet made their report of the codification. Since their appointment they have had other legal tasks of the same description imposed upon them by Congress. It is proposed by the amendment to this bill which was offered by the Senator from Indiana, as I understand, to make it the duty of these three commissioners to revise and codify all of the general statutes of the United States—those that are of a permanent and general nature.

Mr. ALLISON. The substance of what the Senator proposes is to add two commissioners.

Mr. DANIEL. The amendment which I offered is to make a commission of five, and to make it a commission not entirely composed of one party.

Mr. ALLISON. That is right enough. Now, does the amendment of the Senator contemplate changing some one of the three commissioners?

Mr. DANIEL. None. It retains them.

Mr. ALLISON. Very well.

Mr. DANIEL. The only words contained in the amendment which I offered were these:

Together with two additional commissioners whom the President is hereby authorized to appoint, by and with the advice and consent of the Senate.

And the provision that not more than three of the five shall be of the same political party; that is all.

Mr. FAIRBANKS. I do not think, Mr. President, that the addition of two commissioners is at all necessary. Nor do I think it wise or possible to divide them between political parties as proposed. It is my opinion that three good commissioners can do the important work of codifying the laws which they now have in charge as well, if not better, than it would be done by a larger commission. The Senator from Virginia does not assent to this view. I realize that we differ sharply.

A general revision of the statutes of the United States is greatly needed. The bench and the bar are earnestly demanding a revision. The amendment offered by me and adopted requires that the commissioners, among other things—

shall bring together all statutes and parts of statutes relating to the same subjects, shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and they may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

The statutes as revised and codified by the commission may be

reenacted by Congress if it shall so determine. It is very important that the commission should be continued and the scope of its work enlarged. It was appointed by virtue of an act approved June 4, 1897, providing for commissioners to revise and codify the criminal and penal laws of the United States. It has done much, and I believe, good work. There is no good reason why the commission should be either enlarged or appointed in the manner proposed by the honorable Senator from Virginia.

Mr. PLATT of Connecticut. I should like to inquire what is the complexion of the three commissioners who have already been appointed?

Mr. DANIEL. The present commission consists of Judge Botkin, of Montana, I think, Mr. Watson, of Ohio, and Mr. Bynum, of Indiana. They were appointed to codify the criminal laws, and the amendment which has been ingrafted upon this bill imposes upon them the additional duties of revising and codifying all the laws of the United States of a permanent and general character.

Mr. PLATT of Connecticut. Then this amendment of the Senator from Virginia proposes to appoint two additional commissioners, both of whom shall be Democrats? Is that the proposition?

Mr. DANIEL. The problem would first have to be solved as to what political party one of the commissioners belongs, and I do not consider myself at all capable of making the solution.

Mr. PLATT of Connecticut. I rose for the purpose of saying that if I were otherwise disposed to vote for the amendment, and I think I should be, I should vote against it because of the proposition to limit the President in his appointment of a commission or portions of a commission to codify all the laws of the United States to persons of one political party. I would have no objection to the President being left free to appoint all Democrats on that commission, if he chose to do so; but I can not vote for a proposition which directs the President to appoint only Democrats or only Republicans, as the case may be.

Mr. DANIEL. I think the honorable Senator from Connecticut would probably change his opinion as to the nature of this amendment if he knew its history. It was proposed by the Committee on the Revision of the Laws to take the commission as now constituted, and which consists entirely of gentlemen who are the supporters of this Administration, let them be called what name you please, in lieu of a new commission to be appointed, and require them to revise the laws of a permanent and general nature of the United States.

The amendment which I proposed and is now lying on the table as a substitute for that amendment was one which authorized the President to appoint five commissioners to revise the general civil laws of the United States and requiring that not more than three should belong to the same political party. I laid that aside and adopted this language in deference to the opinions of gentlemen of the Senator's own political party who thought that this was the shortest way of getting at that result.

Now, Mr. President, I have a word or two to say on the general subject. It will be observed in looking at the amendment which was offered by the Committee on the Revision of the Laws that this commission is charged with a very grave and far-reaching legal duty. It requires them to take the Statutes of the United States that are to-day extant, and to revise and codify them, and provides that in this revision and codification they may change the substance of existing law, and make any alteration in them that they see proper.

Mr. President, this is a great country. It contains in one compact area over 76,000,000 people and 45 different States. All the general statutes concern, some more and some less, different communities in the United States. As a task to be confined to three lawyers, all of the same political persuasion, it seems to me that the provision contains nothing in it of the liberality of our institutions and of the generosity which should pervade our legislation concerning them.

In the Senate it is always the custom to make no committee all from one political organization. In the New England States it is customary even upon their high courts of judicature almost invariably to see to it that the minority political organization is represented by one judge. In my judgment you will always find a more liberal body when it is composed of those which represent opposing political opinions than when it is composed of a set of men whose minds are continually running in one rut and whose ideas are turned simply into certain grooves which education and environment and prejudice have put them.

The general laws of the United States ought not to be revised and codified by any partisan body or by any body whose minds are accustomed to run in one political channel. And above that, Mr. President, a country so vast as this is, with such diverse interests, ought to have as much of the diversity of interest represented on such a board as is consistent with its practical operations.

I know of no condition of the country in which it is not wiser to have a board so composed; and between any narrow and contracted view of a subject of this kind and the broader and more liberal view it is always well to give breadth and liberality the preference.

Mr. PLATT of Connecticut. Mr. President, this seems to me to be a matter of principle. I do not know but that it is in the power of Congress to limit the appointing power of the President to persons of one political party. It may be. I express no opinion on that subject. I have heard very interesting discussions on the subject as to whether it was not a limitation on the appointing power of the President. But I think it is unwise and impolitic in principle for the appointment of men to perform legal duties to provide that they shall be selected from one or from two political parties.

I should have no objection to the appointment of two Democrats if the President chose to appoint two Democrats on this commission; but I think that Congress should no more limit him in the selection of men to perform the important work of revising the statutes of the United States than it should limit him in the appointment of a judge, when we provide for a new judge.

I agree with the Senator from Virginia that it is wise to have men of both political parties represented in the appointment of judges and persons who are to perform such services as this; but I can not agree that the President should be directed to appoint a man from one political party. We passed a bill for the creation of a new circuit judge in the State of New York. What would the Senator from Virginia have said if we had provided in that bill that the judge appointed from New York should be a Democrat, or be a Republican?

Mr. DANIEL. I do not think it likely you would have done that.

Mr. PLATT of Connecticut. I think the Senator would have been one of the first to say that we ought not by act of Congress to attempt to limit the President in his selection of a judge to one political party or another political party.

Mr. President, with me it is a matter of principle. If the Senator will strike out that clause, I shall be happy to vote for his amendment.

Mr. DANIEL. There are two propositions. The Senator can vote for one and against the other.

Mr. PLATT of Connecticut. But I can not vote for an amendment with that clause in it.

Mr. DANIEL. Mr. President, I appreciate what the Senator from Connecticut [Mr. PLATT] says, but I did not suppose there was anything that Congress could not do, after seeing the Army bill pass through this body without any objection, or very little objection on that side, which limited men in every conceivable way as to description, which almost made a photograph of the man desired to be appointed on the staff and to other Army positions.

Furthermore, our experience in such matters as this, when the statute has not pointed out the discrimination in parties which is desired, is that the President is immediately beset by his own party to nominate and appoint those who are of its numbers.

We have just seen this matter illustrated in the Industrial Commission, which was proclaimed to the world as a nonpartisan commission. As soon as the words were taken out of the act which required a division in that commission to be made between the political parties, it became almost entirely a Republican body.

Mr. MALLORY. It is now.

Mr. DANIEL. It is now, as I understand from one of its members, composed of gentlemen all of whom belong to the Republican organization.

Mr. CULLOM. I do not think that is so.

Mr. DANIEL. Except the Congressional representation.

Mr. CULLOM. I was going to inquire about that.

Mr. MALLORY. All the Presidential appointees are Republicans.

Mr. CULLOM. I understand.

Mr. DANIEL. All the members who were created by executive appointment belong to the Republican organization. The appointing power ought to be saved from the inevitable pressure of political friends to make any public organization solely a political body.

This Industrial Commission was started upon the broad plane of having no politics in it. They were not going to consider partisan political questions; they were to spare them in their investigation; they were to be gentlemen sitting on serene heights, undisturbed by those questions which affect the minds of the American people and distribute them into political organizations. But the moment you took away from that commission this safeguard it crystallized as a Republican body.

Mr. President, these commissionerships are very different from the official bodies that administer the Government. They are more like referees in chancery, who have no authoritative power, but who yet, from their contact with the people and the various questions which are involved in their work, ought to be of a representative relation.

If the Democratic party should ever come to power aga'n within

any time that I had the honor to be one of its members, I should like to see them rigidly enforce the doctrine of giving a fair division in all such matters as this to their political opponents.

I am not claiming it as a Democrat, but as a just principle of government, which any man who has observed public affairs for a long time and has become familiar with the tendency of things ought to recognize as a wholesome and beneficial agency in government. It is better for the people of the United States that partisanry in such a matter should be softened by bringing those who represent the different political bodies together, and that all ideas which are embodied into law should be illumined and contributed to by the diverse mentality of the country, which comes from the combination of various views and experiences.

It is wise and good legislation; and I hope that the Senate will adopt this amendment and relieve the President from the plague of having office seekers, and those who must necessarily represent them, constantly besieging him to make his party the whole thing in the matter and to regard the other as outcasts unworthy of consideration.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Virginia. [Putting the question.] By the sound, the "noes" have it.

Mr. DANIEL. I call for a division, Mr. President.

The question being put, there were on a division—ayes 18, noes 21: no quorum voting.

Mr. MORGAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Kansas [Mr. BAKER] and vote. I vote "nay."

Mr. HEITFELD (when his name was called). I am paired with the Senator from New York [Mr. PLATT].

Mr. MALLORY (when his name was called). I have a general pair with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MONEY (when his name was called). I have a general pair with the Senator from Oregon [Mr. MCBRIDE]. I transfer that pair to the Senator from Kansas [Mr. HARRIS], thus relieving the Senator from Wyoming [Mr. CLARK] from his pair, and I shall vote. I vote "yea."

Mr. MORGAN (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. QUAY], but, in order to have a quorum to-night, I shall vote. I vote "yea."

Mr. SPOONER (when his name was called). As I have already announced, I have a pair with the Senator from Tennessee [Mr. TURLEY], who will not return at this session. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. SULLIVAN (when his name was called). I am paired with the junior Senator from Illinois [Mr. MASON], and therefore withhold my vote.

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER].

The roll call was concluded.

Mr. CLARK. Under the transfer suggested by the Senator from Mississippi [Mr. MONEY], I vote "nay."

Mr. NELSON. I have a general pair with the Senator from Missouri [Mr. VEST]. I transfer that pair to the Senator from Colorado [Mr. WOLCOTT], and vote. I vote "nay."

The result was announced—yeas 19, nays 33, as follows:

YEAS—19.

Allen,	Clay,	McEnery,	Stewart,
Bacon,	Culberson,	Martin,	Taliaferro,
Berry,	Daniel,	Money,	Teller,
Butler,	Jones, Ark.	Morgan,	Tillman.
Chilton,	Lindsay,	Pettus,	

NAYS—33.

Allison,	Elkins,	Kean,	Sewell,
Beveridge,	Fairbanks,	Kearns,	Shoup,
Carter,	Frye,	Lodge,	Simon,
Chandler,	Gallinger,	McComas,	Spooner,
Clark,	Hanna,	McMillan,	Thurston,
Cockrell,	Hansbrough,	Nelson,	Wetmore.
Cullom,	Hawley,	Pettigrew,	
Dillingham,	Hoar,	Platt, Conn.	
Dolliver,	Jones, Nev.	Scott,	

NOT VOTING—33.

Aldrich,	Foraker,	McLaurin,	Quay,
Baker,	Foster,	Mallory,	Rawlins,
Bard,	Hale,	Mason,	Sullivan,
Bate,	Harris,	Penrose,	Turley,
Burrows,	Heitfeld,	Perkins,	Turner,
Caffery,	Kenney,	Platt, N. Y.	Vest,
Clapp,	Kyle,	Pritchard,	Warren,
Deboe,	McBride,	Proctor,	Wellington,
Depew,	McCumber,	Quarles,	Wolcott.

So Mr. DANIEL's amendment was rejected.

Mr. DANIEL. Mr. President, the Senator from Alabama [Mr. MORGAN] desires to go on with the Nicaragua Canal amendment now, and I will not press this matter at this moment any further. When the appropriate time arrives, however, I will present this amendment in a different shape, and hope it may then be adopted.

The PRESIDENT pro tempore. The question before the Senate is on an appeal from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. Mr. President, to save the Senate from the infliction of a speech and myself from the labor of uttering it, I want to ask unanimous consent of the Senate that this amendment may go on this bill.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that his proposed amendment may be adopted. Is there objection?

Mr. LODGE. Mr. President, that amendment, if it is decided to be in order, and the Chair is not sustained, will involve a great deal of discussion, I think, and probably discussion that ought to be held with closed doors, so I am constrained to object.

Mr. MORGAN. I am not responsible then, Mr. President, for the discussion that it may lead to. I will not myself, however, discuss it very long.

I am not surprised at the objection coming from the Senator from Massachusetts [Mr. LODGE] to this agreement of the Senate upon a question of great importance, but, as it seems to me, it is a very clear matter of duty to the President of the United States.

That Senator has on all occasions, when he has had the opportunity, interposed objections to the consideration of the Nicaragua Canal bill. He commenced at the time that he made himself the champion of the Spooner resolution, very far back in the session last year, and interposed that bill at that time for the purpose of breaking down the vote of the Senate on the Nicaragua Canal bill and preventing its consideration; and on two efforts that I made to get the Senate to take it up the Senator from Massachusetts prevailed by a vote of this body on the call of the yeas and nays.

As a leader of the opposition, therefore, to the Nicaragua Canal bill, I expect from him any method that he can resort to for the purpose of defeating this measure. I have never been deceived in regard to his attitude.

I admit, Mr. President, that to-night I am thrown on the side of duty to the President of the United States, while the Senator from Massachusetts seems to be opposing his power here in opposition to what the President has done.

I do not know why it was that in the month of December, 1900, the President of the United States found it necessary and proper to make an agreement with the Government of Nicaragua.

I should be very glad not to be disturbed, Mr. President.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. MORGAN. I invite the special attention of the Senator from Massachusetts, inasmuch as he has made objection, and, I suppose, antagonizes himself to this bill. I have been speaking for two minutes in regard to his attitude on this subject, but he has not had his attention drawn to my remarks. I suppose he is indifferent to my opinion and to my attitude about this matter, and probably to the opinions of the world. But some gentlemen sometimes appear to be indifferent to the opinions of mankind, and when in that condition mankind generally has a mutuality of understanding about them and does not care about their opinions.

I was saying, sir, that I did not know why in December, 1900, the President should have put himself to the trouble of making an agreement, which I am going to read, with Nicaragua and Costa Rica. Nicaragua and Costa Rica are two Republics of America. They are Spanish-speaking people, but they have been recognized by the Government of the United States as being free, sovereign, and independent governments. They are not very strong, but they are in possession of a very remarkably valuable piece of property—the route of the canal through Lake Nicaragua and San Juan River—which has no parallel anywhere on the face of the globe.

To us, Mr. President, the Nicaragua Canal route is the most important piece of property in the world. If it has a rival in the Panama Canal I am not prepared to say that that would not be a very important piece of property also, but the great commission of nine engineers, able men, one of whom was our former colleague here in the Senate, after spending a year in the investigation of this subject, has decided that the Nicaragua route is practicable, and is in all respects better for the United States than the Panama route. They have also decided—our former associate in the Senate, Mr. Pasco, being, I believe, the lawyer of that tribunal—that there is no legal possibility of the United States acquiring property in the Panama Canal.

They state the reasons for it; and therefore I drop that subject out of view for the present, although I am perfectly aware that that canal is here to-night operating against the movement that I am trying to make. It has been here for weeks and for months and for years. It spent a million and a half of dollars in New York before the reorganization in employing lobby services; it

removed a Secretary of the Navy from his office by resignation, in order that he might accept the position of a lobbyist, really, or at least an advocate, of that canal, at a salary of $25,000 a year; and what was true, Mr. President, in the green tree is true in the dry. That same situation exists to-day.

I am firmly convinced, sir, that if I had put a hundred million dollars in this appropriation instead of $10,000, that I could have been able to pass this bill through the Senate. The opportunity that it would have placed in the hands of men who want to control vast sums of money is beyond question a most important factor in all this business.

It is alleged that this canal is to cost $200,000,000. I think that is an estimate that is $50,000,000 beyond a fair, just, and economical work of construction. But suppose it is only $150,000,000. If that sum of money could be kept in reach of speculators and combinations, there would be very little difficulty in passing this bill, very little. But the bill that passed the House by a vote of 223 to 26 shut off the speculators and the contrivers by putting the construction of that canal into the hands of the President of the United States through the agency of the Secretary of War.

It is not supposable—notwithstanding Mr. Carter is in the penitentiary at Leavenworth, Kans.—it is not supposable that officers of the Army could be corrupted in the expenditure of that sum of money, and the very safeguard that we have thrown around this canal, and for which I have contended all the time, to shut out the looters and the marauders, makes it an unpopular measure. It is not unpopular with the country or with the people, but Congress seems to have such aversion to it that they are unwilling to take it up at any time at all whenever it is called.

No state of circumstances can possibly occur in this country when the Congress of the United States seems to be willing to do their duty to the country in the passage of this canal bill. Even now the pressure that is brought to bear to-night to stop this canal bill is said tobe an aversion of the present Administration to give some possible offense to Great Britain; that the President of the United States is unwilling to have this canal constructed until Lord Pauncefote or whoever is at the head of foreign affairs in Great Britain shall consent that it may be done.

I repudiate that construction of the present situation, upon my knowledge, as far as it goes, of what the President of the United States really desires. But I am not informed on that question fully, and could not be; and I will ask the chairman of this committee, who made the first objection to this proposition, whether he knows that the President of the United States is opposed to this measure? As soon as the chairman is disengaged, so that I can get his attention, I will ask him the question.

I have stated, as the chairman is now giving his attention to me, that I had no right to suppose that the President of the United States was opposed to the building of this canal. I had no reason to suppose that the President now felt the pressure of British power upon his authority, so as to deter him and drive him off, for any consideration at all, from action by Congress in the ratification of an agreement that he himself has made. I was asking the chairman of the committee if he knew whether the President of the United States was opposed to putting this amendment on the pending bill.

Mr. ALLISON. I certainly have no knowledge upon the subject. I have never spoken to the President on the subject in any manner as respects this amendment, and I do not know.

Mr. MORGAN. The Senator from Iowa, I think, will concede that he has spoken to the President about the subject. It may not have been on this special amendment; but the matter had just as well come out now, and I have no disposition to hide any part of anything that concerns this canal.

I have always understood the President of the United States to be in favor of the Hepburn bill and to be in favor of any matter that would enable him to execute his solemn, written contract, under seal, with the Governments of Nicaragua and Costa Rica. Now, if it is not admitted that he is opposed to this ratification of his own contract, I shall assume that he is still in favor of it. But, Mr. President, I do not know and I can not know.

Through the courtesy of both parties in the Senate I was made the chairman of the Committee on Interoceanic Canals. I suppose that was done because as a member of the Committee on Foreign Relations for many years I had been laboriously engaged in trying to have this canal bill passed through the Senate. Two bills passed, one by 11 majority and the next by a majority of 8 to 1—a vote of 7 to 56.

I took it for granted that in the Senate of the United States, it having thus twice been tested on the subject, it could not possibly be a political question and it could not be said by any man in the world that the Senate of the United States was not in favor of passing the Nicaraguan Canal bill, and that bill was in favor of executing a concession that had been made to a corporation or company. Then when we cut loose from that and the House of Representatives took the high ground that this canal must be built by the Government of the United States and owned by it, the bill came up in the House, and there was the overwhelming majority, to which I have just adverted, of 123 to 26 in favor of it.

So there can be no doubt about the attitude of the Houses on this question, if they are left free from political or party constraint. It has not been a party measure in the Committee on Interoceanic Canals. It has not been a party measure in either of the Houses of Congress, and if it has become a party measure it has been within the last few days or even few hours, and I still assume that the President of the United States is in favor of what I am now proposing. If there is any Senator here who knows to the contrary and can correct me, he does himself and me both great injustice if he does not rise in his place and do it; and I challenge any Senator on the other side of the Chamber to get up and say that the President of the United States is against this amendment.

Now, let us understand each other. I am fighting here for the honor of the United States Government and the honor of the President of the United States, and if he is permitting me to enter the lists under these circumstances and bear up his own contract, carry out his own expressed will under hand and seal; if he, as chairman of the Republican party, is permitting me to go along blindfolded to do these things, he is a hypocrite, because his professions and his public acts are all the other way. Now, let some of his own friends accuse him of that hypocrisy or else let them take the position of opposing what the President has done. There is where they stand, and they can not escape from it.

Now, I will read what he has done and what he did in the month of December last. He made an agreement with these two little Republics of which I have been speaking, the poor little institutions of government that compare with the United States like a minnow would compare with a whale. Has the President been doddling with them; has he been deceiving them; has he been imposing upon them; or was he honest and sincere in the contract which he made? I will assume that as an honest man, an American President, he was sincere in the contract which he made, and here it is:

> Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.
>
> It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

And they go further, to clinch the bargain:

> And preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.
>
> In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Mr. President, the Hay-Pauncefote treaty, which was referred to in that agreement, was then pending in the Senate of the United States for ratification. It was amended. It was not changed except in words. The Hay-Pauncefote treaty repealed or superseded essentially and absolutely every single feature of the Clayton-Bulwer treaty—every one. After the Hay-Pauncefote treaty is ratified, the Clayton-Bulwer treaty is as dead and as thoroughly dispensed with as if it had never existed.

We amended it to make the language clear by saying that the Hay-Pauncefote treaty superseded the Clayton-Bulwer treaty, and that is all we did, except that we dissented from a provision of that treaty—in the third article I think it was—which invited the different governments of the world to accede or adhere to that treaty—become parties to it—as if they had been signatory parties in the first instance. That was an outside proposition. I have never yet heard a man suggest that Great Britain was not anxious to get rid of that provision—was not pleased with getting rid of it—because the powers who agreed to adhere or might be permitted to adhere to that treaty would become in effect signatory parties to it, and Great Britain did not want to have a canal under a treaty arrangement to which Russia and herself were both parties.

Anybody who understands British history and British enterprise and Russian history and enterprise, and the friction between those two Governments, would understand at once that Great Britain would not prefer to have a treaty with Russia about a canal in which Russia had as much voice and control as she had. So whatever objection Great Britain may have to the Hay-Pauncefote treaty, or to the amendments put upon it by the Senate, the objection does not reach that point, I am quite satisfied, and everybody else ought to be, it seems to me.

But how do we know what are the British objections? When has Great Britain signified an objection? Not at all. The time

for the ratification of the Hay-Pauncefote treaty expired, and thereupon the Government had a new negotiation for the extension of the period for the ratification of the treaty. To what time did they fix that? The 4th of March, 1901. It never dawned upon me until these recent proceedings in the last ten or twelve days what was the object of putting it on the 4th day of March, 1901. It was that this Congress should adjourn, and that the other side of the Chamber, or whoever is leading the opposition, should have an argument in their favor of stating that the 4th day of March must arrive before we will feel at liberty to act for the United States Government.

Did the President feel that way at the time he entered into this agreement with Nicaragua and Costa Rica, last December? Why did he make an agreement with Nicaragua and Costa Rica that was directly in the teeth of the Clayton-Bulwer treaty? This agreement as much violates the Clayton-Bulwer treaty—far more than the Hepburn bill—as if we were to pass an act here that notwithstanding the Clayton-Bulwer treaty we would proceed to erect the canal in obedience to American sentiment, on American ground, and in the assertion of American rights.

The President of the United States went to the right source. He went to the owners of the property. He went to Nicaragua and Costa Rica, the sovereign Republics that own this route for the Nicaragua Canal, and proposed to them, "I will not stand back for the Clayton-Bulwer treaty. I will pay no attention to it." That treaty is said to prevent the United States from doing what?

From acquiring from Nicaragua and Costa Rica the right to the control of such portion of the territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage, etc., from a point near San Juan del Norte on the Caribbean Sea via Lake Nicaragua to Brito on the Pacific Ocean. He copied that language out of the Hepburn bill, for that is the language of the Hepburn bill. He took it to Nicaragua and Costa Rica and said, "Make an agreement with me;" and when we undertake to pass the Hepburn bill we are told that it violates the Clayton-Bulwer treaty. If it does, why does not the same language in this agreement violate the Clayton-Bulwer treaty?

Now, the President of the United States, knowing the situation, copying his language out of the Hepburn bill, took it to these two little Republics and got them to consent, under hand and seal, that he might have the privileges for the United States that are contained in the Hepburn bill, in the very language in which they are put in these protocols.

Mr. DANIEL. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. DANIEL. Is not the whole agreement hypothetical and based upon authority from Congress?

Mr. MORGAN. This agreement?

Mr. DANIEL. Yes.

Mr. MORGAN. Yes.

Mr. DANIEL. And therefore does not that answer all of his propositions?

Mr. MORGAN. Suppose it does?

Mr. DANIEL. Does it not answer the proposition the Senator makes? Does not that explain the action of the President in entering into the agreement? Is it not a prospective thing, conditioned upon action by Congress?

Mr. MORGAN. It is. Would the President make an agreement of that sort unless he expected Congress to carry it into effect?

Mr. DANIEL. Then a treaty was pending, and it might by this time have been operative between the two Governments, by which the conditions that then existed and that now exist were anticipated to be relieved by the adoption of the Hay-Pauncefote treaty.

Mr. MORGAN. It does not make any difference under this contract what becomes of the Hay-Pauncefote treaty or what becomes of the Clayton-Bulwer treaty. Here is an agreement made by the President of the United States that when he is authorized by law to acquire control——

Mr. DANIEL. He has not been authorized by law, and it was not contemplated that he would be authorized by law while those difficulties were under way, but it was anticipated that they would soon be removed.

Mr. MORGAN. What I am trying to get now and what I suppose the Senator from Virginia is not willing we should have is that legal authority to him to complete that contract. Now, if the Senator from Virginia is opposed to granting his consent for the President of the United States to complete that contract, then we know where to find him. He is against the canal.

Mr. DANIEL. I think we ought to wait until the Hay-Pauncefote treaty is disposed of. That is my proposition.

Mr. MORGAN. That comes very properly from a Democrat, that the President of the United States has been in too big a hurry in making this.

Mr. DANIEL. I do not think he was in too big a hurry. I think he anticipated that it would be relieved, and I think the country anticipated that; but it has happened that it has not. I think he had his mind directed to an anticipated condition of things, and the anticipated condition has not yet arisen.

Mr. MORGAN. Will the Senator from Virginia allow me to ask him what is in the way to-day?

Mr. DANIEL. I think the Clayton-Bulwer treaty is in the way to-day.

Mr. MORGAN. And the refusal to ratify the Hay-Pauncefote treaty?

Mr. DANIEL. Yes, sir; I do.

Mr. MORGAN. Was it not in the way when the President made this contract?

Mr. DANIEL. It was, but it was anticipated that it would be relieved; but the anticipation has not been realized, and that is the whole matter.

Mr. MORGAN. It has not been relieved?

Mr. DANIEL. It has not, in my judgment.

Mr. MORGAN. Then the Senator from Virginia wants this matter stopped until we can hear from Great Britain?

Mr. DANIEL. I do.

Mr. MORGAN. When do you expect to hear from Great Britain?

Mr. DANIEL. I know the Senator from Alabama knows as much about that as I do, but I think after we have negotiated with a coprincipal in such a matter as this, it is not becoming the United States to break off the negotiations while the two parties are together consulting about it. I do not think that we are free to break off a negotiation about a matter of treaty until the matter has been solved and we can act with our eyes open. That is my judgment about it.

Mr. MORGAN. There is not a man in the world, in my judgment, who can find a safe ground to stand on in the assertion here that the Hepburn bill or this protocol conflicts in the slightest degree with any British right secured under the Clayton-Bulwer treaty.

Mr. MONEY. Will the Senator from Alabama allow me for a moment?

Mr. MORGAN. Certainly.

Mr. MONEY. I want to ask the Senator from Alabama if there was anything in the Hay-Pauncefote treaty, as submitted to the Senate, that indicated an abrogation of the Clayton-Bulwer treaty at all. That was put in after the treaty came to the Senate. It was an amendment of the Senate itself. I——

Mr. DANIEL. By operation of law.

Mr. MONEY. Not by operation of law. Parts of it were not in contradiction.

Mr. MORGAN. In my judgment, as I stated it here to-night, and I repeat it, and I think I can establish it beyond question——

Mr. CULLOM. We on this side can not hear anything at all except conversation.

Mr. MORGAN. In my judgment, as I have stated heretofore, and I repeat it, there is nothing in the language of the Hepburn bill, copied into this agreement, that in the slightest degree interferes with whatever demands Great Britain may see proper to urge against us under the Clayton-Bulwer treaty, and it is my opinion that the Hay-Pauncefote treaty absolutely expunged, in legal effect, the Clayton-Bulwer treaty.

Mr. DANIEL. But it has not been adopted. That argument may be made by the Senator when the Hay-Pauncefote treaty has been adopted; but it has not been adopted.

Mr. MORGAN. It has been adopted, so far as the Senate is concerned.

Mr. DANIEL. I think not. It is only a proposition from the Senate, which does not bind it or the other side until both minds concur. No contract is a contract until two minds concur.

Mr. MORGAN. The Senate has made no proposition. The Senate has submitted no negotiation to Great Britain.

Mr. DANIEL. I thought it had.

Mr. MORGAN. No; it has not. It can not do it, and that is one of the reasons why Great Britain is said by the newspapers to object to the Senate amendments.

Mr. DANIEL. The President and Senate together have.

Mr. MORGAN. Will the Senator allow me to make a statement, and not get unhappy?

Mr. DANIEL. I am not unhappy at all.

Mr. MORGAN. Great Britain, we are informed by the newspapers, objects to the Clayton-Bulwer treaty being superseded because the proposition comes from the Senate, which is not a negotiating body; that the Senate is negotiating. It has no right to negotiate. What we have to do is to act upon what the President sends to us, and ratify or reject or amend. That is all we can do. Then it is for the President to do what he pleases about it. He is the diplomatic functionary of the United States, and

not the Senate. The President of the Senate would look like a clown if he were to go out under a resolution of the Senate for the purpose of conducting a negotiation with Great Britain. He has no right to do it.

No, sir; the President of the United States at the time he put this proposition in his protocol did two things. He determined, if words are to be interpreted in their ordinary, natural signification, that the Clayton-Bulwer treaty did not stand in the way of his right to make this contract, and he determined also that the Congress of the United States could empower him to make the contract.

There is another party concerned in this protocol of agreement. There are two other States, and they insisted evidently that the Congress of the United States should bind this Government to this business, and that it should not be a fast and loose agreement, as the President or the diplomatic circles of this country might choose to deal with this very important and, to them, vital question. They required that when the President of the United States is authorized by law they will make this contract. What becomes of that part of the contract which takes place forthwith? They did not wait for a law on that. That part of the contract only which relates to the acquisition of rights do they refer to the legislative department.

The entire amendment here is put up so that when he makes this contract it is to be ratified and approved, if it is a contract, by the Congress, and if it is a treaty, to be ratified and approved by the Senate of the United States, so as to bring the subject back here and let the real rulers of this country—the political rulers, to say the least—the legislative rulers, and the treaty-making rulers have a voice in this business. No, sir; there is no escaping from it. The President of the United States knew perfectly well when he made that agreement that Costa Rica and Nicaragua confided in his power to make the part of it which is to be acted upon immediately; that part which operates forthwith. They did not wait for Congress to enable him to do anything. The case is too plain, Mr. President, for discussion.

I stated that I had not the opportunity personally of ascertaining the views of the President about this, but I take him on what he has written and what he has signed and what he has sealed and what he has delivered to these two little Republics, and he did exactly right. He acted within the limits of his right and power. He acted on that occasion boldly and manfully in favor of American rights, and we ought to sustain him in it. If there is some party reason why he wants to withdraw from it now, he ought to let it be known. He ought to come out and avow it before the world and tell us, "I drew that agreement, it is very true, signed and sealed and delivered it, but I am ready to abandon it and go away from it because Great Britain shakes her head at me." I do not want to see our President in that sort of an attitude.

I spoke of the painful situation of being cut off, by my being a Democrat, from the right to go to the President of the United States and advise him about the policies of his Administration in regard to this canal. If I had to advise him or his political friends to-night as to the policy that would relieve them from many a trouble, I would say, "Gentlemen, come up and declare that you have the right to build this canal as an American Congress, and that you intend to do it. Do not admit that in the Clayton-Bulwer treaty you gave away to Great Britain your power even to negotiate with Nicaragua and Costa Rica. Make no admission to the effect that you have emasculated the Government of the United States, so that we can not make a negotiation with Costa Rica or Nicaragua without getting British consent."

Mr. President, I will take occasion to say that I have as much respect for Great Britain as any man on this floor, so far as I have ever heard any expression. I have never uttered an ill-natured word against Great Britain on this floor, except when she was trying to gouge us, and I would utter ill-natured words against any country in the world that would try to do that. I have made no complaint on this floor about the modus vivendi in Alaska. It may be a good thing. I made none about the modus vivendi with Great Britain about the eastern shore fisheries. That was a good thing. I made no complaint about Great Britain and the United States being in coalition and working shoulder to shoulder in China, even though it has resulted in the chopping off of heads and staining whatever treaties may be made hereafter with human blood.

I have done nothing of that kind; and when that grand and pure woman, who in her womanly qualities was far grander than she was a queen or empress, died, I had the honor to draft the resolutions in honor of her memory here, and the Senator from Massachusetts asked me if I would not turn them over to the Senator from Iowa and let him offer them. I did so. Why did I do it? Because I did not want to make myself conspicuous about it, and he did want to make the Senator from Iowa conspicuous.

I drew that Davis report, the whole of it, and yet when it came out of that committee it came with Senator Davis's name at the head of it. I did not object. I was glad of it. That was called by the Democratic papers of the country a pro-British document. Mr. Davis was pounced upon for the doctrines and the propositions that were contained there and accused by the Democrats of being a British worshiper because he dared to say that the Clayton-Bulwer treaty was still in force; and everybody knows it.

But, Mr. President, I have not on any occasion in the Senate of the United States attempted to make myself conspicuous by arraigning the British people or the British Government or sentiment. So I propose and I am willing always to deal fairly with them. But I know, sir, as well as you know, and every Senator on this floor, that Great Britain is reaping a harvest out of the fact that we have not built that canal, which is absolutely incalculable in its advantages.

First of all, she has $50,000,000 in the Suez Canal, and she gets 18 per cent per annum dividends upon it. Next, that stock is worth 740 and more than that on the Bourse in Paris and on the Exchange at London. Does she want that proposition crippled by the enterprise of a rival like the Nicaragua Canal? Does she not know that as we get from there 10,000 miles of advantage of her in her dealing from Liverpool with the nations along the Pacific Ocean, we will transfer the trade, or a large part of the the trade, from Liverpool to New York? Does she not know that?

And if she can postpone us for two years longer and build a canal that General Hains thinks it will take ten years to build—for here is his report before us to-day—if she can get two years advantage upon this, it is worth millions and millions of dollars and will cost us three or four times the money that would be required to build this canal. She wants delay, and they have managed in every way in the world to get it. Putting that last agreement on the 4th day of March meant exactly what is meant by the objection made here to-night—that we intend to give Great Britain two years more lease of this life.

Mr. President, I am not surprised at that coming from Boston. Their interests are so wrapped up with the British people that they do not know the difference between them. But it strikes me it is time that the people of this country should have some regard for our own affairs, and particularly those who have an interest in bringing the great West and the great East together through this channel of navigation that belongs to the people. It strikes me that we ought to be a little active about this matter. Here we have been hanging on, and I have been trying to pass the canal bill through the Senate for sixteen years, and the present occupant of the chair stated that he began this thing twenty-six years ago.

Now, in the name of common sense, why is it that the American people have tolerated this indifference on the part of the United States Government? Has it been the Clayton-Bulwer treaty that all that time has hovered over us to paralyze our energies and to alarm our apprehensions? If so, it is just as necessary that we should get rid of it as it would be to get rid of an invading army that comes into our ports.

And yet we hesitate, yet we halt; and here the other day, when the President of the Senate ruled that the Nicaragua bill was the regular order before the Senate and when I asked that it might be set aside by unanimous consent, without prejudice to its rights, the Senator from Rhode Island [Mr. ALDRICH], who presided to-night and stated this question against me, rose in the Senate of the United States to make his objection. And to-night after he had decided the question he took it upon himself to say that he would hear me if I would be a little brief about it. That was not his language, but he said that he would hear me within the limits of reasonable debate. "Within the limits of reasonable debate," after he had transferred the question to this august body, to whom I appealed at the time!

Now, Mr. President, I recur to the subject that I was on before, and that is the extreme delicacy I have been placed in about this matter. It is something that I do not intend to stand any longer. I am not going to have myself hampered as a member of this Senate by a relation to the Republican party which excludes me from all counsel which enabled them to take advantage of every possible opportunity to defeat the measure that was reported here by a Republican committee. They aim it at me because I am a Democrat, and they do not want the bill to pass under the supervision of a Democrat. I have been feeling this a long time, and I wish to bring the situation right out before the country.

So January 12, 1901, after having borne this thing as long as I could, after having tried in every possible way that a man could to move this great measure to the front, I addressed the following letter to Mr. ALLISON, who is the chairman of the steering committee here in the Senate, a man who has the control, or his committee has the control, of all the party operations on that side of the Chamber:

JANUARY 12, 1901.

DEAR MR. ALLISON: When you think of the painful position in which I am placed with reference to the Hepburn canal bill, I am convinced that the committee on the order of business, of which you are the chairman, will relieve me from it, as you can, by informing me whether or not that measure will be placed on the list of bills to be considered at this session, and whether

it will receive the support of the Republican party in the Senate, or a majority thereof.

I am, by the courtesy of the Republican party, the chairman of the Committee on Interoceanic Canals, the majority of the committee being Republicans.

That committee recommend the passage of the Hepburn bill, no member of it dissenting, and have stated, carefully and forcibly, the grounds for pressing its passage on a full review of all the facts that might call for further delay—

That means these facts relating to the Hay-Pauncefote treaty—

This makes it my duty to press for the consideration of the Hepburn bill; and I am fully satisfied that if the vote of the Republicans in the Senate is not controlled by the action of the committee on the order of business the Senate would proceed to consider the bill as against any measure except an appropriation bill.

In this I may be overconfident, but I can not be mistaken as to my duty, under ordinary circumstances, to demand a vote on taking up the bill for consideration.

The only thing that could relieve me of this duty, for which the country will hold me severely accountable, is the fact that, being a Democrat at the head of a Republican committee, I owe that party the courtesy of noninterference with its wishes as to the measures they prefer to press for consideration.

I am opposed to the subsidy bill, but I will not antagonize it with the canal bill if your "steering committee" will make it the regular order of business next after the subsidy bill, and if that measure is pressed to a conclusion within a reasonable time. If the Republican party prefers to assume the responsibility that rests so heavily and awkwardly upon me, and will so advise me, I will cheerfully resign the chairmanship of the Committee on Interoceanic Canals, and state my reasons to the country.

Then I will have the right of a Senator to urge the canal bill without incurring the censure of holding a position of influence under the courtesy of the Republican party and using it to antagonize their party policy. I am thus deeply concerned about this matter, because a delay in passing the bill beyond this Congress will put the canal in extreme peril. I could point out the danger, if it is desired, but prefer not to do so on paper, or before anyone except the true and tried friends of the canal,

It is not supposable by a man of your experience that $200,000 is not a sufficient temptation to excite every evil machination. Please advise me at the earliest convenience of your committee, frankly and decisively, upon what I may rely as to the course of your party in this matter. At the last session of Congress I was postponed without being answered, when I made a similar oral request, and was voted down by a party vote when I tried to call up the bill. The measure suffered because I was thus handicapped with the silence of the "steering committee." If it is to suffer again I respectfully insist that it shall be through their open antagonism.

With sincere regard,

JOHN T. MORGAN.

The Senator from Iowa made the following reply:

UNITED STATES SENATE,
Washington, D. C., January 13, 1901.

DEAR SENATOR MORGAN: Your letter of the 12th instant relating to the Nicaragua Canal bill, now pending in the Senate, was duly received. I understand the purport of your letter to be that you desire us to fix in the order of business the canal bill next to what is known as the ship-subsidy bill, the latter having been made the order of business by a vote of the Senate early in December.

The committee considered this question of the order of business before the holidays and recommended that the ship-subsidy bill be made the order of business, there being at that time no order of business provided for in the Senate at the opening of the session by resolution or vote hitherto held, except that the canal bill was made a special order for the second Monday of the session.

When the committee recommended this order of business it did so with the qualification that the bill for the increase of the Army, all appropriation bills, and the bill for the reduction of internal-revenue taxes should all be considered when ready, and that the ship-subsidy bill should give way for them. At that time it was understood that the Hay-Pauncefote treaty, so called, should be taken up in executive session at an early day and disposed of, as it was believed that the disposal of this treaty would naturally precede the consideration of the canal bill. The treaty was amended by the Senate in two or three particulars, and these amendments have been submitted to Great Britain.

The committee on the order of business, in response to your request, met and considered the subject of now fixing an order for the consideration of the canal bill as suggested in your letter. The committee, after full consideration, believed that it would not be expedient or wise to fix a day for the consideration of the canal bill, in view of the fact that the amendments to the treaty are now under consideration by Great Britain, and that proper international comity required that reasonable time should be given for such consideration before further action should be taken by the Senate.

The committee therefore concluded that it would be premature to now fix a day for the consideration of the canal bill, and so recommended to the conference of Republicans held this morning, and after fair consideration of the subject by the conference the view of the committee was approved without division. I should add, however, that a universal sentiment was expressed in favor of the construction of the canal by the United States at the earliest practicable time.

The action of the Republicans thus far taken will certainly relieve you from any personal responsibility as respects the time when the canal bill shall be taken up, and places the responsibility for the fixing of a time practically upon the Republican side of the Senate. I am, with great respect and with sincere regard,

Yours, truly,

W. B. ALLISON.

Hon. JOHN T. MORGAN, *United States Senate.*

Now we know where the responsibility is. We know where it rests—with the Republican party; and we understand perfectly well that the Republican party is still hanging on to the hope of two years' delay of any action whatever upon the canal, growing out of the fact that the second agreement between Great Britain and the United States for the exchange of ratifications makes the date of taking effect on the 4th day of March, the termination of this session, so there would be no possibility of doing anything at this session of Congress.

Mr. President, I have discharged my duty about that, and I have discharged my duty toward this canal. Hereafter it is the Republican committee under Republican control, and I shall very gladly give them the control and management of it so far as I am concerned as chairman. I have tried to do my duty to the country here, and I have been checked and balked by objections coming from the other side of the Chamber to prevent the canal bill from being taken up under all circumstances, these very men professing all the time, as the Senator from Iowa does in his letter here, that they are great friends of the canal and want the bill to pass.

Mr. President, I can not believe it. The President may be a friend of the canal and may want this amendment passed, so far as I know. I have tried to find out whether that is so or not, and to get somebody to rise on the other side and state that he was not. He can not but be, without putting on a garb that I never heard of his wearing before—a garb of deception and hypocrisy.

Now, the question is whether or not this canal amendment is new legislation and whether there is any exception in the sixteenth article of the rules which takes it out of the operation of that objection, if the objection exists at all, which it does not. This section has been read so often that I almost dread the necessity of having to put it in the RECORD again, but as a part of my remarks it ought to go in:

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

If the question of relevancy had been made, it would be the duty of the Chair to submit it to the Senate without debate, but the question which is made here is that it is general legislation.

Now, Mr. President, can it be held, construing the different clauses of Rule XVI together, that a proposition made to carry out a treaty is general legislation? Here is a specific treaty entered into by the Government of the United States, and here is an amendment.

Mr. DANIEL. Has the protocol, or what the Senator calls a treaty, ever been communicated to the Senate?

Mr. MORGAN. It has not by official act. Does the Senator want to know how that occurred?

Mr. DANIEL. I want to know the fact whether or not the treaty was ever before us and if we have any right to take cognizance of it?

Mr. MORGAN. If it were an executive session of the Senate, the Senator would know whether it was taken cognizance of.

I had better clear that point, for every once in a while it rises. These protocols were sent to me by the Secretary of State. I did not know that they were in existence. Very kindly and graciously he informed me of their existence, I suppose because I was chairman of the Committee on Interoceanic Canals, and he supposed, no doubt—he must have supposed—it would have very great effect upon the action of the committee. When the treaty came up for consideration in the executive session I wrote to Mr. Hay asking him if I was at liberty to present these protocols to the Senate. He first replied to me that one of them had not been signed, and the other had not, but that the minister had telegraphed his Government for leave to sign it and it would be signed very soon. Soon after that he writes to me as follows:

DEPARTMENT OF STATE,
Washington, December 10, 1900.

MY DEAR SENATOR MORGAN: Referring to my former letter, I now have to inform you that I have communicated with the ministers of Nicaragua and Costa Rica, and they have both authorized me to use my discretion in regard to complying with your request.

Which was that I should lay them before the Senate.

You are therefore at liberty to make such use of the copy of the protocols which I handed you as your own judgment may dictate.

I am, sir, with great esteem, sincerely yours,

JOHN HAY.

Hon. JOHN T. MORGAN,
United States Senate.

I suppose there will now be no further question made about that. The President of the United States could not properly have sent those protocols to the Senate for confirmation and ratification.

Mr. DANIEL. The Senator spoke of them as a treaty.

Mr. MORGAN. I do speak of them as a treaty. There are treaties that are concluded, and there are treaties that are being negotiated, and there are treaties that are partially concluded, and they are still all a treaty.

Perhaps a more correct term would be a convention in this case, inasmuch as it is uncertain yet whether the final act was to be consummated by a treaty or simply by a compact or a contract. I speak of it as a concluded agreement between two governments through their ambassadors, signed, sealed, and delivered. That is how I speak of it. If that is not a treaty, Mr. President, I do not know what is. It may not be a treaty that has been ratified as yet; and the amendment I propose says that if the final act which is provided for and stipulated for here is done by treaty it must

come to the Senate; if done by contract, it must come to the Congress of the United States.

We now understand how this matter stands. The President of the United States is bound to Costa Rica and Nicaragua to go on and complete that negotiation, provided we will permit him to do so by passing an act authorizing him, as the contract provides shall be done.

Now, there is a specific transaction, standing by itself, differing from all other transactions in the United States; a transaction that in its present shape and form concerns only the Government of the United States and the Governments of these two other Republics. When we undertake to legislate to give the authority that the President of the United States requires in this agreement so that we may go on and perfect the negotiations, then of course it must come to Congress in some form for ultimate acceptance or rejection.

What we are doing now is not general legislation in the general sense of the word, but it is a treaty from which we are deriving our authority, signed, sealed, and delivered by the President of the United States and these two Republics, out of which grows the right and duty to ask Congress to give him the authority, and that is all this amendment proposes to do. It is true that there is a $10,000,000 appropriation there. I am indifferent about that, but I put it in merely for the sake of furnishing the President the money to pay the expenses of the completion of this negotiation, if he wishes to do it.

But, Mr. President, suppose, now, with this agreement standing here, Great Britain should come in and say to Nicaragua and Costa Rica, "We have got as much right to make a contract with you as the United States has," and certainly they have, the Clayton-Bulwer treaty to the contrary notwithstanding. We never will quote the Clayton-Bulwer treaty to cut off that right. Suppose she were to do so, what would we do? We would say to Costa Rica and Nicaragua, "You are bound to us for a reasonable time, until we can get the authority from Congress that is provided for in this agreement, and Great Britain can not be permitted to come in and interfere and take our contract, as she once did in Nicaragua, and detained us for ten years, or nearly that long, in getting a treaty from Nicaragua exactly a copy of the one she had made with Nicaragua.

Suppose she would come to Nicaragua and Costa Rica and say to them, "Make the same agreement with us that you have made with the United States." Costa Rica and Nicaragua would not dare to do it until this thing happened that is going to happen to-night, I suppose. Congress has refused to legislate; then they are foot loose. "Congress has refused to give the President the power that is provided for in these contracts, and having refused, we are released from our obligation." That is all of it.

So the action of Congress to-night in refusing to pass this amendment is a release and surrender to Nicaragua and Costa Rica of the whole terms of the protocol; and now, if it could be established that the President of the United States, in order to get out of an honest bargain with Costa Rica and Nicaragua, had intervened and asked us not to do it, he would be on the footing of any other man who would provide means by which his contract should be broken by some indirection in order to escape its consequences.

There is the situation we are placing him in; and if he is here moving the Senators on the other side to do this thing, that is the situation he is placing himself in; and the country is not going to be slow to judge of a man who will make a contract with another nation and then come and ask his party friends to relieve him from the responsibilities of it.

Now, Mr. President, I have not any doubt about this business at all, that we have the right to enter upon this legislation. It is not general legislation, or even if it was general legislation in one sense, that is that it affects everybody in the United States, and in the world, for that matter, still it is legislation that arises out of a treaty stipulation. The rule was not intended to apply alone to treaties that had been concluded. This Senate must take notice of one thing, they will very soon have to deal with it.

In conditions that have arisen in the world and in reference to citizens of the United States we have entered China with invading forces, naval and military, and while I have not any criticisms at all to pass upon the President of the United States for the part he has taken there, I feel bound, and I think every Senator here must feel bound, by that treaty which he made in conjunction with the powers of Europe, demanding of China that they should do certain things as a preliminary to certain other things relating to compensation, indemnity, and future relations. What were those preliminary things? Mr. President, they may have been indispensable, they may have been highly necessary, they may have been very important, and to say the least of them, they were very unusual, and in the estimate of the American citizen very cruel.

I do not know what court tried these Chinamen. I do not know the legal tribunal recognized by the United States, whether in China or here, that found them guilty. They seem to have been condemned by a universal court-martial, and condemned without trial, for the demand that was made was not that they should be tried and convicted and then executed if found guilty, but that they should be executed without trial. That has been done.

Are we bound by those acts? Yes, we are. We are bound by those acts; and if we are not, we are bound to impeach the President for having performed them. If he was a red-handed murderer, cutting off the heads of Chinamen, or if it was done under his order, he is a red-handed murderer, unless the Constitution, laws, and treaties of the United States give him that authority.

But I acquit him of all that. More than that, I praise him for his diligence and the skill and tact with which this matter has been conducted; and although it has resulted in the death of Chinese princes—it makes no difference whether they were princes or not, but human beings, in the presence of the Army of the United States and of other nations of the earth, drawn up in military array to witness that beheading—although that has been done, Mr. President, I have no blame for the President of the United States, for it seems to me, after all, to have been an act of supreme justice.

But are we going to back off from it because there was no treaty ratified by the Senate? Who has ever seen the treaty under which these Chinese men have been killed? To whom has it been communicated? What are the relations between China and the United States to-day respecting that great protocol, and it seems the great treaty that is to follow, which has been executed in such a bloody and disastrous way?

While we are doing things of that sort, Mr. President, do not let us try to escape from honorable obligations to Costa Rica and Nicaragua, based upon mutual considerations, on the ground that it is not a ratified treaty and can not be ratified. By the very terms of the agreement the President could not act under it; he could not submit it to the Senate of the United States until we first authorized him to make it.

If that is general legislation on an appropriation bill, then I think I have no just conception of the rule, and, Mr. President, I will leave the subject, after what I have said, to the Senate.

Mr. HOAR. Mr. President, I desire to move to strike out from the bill the paragraph in regard to the $100,000 appropriation for the memorial bridge over the Potomac River. I think that technically that has been——

The PRESIDENT pro tempore. The Senator will pardon the Chair. The question before the Senate is the appeal entered by the Senator from Alabama [Mr. MORGAN] from the decision of the Chair.

Mr. HOAR. I beg pardon of the Chair. I thought that had been disposed of.

The PRESIDENT pro tempore. It has not been disposed of. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. I call for the yeas and nays on that, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have not a general, but a liberal pair, as we call it, with the Senator from Wisconsin [Mr. QUARLES]. On this question, however, I will withhold my vote.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], but I transfer that pair to the Senator from Kansas [Mr. BAKER] and vote. I vote "yea."

Mr. HEITFELD (when his name was called). I have a pair with the Senator from New York [Mr. PLATT], but I have arranged with the Senator from Wyoming [Mr. CLARK] to transfer pairs, so that the Senator from New York [Mr. PLATT] will stand paired with the Senator from Kansas [Mr. HARRIS]. I therefore vote. I vote "nay."

Mr. MONEY (when his name was called). If agreeable to the Senator from Wyoming [Mr. CLARK], I will transfer my pair with the Senator from Oregon [Mr. MCBRIDE] to the Senator from Kansas [Mr. HARRIS], and both the Senator from Wyoming and I can vote. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. NELSON (when his name was called). I have a pair with the junior Senator from Missouri [Mr. VEST], but I transfer that pair to the Senator from Colorado [Mr. WOLCOTT], and vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Washington [Mr. TURNER]. I suggest to the Senator from Alabama [Mr. MORGAN] that we transfer our pairs, so that the Senator from Washington [Mr. TURNER] may stand paired with the Senator from Pennsylvania [Mr. QUAY]; which will enable the Senator from Alabama and myself to vote.

Mr. MORGAN. That is entirely agreeable to me, and I vote "nay."

Mr. WARREN. I vote "yea."

The roll call was concluded.

Mr. TILLMAN. I have a general pair with the Senator from Nebraska [Mr. THURSTON]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nebraska has not voted.

Mr. TILLMAN. Then I shall have to withhold my vote, unless it be necessary to make a quorum.

Mr. MONEY (after having voted in the negative). I find, Mr. President, that an arrangement has already been made to transfer the pair of the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. HARRIS]. I therefore withdraw my vote.

Mr. CHILTON (after having voted in the negative). I desire to inquire if the Senator from West Virginia [Mr. ELKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from West Virginia has not voted.

Mr. CHILTON. Then I withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 36, nays 16; as follows:

YEAS—36.

Aldrich,	Cullom,	Hawley,	Martin,
Allen,	Daniel,	Hoar,	Platt, Conn.
Allison,	Dillingham,	Jones, Nev.	Proctor,
Bard,	Dolliver,	Kean,	Scott,
Beveridge,	Fairbanks,	Kearns,	Sewell,
Carter,	Frye,	Lindsay,	Shoup,
Chandler,	Gallinger,	Lodge,	Simon,
Clark,	Hanna,	McComas,	Warren,
Cockrell,	Hansbrough,	McMillan,	Wetmore.

NAYS—16.

Bacon,	Clay,	Morgan,	Stewart,
Berry,	Heitfeld,	Nelson,	Sullivan,
Butler,	Jones, Ark.	Pettigrew,	Taliaferro,
Clapp,	Mallory,	Pettus,	Teller.

NOT VOTING—36.

Baker,	Foraker,	McLaurin,	Rawlins,
Bate,	Foster,	Mason,	Spooner,
Burrows,	Hale,	Money,	Thurston,
Caffery,	Harris,	Penrose,	Tillman,
Chilton,	Kenney,	Perkins,	Turley,
Culberson,	Kyle,	Platt, N. Y.	Turner,
Deboe,	McBride,	Pritchard,	Vest,
Depew,	McCumber,	Quarles,	Wellington,
Elkins,	McEnery,	Quay,	Wolcott.

So the decision of the Chair was sustained as the judgment of the Senate.

Mr. HOAR. Mr. President, I move to reconsider the vote by which the amendment in relation to the memorial bridge across the Potomac River was adopted.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to reconsider the vote by which the amendment, beginning in line 22, on page 107, relating to the memorial bridge across the Potomac River was agreed to.

Mr. HOAR. I desire to inquire if I can make the point of order on that amendment at this time? Has it been estimated for by any Department? If I can make the point of order, I shall be glad to do so.

Mr. PLATT of Connecticut. The vote by which the amendment was adopted must first be reconsidered.

Mr. HOAR. The amendment was adopted in my absence.

The PRESIDENT pro tempore. The Chair is inclined to think that the Senator might do so when the bill is in the Senate.

Mr. HOAR. I thought perhaps I might do it now.

Mr. DANIEL. I did not hear what the Chair stated.

The PRESIDENT pro tempore. The Chair thinks the Senator from Massachusetts might make the motion when the bill is in the Senate, the amendment having already been adopted as in Committee of the Whole.

Mr. HOAR. I desire to move to reconsider the vote by which the amendment was adopted.

The PRESIDENT pro tempore. The Senator can do that.

Mr. GALLINGER. I take it there is no question but what the Senator can make the point of order in the Senate.

The PRESIDENT pro tempore. The Chair has stated that it might be done in the Senate.

Mr. MORGAN. I give notice that I shall enter a motion to reconsider the vote by which the subsidy was given to St. Louis, Buffalo, and Charleston.

The PRESIDENT pro tempore. Does the Senator from Massachusetts move to reconsider the amendment to which he has referred?

Mr. HOAR. I do.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to reconsider the vote by which the amendment on page 107, relating to the memorial bridge across the Potomac River, was agreed to.

Mr. STEWART. I hope that will not be done. I do not think that amendment ought to be reconsidered.

Mr. HOAR. It was passed inadvertently, and the point of order was not made.

Mr. STEWART. It has not been very inadvertently done. It is a matter which has been pending a great many years.

Mr. HOAR. My attention was not drawn to it at the time it was agreed to.

Mr. STEWART. Mr. President——

Mr. HOAR. If the Senator from Nevada will allow me, it has not been the custom of the Senate on the sundry civil bill to refuse to reconsider anything which was passed in the absence of a Senator who expected to oppose it.

Mr. STEWART. Of course, I do not want to take any advantage of the absence of the Senator, and I will not oppose the reconsideration of the amendment; but I want a fair vote on the adoption of the amendment.

Mr. DANIEL. I hope that this amendment may not be reconsidered. It is a subject which has been dealt with on the sundry civil bill, I think, for some fourteen years. The bridge has been recommended by everyone who has dealt with it without dissent anywhere—by a board of accomplished engineers, civil and military, by the Chief of Engineers of the United States Army, by the Secretary of War, and in a message of the President of the United States. It has never been before the Senate but that the Senate has favored it by a decisive vote. The matter has been under long and thorough advisement, and has been investigated in every aspect. It has gone under repeated consideration, and always with favorable results.

I would not take advantage of the absence of the Senator from Massachusetts to insist upon anything upon which he desired to be heard, but he can be heard upon his motion to reconsider. I do not see that it would be taking advantage of him to allow this amendment to remain in the position which, under the recommendation of the committee, it has obtained by the action of the Senate; nor do I perceive the motive for moving a reconsideration. The Senator will have an opportunity in the Senate, if he desires to do so, to have another vote on this amendment, and it seems to me that that is the proper and usual course to pursue.

Mr. HOAR. Mr. President, I wanted to get at it at the earliest time, and not to come in perhaps to-morrow morning.

Mr. DANIEL. The Senator can speak to it now.

Mr. HOAR. Although the Senate is in a hurry to get through, I will state, if the Senator will allow me, my views on this matter, whether the Senate agrees to them or not.

Mr. DANIEL. Very well.

Mr. HOAR. Mr. President, there is not a more thoroughly earnest and hearty advocate of this memorial bridge on this continent than I am. It has been a very favorite plan and scheme of mine from the beginning. I expect to support it heartily and with all my might, if such support will do it any good; but a plan was agreed on somewhere, or proposed, which has excited, I think, very extensive and almost universal disapprobation from the architects and experts on that subject throughout the country, although, of course, there may be some difference of opinion regarding it. Other plans have been proposed for building this bridge, one of which certainly seems to me much preferable. I think Keller is the name of the architect who conceived the plan; and it seems to me to be a much finer design than the one here proposed.

This is not a plan to begin the construction of the bridge at a cost of millions of dollars. The amendment appropriates $100,000, and pretty much all that can be done with $100,000 is to commit this Government to one particular plan. It is putting into the power of one man, to wit, the Secretary of War—a very competent and able gentleman, as we all know, for his high duties, though what particular skill he has in dealing with questions of architecture I do not know; but I do not wish to question it, for he is a man of such general capacity that he would be likely to have capacity in that direction—it is putting into his hands a matter that ought to be submitted to more than one judgment. One hundred thousand dollars will just commit us to one scheme, and nothing else. That is all there is of it. There is no practical advance in the construction of the bridge by this appropriation.

Here is a bridge which ought to be the most superb structure of the kind on the face of the earth. It is to be, undoubtedly, the most costly structure of the kind on the face of the earth: it is to live a thousand years; it is to outlast the architecture of Rome in its duration; it is, as we hope and believe, to be in undiminished and unimpaired magnificence and beauty, even if the time shall come which Macaulay so eloquently depicted, when some traveler from New Zealand takes his seat on some broken arch of London Bridge to sketch the ruins of St. Paul's.

I do not think we ought to commit the United States to a plan of $100,000, or to do anything which will carry out one plan and not another. If this proposition can be so amended as to distinctly provide that nothing shall be done toward the structure which shall commit the Government to one plan for a bridge rather than another, I shall be entirely content. If reconsideration takes place, I should like to move that amendment and to

have the vote and the discussion on that. That is my reason for taking this course, and that will, I think, remove any necessity, if the Senate is now of that way of thinking, for any debate at all.

I do not want to interfere with that bridge. It has been from the time when I first heard the suggestion a plan dear to my heart, and I should be willing, if it were necessary, to double the proposed sum which was suggested a Congress or two ago. I do not think we should pause to count millions if the expenditure of millions will get the most superb work of art in the world.

There is nothing like a great bridge for architectural possibilities. Every Senator is familiar with the beauty—the noble, severe, and simple beauty—of one bridge which already exists in this neighborhood, and which, I believe, owes its origin to the taste and genius of the then Secretary of War, Mr. Jefferson Davis. Whatever else may be said in regard to that gentleman in other matters, he was a great public benefactor and contributor to the ornamental in the country when he directed the noble and simple grandeur of the Cabin John Bridge.

The proposed memorial bridge is to commemorate the Union restored; it is to connect the great sections of the country, now united and cemented in an imperishable friendship and affection, which was once for a brief time estranged. It is to last to that time, which my honorable friend from Virginia [Mr. DANIEL] so eloquently and magnificently depicted in our hearing the other day in the centennial celebration, when he said to his countrymen words which never will fail to be remembered, that this country was to last to an epoch when even the differences which existed in the period of secession or the differences in regard to the Philippine Islands, or the other questions which seemed so great to their contemporaries, become petty and trivial and almost contemptible in the view of time and before the greatness and grandeur of the country.

The memorial bridge is to be the great architectural structure commemorative of the greatest occurrence, as Americans fondly think, of the world's history, and that is the united and restored and cemented and eternal affection and union which is to exist hereafter between the two sections of this country.

Let us make no mistake; let no man, whether he travel from New Zealand or elsewhere from the ends of the earth, go away with a sneer or a disparagement or an objection after seeing the noble and faultless symmetry of that noble structure.

I do not want to count the cost; I do not want to hurry; I do not want to make a mistake; and I do not want to put into an appropriation bill, therefore, an appropriation for a hundred thousand dollars, which is only to be effective, not in advancing the work by a week or an hour, not in beginning the work in any serious fashion, but only in committing us to what may prove to be a great architectural mistake.

If the Senator from Virginia is willing to let this be reconsidered and to have a provision instructing the Secretary of War to make this expenditure, if it be necessary, in any fashion which will not commit us unnecessarily to any particular plan, I am content; otherwise, I shall press my opposition, and I shall submit to the Chair my question of order.

Mr. ALLISON. This provision relating to the memorial bridge, as it now stands in the bill, was the work, practically, of the Committee on Appropriations. The original amendment submitted by the Senator from Virginia on this subject did commit us absolutely to a plan for the construction of this bridge, or rather two or three plans, any one of which might be selected under the provisions of the original amendment.

The Committee on Appropriations shared the view of the Senator from Massachusetts. We did not believe that in a structure of this kind we should in the initiative appropriation confine ourselves to a particular plan. We had in mind appropriations which we have made twice for the construction of a bridge across Rock Creek, which is now being constructed, or the appropriation for which has been made, and the appropriations are used for the construction of piers and piers alone. We believed that upon any plan that was likely to be proposed there would necessarily be provided piers, and in committing this work to the Secretary of War we supposed it would be under the direction of the Chief of Engineers.

I think the criticism of the Senator from Massachusetts is right as respects the necessity of a plan for this structure before it is entered upon in detail. I agree to that.

This amendment was read and agreed to last night during the evening session before adjournment, and I stated distintcly then that contested amendments would be passed over. No one contested this amendment at that time. The Senator from Massachusetts was absent. I think it is due to the understanding which we had yesterday, when we commenced the consideration of this bill, that where there is a contested amendment it shall be reconsidered, and I hope that will be done, and then the Senator from Massachusetts can move such amendments as he sees proper. But I would suggest that an amendment be provided here which shall declare that the plans shall be submitted to the Secretary of War and approved by him before any portion of this appropriation is expended.

Mr. HOAR. Or submitted to Congress.

Mr. ALLISON. I should be willing to have them submitted to Congress if necessary. But in order to reach this amendment I suggest that there be no objection to the reconsideration proposed by the Senator from Massachusetts.

Mr. McCOMAS. If the Senator from Iowa will allow me, ought not some of this money be available to pay the engineers and architects for preparing the plans, to be submitted to the Secretary of War?

Mr. ALLISON. I think, very likely. I should be perfectly willing that $10,000 should be used for that purpose.

Mr. McCOMAS. Ten thousand dollars would be sufficient.

Mr. HALE. There is one thing that is very certain, that with all the schemes and plans of the different engineers who have taken an interest in this matter and who submit their own schemes, unless Congress does something now in the way of starting this project it will fall by the wayside, and nothing will be done. If we wait until everybody is satisfied, until everybody has a plan that suits him, or suits the engineer, impresses his mind, we will never have a memorial bridge.

We can make an appropriation now, a small appropriation, and leave it to the judgment of the Secretary of War to elaborate a plan and commence the work and go on with it. But if we put it over to the next session, it will be the same thing that has happened in years past. We shall not satisfy everybody, and we will be older men; we will pass out of public life and nothing will be done about this memorial bridge if we do not do it at once and take some responsibility about it. It is very easy to put it off, and if we do not start it now, and do something in the way of an appropriation, none of us will ever see a memorial bridge.

Mr. HOAR. If the reconsideration takes place that the Senator from Iowa has favored, I will move this amendment, of which I will now give notice:

Provided, That no expenditure shall be made which shall impose the necessity of adopting any particular plan or scheme, and that no such plan or scheme shall be adopted without authority of Congress.

I think that ought to satisfy the committee.

Mr. TELLER obtained the floor.

Mr. CARTER. I suggest, if the Senator from Colorado will permit me, that the amendment might be supplemented by the provision outlined by the Senator from Maryland, to wit, that the sum of $10,000 may be used to prepare plans.

Mr. ALDRICH. I hope it will not be limited to $10,000.

Mr. HOAR. No; such amount as in the discretion of the Secretary of War is necessary.

Mr. CARTER. Whatever may be regarded necessary by the Secretary of War.

Mr. TELLER. Mr. President, the suggestion that this sum might be used for piers seems to me rather premature. No portion of it could be used for piers until some plan is adopted, and I do not understand how any architect could devise a plan until he had some idea of what Congress is willing to appropriate. One man might get up a very handsome bridge for $3,000,000 and another a very much better one for five, and, possibly, as suggested, for two millions. But I do not believe you can get such a bridge as the Senator from Massachusetts expects this to be without a pretty large expenditure of money.

We have had presented to us quite a number of plans. I do not remember, but I think the most expensive plan was somewhere in the neighborhood of three and a half million dollars. I may be mistaken. I examined it with all the care I could last session. I do not profess to be a judge of those things, but no plan that I have seen is of the character that I think ought to be adopted. They are certainly not such plans as the Senator from Massachusetts expects we are to adopt, and they all of them bore evidence that the architect felt he was restricted by the amount of money he was to use.

I think the wisest thing to do would be to appropriate some money and allow the architects of the country to make their plans, and to make them with an understanding that they were not limited to the absolute necessity of building the bridge. We can build a bridge across there, if that is what we want, for a comparatively small sum of money, a bridge which will be useful; but nobody supposes we are building this bridge simply for its use.

We are building the bridge as a memorial to commemorate a great event, and it is to be used, as I understand, to show the world what can be done in this age in the way of bridge building. It ought to be, as the Senator from Massachusetts says, the finest bridge in the world; and if it is to be a monumental bridge we ought not to say to the engineers, "You must keep this down to two million or two and a half or three million dollars," if they can make such a bridge as we ought to have.

No plan, in my opinion, has yet been presented that ought to be adopted. Every plan, in my opinion, is entirely too low. The bridge will never be an imposing bridge unless it is a high bridge.

The situation of the surrounding country demands that it shall be a bridge of considerable altitude, and all the plans I have seen are entirely too low, I think, from an architectural view.

Mr. GALLINGER. If the Senator from Colorado will permit me, I was attracted by his observation that as he understood the matter of the plans, the most expensive plan was about $3,000,000. I will say to the Senator that the Burr plan modified contemplates the expenditure of nearly four and a half million dollars. It is something over $4,000,000.

Mr. TELLER. Has that been changed since we had it last year?

Mr. GALLINGER. There are three plans submitted, I will say to the Senator, and the plan that now meets with favor in the Board of Engineers of the War Department is a modification of the two. They have taken a portion of plan No. 2, I think, and made it a part of plan No. 1, and that now is the accepted plan, if I may use that term, and it contemplates the expenditure of nearly four and a half million dollars, I think. I will ask the Senator from Virginia.

Mr. MARTIN. That is correct. It is nearly four and a half million dollars.

Mr. TELLER. I presume likely there has been some improvement since I saw the plan last year.

Mr. SPOONER. Is this combination plan the plan to which the Senator from Massachusetts refers as having been much criticised?

Mr. GALLINGER. It is. It was criticised by German architects.

Mr. TELLER. It is the plan we had before the committee last year. I do not want to see it adopted, or any of the others. I do not think any of those plans ought to be adopted. The plan that was to cost the most money—I do not remember just what it was—was perhaps the best, but it was not such a plan as we should adopt; and if we are going to go into this, I want to repeat, let us build a bridge that will be a credit, and that all the people of the world will admit is a credit, to the American people.

We have up here 8 or 10 miles the finest stone arch in the world, and we can build a bridge over here, because, as I said, the ground is well calculated to build a fine bridge, taking into consideration the surrounding hills. I hope we will now appropriate only money to get the people who are acquainted with this work to present their plans, and out of it we will adopt something that will be worthy of the American people when they build the bridge.

Mr. MARTIN. Mr. President, this matter is evidently not at all understood in the Senate, and notwithstanding the late hour and the shortness of time at the disposal of the Senate, I must ask the indulgence of the Senate until I can briefly present the matter as I understand it.

The investigation of this subject commenced as far back as 1886. Board after board has got up plans and submitted them. All the plans submitted are of course attacked by those engineers and architects who failed to prove the successful competitors in this matter. With a view to putting an end to this strife over a plan and enabling the country to get a bridge from the city of Washington to the national cemetery and to the other objects of interest on the Arlington estate, an appropriation was made, and the War Department proceeded carefully and deliberately to investigate this subject. They caused borings to be made and other investigations to commence, and reported to Congress that the amount appropriated was insufficient.

Mr. TELLER. How much was it?

Mr. MARTIN. Perhaps $5,000, possibly $10,000. I have not the figures immediately in mind. The last one was $5,000, which I have before me; but there was one at the previous session of Congress, the amount of which I am not entirely certain of.

When the War Department reported that the amount appropriated was insufficient to enable it to secure proper plans for the bridge, another appropriation of $5,000, being the amount asked for by the War Department, was made. The Secretary of War proceeded with the utmost care. He did not open the doors to all the bridge engineers and architects in the United States, but he selected what he considered four of the ablest and most distinguished men in that profession, and he required each one of those four engineers so selected to associate with him an architect to look after the architectural features while the bridge engineer looked after the engineering features, and he called upon these four engineers and architects to submit plans, and then appointed a board to examine the plans so submitted.

Mr. HOAR. May I ask the Senator from Virginia a question?

Mr. MARTIN. Certainly.

Mr. HOAR. Did I correctly understand him when I understood him to say that but four architects in this world were allowed to compete on those plans?

Mr. MARTIN. That is correct; and if any mistake has been made in the matter, it was made there. There has been no other competitor in this matter except Mr. Keller, who has had a plan that he has, in season and out of season, attempted to thrust on the consideration of Congress.

Now, I do not object, understand me, to Mr. Keller's plan. I say if any mistake was made at all, it was in not opening the door wider. I am perfectly willing for it to be opened to Mr. Keller's plans now, and to have the Secretary of War and the Board of Engineers, or any other board that the Secretary of War sees fit to appoint, carefully investigate Mr. Keller's plan, and if it is better than the others, or if it is the best one presented, to have it adopted. I am not wedded to any plan, but I must appeal to the Senate to do something that is practical, to do something that is decisive, to do something that makes some progress in this matter.

The distinguished Senator from Massachusetts [Mr. HOAR] always proclaims his earnest anxiety to have this bridge built, but he is always pulling down what has been done and offers no suggestion that will advance and build up the project about which we are all concerned. This Board of Engineers and architects was appointed by the Secretary of War to consider these plans. It was a board composed of Col. Charles J. Allen, of the Corps of Engineers; Maj. Thomas W. Symons, of the Corps of Engineers, and Capt. David D. Gaillard, of the Corps of Engineers, and Mr. Stanford White, an architect of the city of New York, perhaps as distinguished as any architect in the United States, and Mr. James G. Hill, an architect, and they were ordered to assemble in the city of Washington.

So the plans submitted were subjected to the closest scrutiny by a board consisting of three distinguished engineers of the Army and two distinguished architects, selected by the Secretary of War as a competent board to determine what plan should be adopted for this structure.

While the board had the matter under consideration and before the report was made, the President, in his annual message sent in at the first session of the Fifty-sixth Congress, used this language:

> Congress at its last session appropriated $5,000 "to enable the Chief of Engineers of the Army to continue the examination of the subject and to make or secure designs, calculations, and estimates for a memorial bridge from the most convenient point of the Naval Observatory grounds, or adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property." In accordance with the provisions of this act, the Chief of Engineers has selected four eminent bridge engineers to submit competitive designs for a bridge combining the elements of strength and durability and such architectural embellishment and ornamentation as will fitly apply to the dedication, "A memorial to American patriotism."
>
> The designs are now being prepared, and as soon as completed will be submitted to the Congress by the Secretary of War. The proposed bridge would be a convenience to all the people from every part of the country who visit the national cemetery, an ornament to the capital of the nation, and forever stand as a monument to American patriotism. I do not doubt that Congress will give to the enterprise still further proof of its favor and approval.

This "still further proof of its favor and approval" is what I have been trying to get since this message was sent to Congress, and what I am asking to-night. The report of the board, which had not reported at the time the President's message was penned, reached Congress at the same time that the President's message reached Congress, and this Board of Army Engineers and architects, three of the former and two of the latter, recommended a plan which will cost when completed about four and a half million dollars.

I have heard some criticism of this plan because of its great cost. I have not until to-night heard that there was a desire that it should exceed this amount in cost. All want it worthy of the purposes in commemoration of which it is to be constructed. None, I take it, want to stint or be miserly or stingy in the amount ultimately to be expended. The amount can be expended in installments from year to year, and if the bridge, in its ornamental features as well as its useful ones, is completed within five or even ten years, it would be better to have it that way and to have it an honor to the country rather than to have a cheap structure, put up in a hurry.

The engineers and architects who presented this plan appeared before the Committee on the District of Columbia, and they stated that it is to be the finest bridge in the world; that there is no bridge in the world that compares with it in magnificence and in grandeur. I do not feel justified in taxing the time and attention of the Senate by going into the details of this matter, but I see no necessity for transcending the amount required to meet the plan which was adopted in this careful and painstaking way under the authority of the Secretary of War.

If any mistake has been made—I do not believe any has been—it has been in not opening the door wider. I know that, as I stated before, Mr. Keller has criticised the plan. He has devoted himself in season and out of season to criticism of this plan. He has had his own plan on exhibition in the city of Washington. But I have seen no criticism of the plan adopted by the War Department except the interested criticisms of Mr. Keller and those with whom he has talked and who have not investigated any other plan than the one presented to them by Mr. Keller.

I have heard the most satisfactory commendation of the plan adopted by the War Department, after this careful and painstaking investigation, and I firmly believe that they have recommended a structure that will be an honor to this country through

all the ages to come. They have recommended a bridge that is superb and magnificent in all of its features, finer than any bridge in the world. That was testified to before the Committee on the District of Columbia by a number of distinguished bridge builders.

Now, I say if there has been any mistake made at all, it was in limiting the competition to four competitors. That was done by the War Department because of the limited appropriation made by Congress. The gentlemen who submitted the plans expended many thousands of dollars in getting up their plans, for which they got no compensation at all. The $5,000, which was to be expended under certain rules laid down by the War Department to aid them in getting up the plans, was a mere pittance as compared with the actual cost to the distinguished men who presented those plans in the competition.

The War Department did not have a sufficient appropriation to open the doors to the whole world, nor in my judgment was that necessary. When four of the most distinguished bridge builders in this country, each one assisted by a distinguished architect, put their minds to work on this subject they were amply equal to the occasion and able to present a plan worthy of this country in every respect. If the distinguished Senator from Massachusetts really wants to forward this matter, let the door be opened now and let Mr. Keller's plan come in.

Mr. CULLOM. And everybody else's.

Mr. MARTIN. And everybody else's plan that the Secretary of War is willing to consider. Let the Secretary of War be authorized to select a plan, but let him go to work now to expend the hundred thousand dollars, using so much thereof as may be necessary in getting additional plans, if he sees fit to get additional plans, and let him spend the balance of it in the commencement and prosecution of this work.

Mr. BEVERIDGE. May I ask the Senator from Virginia a question?

Mr. MARTIN. Certainly.

Mr. BEVERIDGE. Do I understand the last remark of the Senator from Virginia to imply that he is willing now to open this great work to competition by all the artists of the world?

Mr. MARTIN. I am perfectly willing to add to this clause as it is now in the bill that the bridge shall be built on a plan to be determined upon by the Secretary of War, and authorizing the Secretary of War to expend, in his discretion, so much of the hundred thousand dollars as may be necessary for this purpose in securing proper plans for the bridge.

Mr. BEVERIDGE. Opening the competition to the artists of the world?

Mr. MARTIN. Opening it to the whole world, if he sees fit, leaving it to the Secretary of War; and I want it open to the whole world; but I mean that the Secretary of War shall not be required to pay these competitors. Let them get up their plans at their own cost and expense. Do not fritter away this money indefinitely in securing hundreds and thousands of plans that may be submitted.

I am perfectly willing to let an amendment be put on here providing that the Secretary of War shall select a plan. I do not desire to adopt any plan. I am not a judge of these matters. I respectfully submit that very few members of the Senate are capable of judging of the plans and the designs for a great memorial bridge. It takes technical knowledge, it takes scientific knowledge and training and culture in that particular profession and art in order that a safe conclusion may be reached. I think the Secretary of War already adopted a wise plan when he selected competent experts to pass upon the plans which were submitted, but I am willing that he shall not be tied down to the plans that have been submitted, but that he may open the doors as wide as possible and consider any plan that may be presented.

I believe the distinguished chairman of the committee has drafted an amendment covering that view which will be offered, and which I hope will satisfy the Senator from Massachusetts and every other Senator who earnestly desires that this matter shall be proceeded with with a view to the accomplishment of some result, and not be kept here longer, after it has been held here in abeyance, in a tentative effort, with no practical result, from the year 1886 down to the present time.

Mr. HOAR. Mr. President, the Senator from Virginia and I are so nearly agreed now that I will not detain the Senate by many further words.

I have never, as he seems to think, had anything to do with this matter except to express my hearty desire for its accomplishment except that at a previous session of Congress, when just in the closing hours it was proposed to commit us to a small, insufficient appropriation, I suggested that we ought to have a better bridge and a larger appropriation than was then contemplated.

The difficulty with the present situation is that the competition for the greatest architectural structure in the world, as we hope and believe and expect, has been limited to four architects, instead of being open to the whole world, and it is now proposed to have it settled by one man. The Senator agrees, and the Senate generally, I think, agree, so far as any purpose has been disclosed, to a provision that this shall be open to general competition, and I therefore suppose, if the reconsideration takes place, that amendment will be put in.

Now, the only other point of difference is that the four men, such as they were—and I dare say they were excellent men—did not know the extent and liberality and breadth of purpose of Congress. The Senator from Virginia states that the designers of these plans were hampered with the idea that we expected to build the bridge at this comparatively moderate cost. So we have plans designed by only four men, with nobody else admitted to competition, and designed by them undervaluing and underestimating the liberal feeling of Congress in the matter. Now, that is a clear mistake, as we all admit.

If the Senator from Virginia will give me his attention one moment—I think we are entirely in accord now in our feeling, with one exception—and I want to know whether the Senator on the whole does not agree with me in that. I think this ought not to be settled absolutely by one man, even with his subordinates. We do not know who will be the Secretary of War. We have a very distinguished and able gentleman whom rumor says—I do not know how true it is—is exceedingly impatient to get back to the great professional emoluments and activities which are before him in his own city. It is quite possible that if he does not do that, in the changes which may take place within a year or two he may be called to another and larger department of the Government.

We do not know who is to be Secretary of War hereafter, and I think these plans ought to come back to Congress before the five or six million dollars which have got to be expended are expended. I do not mean that the members of Congress are the best judges of architecture in this world. I do not profess to be one myself, although there are others much fitter than I am; I do not suppose any of us makes that lofty claim, but we can tell if a noble structure is proposed whether it is a noble structure, and we shall know when that comes to us what indorsement it has in the way of the approval of famous architects in the country, and in the Departments here. We shall give due weight to their judgment, but we ought to control it.

I do not know this Mr. Keller. I never spoke to him to my knowledge. I have glanced merely at this printed scheme which has been sent about. Whether it is a good one or a bad one I do not know. But eminent architects of the very highest distinction, men who have made some of the most magnificent buildings in this country, have written to me, and those who write to me write with one accord in disapproving the plan that has been selected. With one accord the eminent architects of the country condemn this proposition.

Now, what I want done is to have this appropriation made, and to have it so limited that it is not going to commit us to any one plan, to have the competition thrown open to the architects of the world, and then have the result proposed come back to Congress with the indorsements and certificates of the judgment of the Secretary of War. The Secretary of War may be some gentleman such as we have known, who would not be a better judge than the poorest judge here. But let it come back and then Congress will deal, I am sure, with a liberality that will not scrimp.

The American people want these great public works to be done in a way worthy of them. I have been here for thirty-two years, and I never heard a single American citizen who has come here, from my own State or anywhere else, complain of the money spent to acquire the splendors in this Capitol, which cost, I believe, in all from $13,000,000 to $15,000,000. I have never heard one single human being, of the hundreds and hundreds who have come here from my own part of the country and elsewhere and saw that noble and beautiful Library building, complain of its cost.

There is one expression from them of pride and satisfaction. A man says to himself: "I am a poor man at home, but I am one of the owners of this Capitol and this Library." Now, I want the bridge to be like unto them, and I agree with the Senator from Virginia when he says he does not want to be hurried in a way that will hurt the work.

So, Mr. President, if the Senator from Iowa has such a draft as the Senator from Virginia understands, I am sure it will be a better one than I could make, and I hope we shall have it. I hope the reconsideration may take place, and then we can dispose of this question in two or three minutes.

Mr. MARTIN. I have very hastily drawn an amendment, which I hope will meet the views of the Senator from Massachusetts. I will read it.

After the word "thereto," in line 3, page 108, insert:

On a plan to be approved by the Secretary of War, and not to cost more than the estimated cost of the bridge provided for in the plan approved by the Secretary of War, as set out in Document No. 578, House of Representatives, first session of the Fifty-sixth Congress.

That is four and a half million dollars; and I add——

Mr. HOAR. No; that is not at all what the Senator said before.

Mr. MARTIN. I am perfectly willing to leave the amount absolutely in the discretion of the Secretary of War and strike out that limitation.

Mr. HOAR. Does not the Senator propose to have him submit his plans to Congress and let us see whether we approve them?

Mr. MARTIN. I do not think it is expedient to proceed with this bridge on that plan. We have been proceeding on that idea since 1886, and we will never get a plan here under it.

Mr. BEVERIDGE. Why not leave the amount unlimited?

Mr. MARTIN. I am perfectly willing to leave the amount unlimited, though I believe the amount I have named is fully as large as will be needed. It will make the finest, the most magnificent bridge in the world. I had thought it was wiser legislation to fix some limit of cost rather than leave the Secretary of War with absolute freedom to go to any extent.

I have written the amendment with that limitation of cost. It is a liberal one. It is an ample one for the most magnificent structure in the world, and I think it is wiser legislation to put a limit on the cost and not leave to the discretion of anyone the determination of the final cost of this bridge. It ought to be limited, it seems to me, in the legislative act.

Mr. TILLMAN. I suggest to the Senator that if he will fix a lump sum of not exceeding $5,000,000, if we are willing to go that high, or any other lump sum that the Senate may vote for, it will be much clearer and will obviate the Senator alluding to a document that very few of us have ever read or know anything about.

Mr. MARTIN. I think that suggestion is a good one and I will accept it.

Mr. HOAR. I wish you would make it $6,000,000.

Mr. MARTIN. I think that $5,000,000 is more than is necessary. I do not see any necessity or wisdom in it; and I believe it will weaken the bill when it goes to the House, and it will weaken it everywhere. It is an unreasonable and an unnecessary sum to spend for this purpose. Four and a half million dollars is ample. Four and a half million dollars will build a bridge finer than any in the known world. Men who have examined every important bridge in the world have testified before the Committee on the District of Columbia that this bridge, costing four and a half million dollars, will far surpass any bridge in the world. I do not believe that we ought to put in this amendment a provision for a bridge costing more than that sum.

Mr. HOAR. Make it $5,000,000.

Mr. MARTIN. I am willing to modify the amendment so as to fix the limit at $5,000,000, and the plan to be fixed by the Secretary of War. A further provision of my amendment is:

And the Secretary of War is authorized to expend so much of the amount hereby appropriated as may be necessary for the purpose of securing and determining on a proper plan, opening the competition to all who may desire to submit plans.

Mr. HOAR. Will the Senator read that last sentence again?

Mr. PLATT of Connecticut. Read the whole amendment as you have it now.

Mr. MARTIN. I will have to state it, as it is not all written, until I can insert the $5,000,000 in place of the reference to the document:

On a plan to be approved by the Secretary of War, and not to cost more than $5,000,000. And the Secretary of War is authorized to expend so much of the amount hereby appropriated as may be necessary for the purpose of securing and determining on a proper plan, opening the competition to all who may desire to submit plans.

Mr. HOAR. Well, that is right.

Mr. BEVERIDGE. That is all right.

Mr. MARTIN. That amendment I am glad to see meet the view of the Senator from Massachusetts, and I hope the Senate will adopt it.

Mr. GALLINGER. Mr. President, a single word.

As a member of the Committee on the District of Columbia I did not join in this report. At the same time I sat here last evening and allowed the amendment to be adopted, and I am not going to object to it now.

There is a difference of opinion, a very grave difference of opinion. The plan adopted by the War Department contemplates a bridge a mile long. The publications in this country devoted to architecture have condemned that plan. The Keller plan proposes to treat the banks of the river, and by embankments to shorten the bridge and make it more massive in consequence. The Burr plan proposes to put in the center of the stream two magnificent pillars, I think 260 feet high, half as high as the Washington Monument, that will be used in part to open the draw.

The Keller plan and other plans that have been suggested propose to put a magnificent arch on the Washington side, so that the approach to the bridge will be the magnificent part of it, in place of putting these structures in the center of the stream.

I am not a sufficient judge to know which is the better plan. The latter plan has rather commended itself to me, but we had distinguished bridge builders before our committee who contended that the Burr plan, which is the plan I first described, is entirely in accordance with æsthetics and with the technique of architecture.

Now, Mr. President, I very much like the proposition just made by the Senator from Virginia, to throw this open to competition. Why, a young fellow in the Massachusetts Institute of Technology, a little time ago, won a prize over all the great architects of the country. He was but a boy, but the matter was thrown open and he produced a plan that has astonished the country. I have forgotten exactly what the structure was.

It does seem to me that in this magnificent memorial bridge, which I favor very warmly and want to see constructed at the earliest possible moment, we ought not to make any mistake in the initiative. We ought to be sure that we are right before we expend one single dollar on the structure itself. I am not a judge of those matters, but I think $5,000,000 will not be too much, and I am inclined to think we will expend more than that before we get through with this project.

But, Mr. President, it would be a great mistake, it would be a crime, if we commenced this structure on plans that would be condemned later on and that would produce a bridge that would not be as magnificent a memorial as we ought to put over the Potomac River connecting the District of Columbia with the possessions of the Government on the Virginia side.

Now, Mr. President, I speak as a friend of this project, but I have not myself ever been able to be persuaded that we ought to go on and adopt a plan that was simply the product of four men, when we ought to have opened it, in my judgment, to the competition of the entire country.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to reconsider the vote by which the amendment was adopted.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. MARTIN] offers an amendment.

Mr. MARTIN. It has been sent to the desk.

The PRESIDENT pro tempore. The amendment will be read to the Senate.

The SECRETARY. After the word "dollars," in line 3, page 108, insert:

Said bridge to be constructed on a plan to be approved by the Secretary of War, not to cost more than $5,000,000. And the Secretary of War is authorized to expend so much of the amount hereby appropriated as may be necessary for the purpose of securing and determining on a proper plan, opening the competition to all who may desire to submit plans.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HOAR. I move to amend by adding the words—

And to appoint a commission to whom said plans shall be submitted to consideration before their final adoption, to consist of not less than five architects or engineers, and to conduct the competition.

Mr. HALE. Mr. President, the result of this amendment will be to throw open the whole project. It has already been through the process of submission to the Secretary of War upon bids of four constructors, and that is not a provision so inadequate as some Senators seem to believe. The four competitors (I know nothing about who they are) represent people who are acquainted with this whole subject and submit their projects and their bids to the Secretary of War, and he decides who makes the best bid.

Mr. President, we shall never get a bridge until it is left to the decision of the Secretary of War. If you limit him and control him by a commission of five or three, nothing will be done. It will be thrown open; it will be continued from year to year, just as it has been in the past.

I hope this amendment will not prevail. I want to remind the Senator from Massachusetts of the fundamental fact that objection never built a bridge. It is something that is not objection that builds bridges. It is done by lodging the power in a central authority. This memorial bridge will never be built, it will never be entered upon, until the one central authority, the Secretary of War, decides what is the best project.

If you surround him with a commission of a half dozen architects—and there are no such cranks in the world as architects; everyone who ever built a house or has known anything about a public building knows that, skillful, able, as architects are, every one of them has his own scheme—I notify the Senators from Virginia, if they limit this to the controlling power of a commission of architects, they may bid good-by forever to the project of a memorial bridge. You have got to lodge it at last in the discretion of the Secretary of War, who, by precedent, practice, and custom controls all of these structures—who takes the counsel of his engineers and everybody else he chooses, and decides upon what shall be the plan.

Mr. MARTIN. I desire to call attention to the fact that when the Secretary of War acted on this matter before, he acted through a board of distinguished experts. I realize that under the amendment as I have offered it it will be absolutely necessary for him to

call to his aid a board of that character when he proceeds further with this matter.

I appeal to the Senator from Massachusetts that he realize as I realize, and as all Senators will realize, that the Secretary of War will do hereafter as he did before—call to his aid a board of technical men to dispose of this matter. I hope he will withdraw his amendment to my amendment and allow it to come before the Senate as I sent it to the desk.

Mr. STEWART. I hope that will be done.

Mr. HOAR. Mr. President, I do not want to interfere with the Senator's plan at all, as I have said more than once. I think all of us consider that this debate has not been lost when it is converting the Senator from Maine, who, for the last forty years, I think—I do not know exactly how long he has been in the Senate—has been the standard and the most standing objector in this world to a frame of mind which makes him see that objections never accomplish anything.

Mr. HALE. I never opposed a memorial bridge.

Mr. HOAR. I know that.

Mr. HALE. I have always been in favor of it.

Mr. HOAR. Certainly. Mr. President, it is true that objections do not build bridges, but it is also true that bridges are not very safe when they are built unless there is some care taken in laying their foundations—unless proper money is expended in making their structure strong and firm—and they are not very beautiful unless the keenest genius which is able to create great beauty is secured for their design.

Now, the Senator says that he hopes my amendment will not be adopted. The substance of my objection and criticism has been agreed to by every Senator who has spoken, unless the Senator from Maine. All that is left is this little point. I think it is better to put into the amendment in terms that the matter shall be submitted to a commission. The Senator from Virginia, whose interest and knowledge and study of the subject we all respect, thinks it is better not to put that in. I wish I could have the attention of the Senator from Maine.

Mr. HALE. I am paying attention to both Senators from Massachusetts just now.

Mr. HOAR. I have no doubt the Senator can pay attention to forty at once if he has a mind to do so.

The Senator from Virginia says that of course the Secretary of War will do exactly the thing which I propose to put in the amendment; that he has done it so far. I think, therefore, I will not take up the time of the Senate by having a yea-and-nay vote and a long talk on that point, and I will yield to the request of my honorable friend from Virginia. I withdraw the amendment.

Mr. STEWART. Mr. President, I wish to make just one remark. I am glad that the Senator from Massachusetts has withdrawn his amendment. I gave the subject all the attention I could this year. I examined Mr. Keller's plan, and I am confident the five-million limit would leave his plan out of the question, because he proposed to fill in those great flats and make it into a park. The bridge would be deeper and shorter, but I do not believe it could be built, if you fill up the flats and make a park, for $10,000,000.

So his criticism I did not think was very valuable. The Secretary of War will undoubtedly call in the advice that is necessary under this amendment. I agree with the Senator from Maine that there ought to be a head to it, and we should concentrate it so that we can get action.

Mr. GALLINGER. I should like to hear the amendment read as amended.

The PRESIDENT pro tempore. The amendment will be read.

Mr. HOAR. I have withdrawn mine.

The Secretary read as follows:

Memorial bridge across Potomac River: To enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, or property adjacent thereto, $100,000.

Said bridge to be constructed on a plan to be approved by the Secretary of War and not to cost more than $5,000,000. And the Secretary of War is authorized to expend so much of the amount hereby appropriated as may be necessary for the purpose of securing and determining on a proper plan, opening the competition to all who may desire to submit plans.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. TILLMAN. As I caught the words, the $5,000,000 is to be paid for the plans instead of the bridge?

Mr. GALLINGER. No.

Mr. TILLMAN. Read it over and see. I am speaking about the English now.

The Secretary read as follows:

Said bridge to be constructed on a plan to be approved by the Secretary of War and not to cost more than $5,000,000.

Mr. PLATT of Connecticut. The appropriation is for $100,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. I desire to offer a few amendments that I omitted to offer when I was on the floor before.

In the first instance, I move to change the amendment on page 3, line 17, by striking out "twenty" and inserting "twenty-eight."

The SECRETARY. In line 17, page 3, strike out "twenty" and insert "twenty-eight" before the word "thousand;" so as to read:

For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for six months ending June 30, 1902, for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, $28,000.

Mr. ALLISON. A a letter from the Secretary of War since the amendment was agreed to states that $28,000 is needed.

The amendment was agreed to.

Mr. ALLISON. On page 19, line 3, after the word "marks," I move to insert the word "buoys;" and in line 4, before "Porto Rico," I move to strike out "on" and insert "for;" so as to make the clause read:

Porto Rican light-house establishment: For maintaining existing aids to navigation and to establish and maintain additional day marks, buoys, and beacon lights where required for Porto Rico and adjacent islands, $75,000.

The amendment was agreed to.

Mr. ALLISON. On line 23, page 20, I move to insert:

For Lyle gun, the beach apparatus used with it, and two surf boats of the latest improved construction, for use on the coast at or near Cape Nome, Alaska, $2,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War.

I have also a letter from the Secretary of the Treasury saying that this is essential.

The amendment was agreed to.

Mr. ALLISON. The Senator from New Hampshire [Mr. GALLINGER] suggests that this amendment be inserted on page 21, after line 2, as a separate and independent paragraph.

The PRESIDENT pro tempore. The amendment will be inserted at that point.

Mr. ALLISON. I offer an amendment to be inserted on page 63, after line 9.

The SECRETARY. On page 63, after line 9, insert:

That the appropriation of $7,000 made by the sundry civil appropriation act approved June 6, 1900, for coal bin for storage of coal, to be built in connection with area of the Pension Office building, is hereby continued and made available for the fiscal year 1902, for the same purpose.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk, to come in on page 93, after line 17.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa will be stated.

The SECRETARY. On page 93, after line 17, it is proposed to insert:

Toward the enlargement of Governors Island, $200,000, and for the erection of storehouses and other necessary buildings, in accordance with plans reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 2, 1900, $60,000; in all, $260,000.

The amendment was agreed to.

Mr. ALLISON. I ask that the letter of the Secretary of War, which explains thoroughly the necessity for this amendment, be printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The letter referred to is as follows:

WAR DEPARTMENT.
Washington, March 1, 1901.

DEAR SIR: I beg to call your attention to an estimate of $1,140,000 for enlargement of Governors Island, New York Harbor, and an estimate of $35,000 for the construction of buildings thereat, made respectively by the Chief of Engineers and the Quartermaster-General, and transmitted to the Speaker of the House of Representatives December 29, 1900, and January 11, 1901, respectively (see House Docs. 235 and 319, Fifty-sixth Congress, first session, copies herewith), and to request that a moderate appropriation be included in the sundry civil bill for the commencement of this work.

A substantial progress can be made, which in itself would be of great value to the Government, by an appropriation of $200,000 for the enlargement of Governors Island and $60,000 for the erection of storehouses and other necessary buildings in accordance with the plan reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 21, 1900.

I transmit herewith a copy of the report of the board and of the maps which accompanied the same.

Let me briefly repeat the explanation which I have already made to you orally as to the purposes of the work and the reason why your attention is especially called to it at this late day. The interests of the military administration call for the use of very extensive facilities in and about the harbor of New York for storehouses, wharves, administration buildings, and other land and structures for the conduct of the enormous business involved in the support of the Army and its operations.

I find that we are now paying in rentals at that point over $97,000 per annum. At the same time we have, in the very center of the city, 57 acres of land constituting Governors Island, upon which are a number of buildings, very old, dilapidated, ill adapted to their purposes, and without wharves or bulkheads which are necessary to enable us to utilize the property.

Ordinary economy would dictate to any private person that, having such a valuable property, admirably adapted to the purposes of his business, he should utilize it instead of allowing it to lie unused while hiring facilities from others. Early last summer I convened a board composed of the officers whom I have named above, to consider and report plans for the improvement of the Government property in the island in such a way that it would be properly utilized.

The report of that board has been submitted to General Merritt, who was then in command, to General Brooke, who is now in command, to the Chief of Engineers, to Lieutenant-General Miles, and to many other of our recognized military authorities, and all agree that the execution of the plan is not only desirable upon ordinary business principles, but that it is of primary importance as a matter of preparation for any exigency that may require the use of troops and of military supplies upon the Atlantic seaboard or at any point in the West Indies or Central America.

If we construct an isthmian canal, it will be especially important that we should have some point where men, ships, and supplies can be readily brought together, so that without any such delays and confusion as were incident to the beginning of the Santiago expedition of 1898 an effective movement may be inaugurated. We have such a point in Governors Island.

The great number of railroads with extensive terminal facilities converging at the harbor of New York, and the enormous travel and freightage passing over those roads adapted to meet the fluctuating demands of three millions and a half of people, would make it possible to send, without any previous especial arrangements whatever, an army of any ordinary size and almost unlimited supplies for such an army to that point and put them on shipboard, provided only that we have the facilities at Governors Island for storage, the wharf accommodations for vessels, and room for transshipment.

The board found that if the United States could acquire the shoal land under water lying to the south of the island and fill it in, we could both acquire additional shipping facilities with deep-water frontage and immensely increase the facilities of the island by adding to its acreage; and their plan contemplates such a course. The land which they proposed to use, if acquired and filled, would add something over 70 acres to the present island, which is in the neighborhood of 57 acres.

The first thing, manifestly, to be done toward carrying out the plan was to acquire the title to this additional land. To that I have addressed myself and have been securing the passage through the legislature of New York of a law authorizing the commissioners of the land office of the State to convey the land and cede jurisdiction to the United States. Until such an act was passed, for reasons which will be apparent, I could not urge an appropriation. The act was signed by the governor on the afternoon of day before yesterday.

I wish to urge the consideration of this, both as a matter of plain business policy and as a matter of the highest importance in the way of the preparation of a strategical point for service in case of any of the exigencies to meet which the Army is maintained.

Very respectfully, yours,

ELIHU ROOT,
Secretary of War.

Hon. WM. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. ALLISON. On page 6, after line 21, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 6, after line 21, it is proposed to insert:

For necessary alterations in the Newport, R. I., post-office, and to provide additional space for the money-order, registry, and stamp divisions, $20,000, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, to come on page 65, after line 12, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 65, after line 12, it is proposed to insert:

For the purpose of providing the document room of the Senate with fireproof shelving, under the direction of the Architect of the Capitol, $67,500, to be immediately available.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. At the bottom of page 144 it is proposed to insert:

That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of preparing and improving a site and erecting and completing the erection of a monument to the memory of Dorothea Lynde Dix on the property now owned by the National Dorothea Dix Memorial Association at Hampden.

Mr. ALLISON. I ask the Senator from Maine if there is any law or authority for this amendment?

Mr. HALE. It is so meritorious that I think no doubt there is a law for it, though I am not able to find it at the present moment. I hope the Senator will allow the amendment to be inserted.

Mr. ALLISON. I feel constrained to make the point of order on the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. KEAN. I offer the amendment which I send to the desk, to come in on page 7. Newport, R. I., and Newark, N. J., are pretty close together, and I trust that I may get this little amendment for Newark adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. On page 7, after line 3, it is proposed to insert:

For the completion of the custom-house and post-office building at Newark, N. J., by a one-story addition, with basement, heating and ventilating apparatus, as required for carriers' room and storage, according to plans of the Secretary of the Treasury, $85,000.

Mr. ALLISON rose.

Mr. KEAN. I hope the Senator from Iowa will not object to this amendment.

Mr. ALLISON. I am constrained to make the point of order on the amendment.

Mr. KEAN. I think the point of order does not lie against it.

Mr. ALLISON. It is for a public building, and I do not know that there is a law for it, or that it has been reported from any committee.

Mr. KEAN. It was reported from the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. And referred to the Committee on Appropriations?

Mr. KEAN. Yes; it was referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on the amendment.

The amendment was agreed to.

Mr. MONEY. I desire to call up the amendment I offered early in the evening, which I consented to have put aside at the request of the Senator from Iowa [Mr. ALLISON], in charge of the bill.

The PRESIDENT pro tempore. The amendment referred to by the Senator from Mississippi will be stated.

The SECRETARY. On page 8, after line 6, it is proposed to insert:

For the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., $332,500, and the Secretary of the Treasury be, and he is hereby, empowered and directed to acquire for and in the name of the United States, for the purpose hereinafter provided, the following-described real estate, with the improvements thereon, known and designated as original lots Nos. 5, 6, 7, and 8, in square 167, in the city of Washington, D. C., and containing 17,733 square feet, lying and being at the corner of Pennsylvania avenue and Seventeenth street NW., fronting on Pennsylvania avenue 106 feet and on Seventeenth street 160 feet, and being the property of the Corcoran Gallery of Art.

Said property to be used by the Court of Claims, or for such other purposes as may be determined: *Provided*, That the same can be secured for a sum not exceeding $332,500; and so much of the act entitled "An act to provide for the erection of a building for the Department of Justice," approved March 3, 1899, as provides "that said building shall be constructed so as to provide a court room and necessary accommodations for the Court of Claims," be, and the same is hereby, repealed.

Mr. ALLISON. That, I take it, is in the law, and I shall not object to it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Mississippi [Mr. MONEY].

The amendment was agreed to.

Mr. SHOUP. I offer the amendment which I send to the desk, to come in on page 122, after line 10.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 122, after line 10, it is proposed to insert:

The Board of Managers of the National Home for Disabled Volunteer Soldiers shall cause to be inspected the buildings on the Fort Sherman Military Reservation, in Idaho, and the grounds contained therein, and make a report to Congress at its next session relative to the advisability of establishing a Branch Home for Disabled Volunteer Soldiers at that place, and what additional buildings, if any, should be erected thereon for the use of such a Branch Home.

The amendment was agreed to.

Mr. DANIEL. I desire to offer an amendment of three lines, to come in before the amendment proposed by the Senator from Indiana [Mr. FAIRBANKS], in regard to the appointment of commissioners for the revision of the laws. Before the first word, "That," in the amendment of the Senator from Indiana, I move to insert:

The President of the United States is hereby authorized to nominate and appoint, with the advice and consent of the Senate, five commissioners, inclusive of.

Then follows the amendment as adopted on the motion of the Senator from Indiana:

The commissioners heretofore appointed in pursuance of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, to revise and codify the criminal and penal laws of the United States, be, and they are hereby, directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

I beg leave to say that the amendment as I formerly offered it was submitted to the consideration of the chairman of the Judiciary Committee [Mr. HOAR] and to the chairman of the Committee on the Revision of Laws [Mr. BURROWS], and they stated that it was entirely satisfactory to them. Had the Senator from Michigan been here, I think he would have accepted it; but the part which made provision as to separation, as to some being of one party and some of another, was objected to. I have now put the amendment in such form that I think there can be no objection to it.

Mr. FAIRBANKS. Mr. President, if I understand the Senator's amendment, it differs from his former amendment in this: That the President is not restricted, in nominating the commissioners, to any particular party.

Mr. DANIEL. Undoubtedly.

Mr. FAIRBANKS. And the only change made from my amendment is to provide for the appointment of five instead of three commissioners.

Mr. DANIEL. That is all.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

Mr. DANIEL. I wish to call the attention of the Senator from Indiana [Mr. FAIRBANKS] to his amendment. The word "be," in line 7 of the original amendment offered by the Senator from Indiana ought to be stricken out, to meet the changed grammatical construction of the amendment. I have shown it to that Senator, and anyone who will read it will see that the word "be" is not necessary. The words "and they are hereby" are all sufficient.

The amendment was agreed to.

Mr. WARREN. I ask for the adoption of the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wyoming will be stated.

The SECRETARY. After line 15, on page 7, it is proposed to insert:

That to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo., the provisions of the act of Congress approved June 11, 1896, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," are hereby amended so as to extend the limit of cost of said building and site to $325,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within the limit of the cost hereby fixed.

Mr. ALLISON. That has been provided for in another bill. I call the attention of the Senator from Indiana [Mr. FAIRBANKS] to the amendment just offered by the Senator from Wyoming [Mr. WARREN]. I am willing that the amendment may be agreed to, and it can be stricken out in conference if it shall be found that it has already been provided for.

Mr. WARREN. That is entirely satisfactory. I should like to have it go into the bill tentatively.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment, which has been very carefully considered by the Committee on Commerce, favorably reported, and very strongly urged by the Superintendent of the Live-Saving Service. I move to strike out all after line 16, on page 19, to and including line 2, on page 21, and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out, after line 16, on page 19, all to and including line 2, on page 21, and to insert:

For salaries of superintendents of the Life-Saving Service, as follows:
For the superintendents of the First, Second, Fourth, Fifth, Sixth, Seventh, Eleventh, Twelfth, and Thirteenth districts, $2,500 per annum each.
For the superintendents of the Third, Ninth, and Tenth districts, $2,000 per annum each.
For the superintendent of the Eighth district, $1,500 per annum.

Mr. GALLINGER. I trust the Senator from Iowa will allow that amendment to go in. I will not detain the Senate if he will, but otherwise I shall want to make a little appeal.

I will say that this is very strongly recommended by the Superintendent of the Life-Saving Service. He is asking for it. It has been very carefully considered by the Committee on Commerce and favorably reported. I hope the Senator will let it go into the bill and consider it in conference. I think he will see the justice of the provision.

Mr. ALLISON. I desire to say a word respecting this amendment. I am quite sure that it can not be finally agreed to, but I do not wish to occupy further time with this bill. If the bill is to be passed at all, it must be passed to-night. This proposition has not been considered by the other House, so far as I know, nor has it passed the Senate; and it changes existing law in many particulars.

Mr. GALLINGER. At one time it was favorably reported in the other House, if I may be permitted to cite that fact.

Mr. ALLISON. And I ought not to have cited any fact respecting the other House. I make the point of order on the amendment.

Mr. GALLINGER. I do not think the point of order will lie against the amendment. It covers precisely the text that is in the bill, changing slightly the appropriation, and it has been reported by a standing committee.

The PRESIDENT pro tempore. Was it reported from the Committee on Commerce?

Mr. GALLINGER. It was.

The PRESIDENT pro tempore. Then the Chair overrules the point of order. The question is on agreeing to the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER].

Mr. MALLORY. I should like to inquire of the Senator from New Hampshire what are the stations provided for in the amendment? It is impossible to tell from the numbers, and I have not any book before me to which I can refer. The amendment was read, merely giving the stations by numbers.

Mr. GALLINGER. It includes all of the thirteen stations. They are numbered. I will say that I find that this amendment was reported from the Committee on Commerce, but I can not give the Senator the precise stations by name. The salaries, however, are fixed entirely in proportion to the importance of the station and the increased work the superintendents have had imposed upon them.

Mr. MALLORY. I understand that, but at the same time I should like to exercise my own judgment in reference to the matter, or at least I should like to have the opportunity to do so. We have some life-saving stations on the Gulf, which I think are as important as those anywhere else.

Mr. GALLINGER. Undoubtedly; and beyond all question they are equally cared for under this amendment.

Mr. MALLORY. I should like to have the names of the stations stated.

Mr. GALLINGER. Unfortunately, I can not state the names.

Mr. MALLORY. I presume the names of the stations are given in the original bill. We can not tell what they are from the mere reading of numbers.

Mr. ALLISON. There is no doubt, I will say to the Senator from Florida, that they are all included. This is an amendment revising the entire scheme of life-saving stations.

Mr. GALLINGER. It increases the salaries to the amount of $7,500. We have just given $10,000 for two additional commissioners, and I think we can afford to give something to the 13 superintendents of life-saving stations in this country. Their compensation is utterly inadequate.

Mr. MALLORY. I agree with the Senator about that. The only question with me is why some of the superintendents should be discriminated against in the increase of salaries.

Mr. GALLINGER. I will say to the Senator, if he will turn to the text of the bill, he will notice that the salaries are not all equal under the existing scheme.

Mr. MALLORY. Yes; I notice that.

Mr. GALLINGER. And the increase is simply upon that basis. It is entirely fair so far as the increase is concerned.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. For the information of the conference committee—and I have no doubt they will have time to read it—I will ask to put in the RECORD the report of the Committee on Commerce in regard to the amendment just adopted.

Mr. ALLISON. I can say to the Senator that we have a great number of copies of that report in the room of the Committee on Appropriations. I think every member has read that report.

Mr. GALLINGER. Very well. That being the case, I will withdraw the request.

Mr. ALLISON. I think it is not necessary.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] entered a motion to reconsider one amendment.

Mr. MORGAN. I claim a separate vote in the Senate, Mr. President, on the amendment bestowing bounties on St. Louis, Buffalo, and Charleston. I want to get our friends on record, so we shall know who they are.

The PRESIDENT pro tempore. Does the Senator from Alabama desire a separate vote on the amendment about which he entered a motion to reconsider?

Mr. MORGAN. Yes.

The PRESIDENT pro tempore. In the absence of objection, all the amendments made as in Committee of the Whole, with the exception of the amendment reserved by the Senator from Alabama, will be concurred in. The question is on concurring in the amendment relating to the Buffalo, the Louisiana purchase, and the South Carolina expositions. [Putting the question.] By the sound, the ayes have it. The ayes have it, and the amendment is concurred in.

Mr. MORGAN. I call for the yeas and nays, Mr. President.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

Mr. MORGAN. I should like to have a record of the names of those who second the demand.

Mr. SULLIVAN. I suggest the absence of a quorum.

Mr. CLAY. I ask the Senator to withdraw that suggestion.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Daniel,	McMillan,	Shoup,
Bard,	Fairbanks,	Mallory,	Spooner,
Berry,	Frye,	Martin,	Stewart,
Beveridge,	Gallinger,	Morgan,	Sullivan,
Butler,	Hale,	Nelson,	Taliaferro,
Carter,	Hanna,	Pettigrew,	Teller,
Clapp,	Hawley,	Pettus,	Tillman,
Clark,	Heitfeld,	Platt, N. Y.	Warren.
Clay,	Kean,	Proctor,	
Cockrell,	Kearns,	Scott,	
Cullom,	Lodge,	Sewell,	

The PRESIDENT pro tempore. On the roll call 41 Senators have answered to their names. A quorum is not present.

Mr. ALLISON. I ask that the roll of absentees be called.

The PRESIDENT pro tempore. The roll of absentees will be called.

The Secretary read the list of absent Senators.

Mr. ALLISON. I move that the Sergeant-at-Arms be directed to notify the absent Senators that their presence is necessary in the Senate.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant-at-Arms will execute the order of the Senate.

At 12 o'clock and 35 minutes a. m. (Saturday, March 2) Mr. PENROSE entered the Chamber and responded to his name.

At 1 o'clock a. m. Mr. PRITCHARD entered the Chamber and answered to his name.

Mr. PENROSE (at 1 o'clock and 7 minutes a. m.). Mr. President, I rise to a parliamentary inquiry. I should like to know the exact status of the business of the Senate at this time.

The PRESIDING OFFICER (Mr. SHOUP in the chair). The Chair will state to the Senator from Pennsylvania that at this time, the attention of the Senate having been called to the absence of a quorum, the Sergeant-at-Arms is trying to secure the attendance of absent Senators, of whom the Senator from Pennsylvania was the first to respond.

Mr. TILLMAN. Mr. President, would it be in order to send the assistant sergeant-at-arms after the Sergeant-at-Arms?

The PRESIDING OFFICER. The assistant sergeant-at-arms is already performing his duty.

At 1 o'clock and 10 minutes a. m. Mr. WELLINGTON entered the Chamber and responded to his name.

At 1 o'clock and 12 minutes a. m. Mr. DILLINGHAM entered the Chamber and responded to his name.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is a quorum present.

Mr. ALLISON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The PRESIDENT pro tempore. Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NICARAGUA CANAL.

Mr. CLAY. I desire to give notice that to-morrow morning, after the routine business is completed, I shall address the Senate briefly on the bill providing for the construction of the Nicaragua Canal.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. BUTLER. I enter a motion to reconsider the vote by which the Senate passed the bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 40 minutes a. m., Saturday, March 2, 1901) the Senate adjourned until Saturday, March 2, 1901, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1901.

ASSISTANT SECRETARY OF THE TREASURY.

Milton E. Ailes, of Ohio, to be Assistant Secretary of the Treasury, to succeed Frank A. Vanderlip, resigned.

POSTMASTERS.

T. T. Smith, to be postmaster at Fort McPherson, Fulton County, Ga., in place of O. T. Adams, resigned.

James W. Hughes, to be postmaster at Huntington, Cabell County, W. Va., in place of J. A. Hughes, resigned.

Robert A. Miller, to be postmaster at Ponce, Porto Rico; an original vacancy under the provisions of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 10, 1900.

J. M. Cheney, to be postmaster at Sonoma, Sonoma County, Cal., in place of A. H. Bates. Incumbent's commission expired January 12, 1901.

Ambrose C. Montross, to be postmaster at Larchmont, Westchester County, N. Y., in place of B. F. Palmer. Incumbent's commission expired January 7, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRTIETH INFANTRY.

Battalion Sergt. Maj. George J. Harman, Thirtieth Infantry, United States Volunteers, to be second lieutenant, February 26, 1901, vice Errington, promoted.

PROMOTIONS IN THE VOLUNTEER ARMY.

THIRTIETH INFANTRY.

Maj. Leonard A. Lovering, Thirtieth Infantry, United States Volunteers, to be lieutenant-colonel, February 20, 1901, vice Campbell, appointed brigadier-general.

Capt. Charles P. Newberry, Thirtieth Infantry, United States Volunteers, to be major, December 31, 1900, vice Hartigan, resigned.

Capt. Kenneth M. Burr, Thirtieth Infantry, United States Volunteers, to be major, February 20, 1901, vice Lovering, promoted.

First Lieut. Frank D. Buckingham, Thirtieth Infantry, United States Volunteers, to be captain, December 31, 1900, vice Newberry, promoted.

First Lieut. Albert E. McCabe, Thirtieth Infantry, United States Volunteers, to be captain, February 20, 1901, vice Burr, promoted.

Second Lieut. Charles H. Errington, Thirtieth Infantry, United States Volunteers, to be first lieutenant, December 31, 1900, vice Buckingham, promoted.

Second Lieut. William F. Pack, Thirtieth Infantry, United States Volunteers, to be first lieutenant, February 20, 1901, vice McCabe, promoted.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

Second Lieut. Walter S. Volkmar, Artillery Corps, to be first lieutenant, February 2, 1901 (subject to examination required by law), vice Hayden, promoted.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Earl I. Brown, Corps of Engineers, February 2, 1901, to fill an original vacancy.

Second Lieut. Amos A. Fries, Corps of Engineers, February 2, 1901, to fill an original vacancy.

Second Lieut. James A. Woodruff, Corps of Engineers, February 2, 1901, vice Bromwell, promoted.

Second Lieut. William Kelly, Corps of Engineers, February 2, 1901, vice Cosby, promoted.

Second Lieut. Horton W. Stickle, Corps of Engineers, February 2, 1901, vice Sewell, promoted.

Second Lieut. Lewis H. Rand, Corps of Engineers, February 2, 1901, vice McIndoe, promoted.

Second Lieut. Edward M. Markham, Corps of Engineers, February 2, 1901, vice Morrow, promoted.

Second Lieut. Thomas H. Jackson, Corps of Engineers, February 2, 1901, to fill an original vacancy.

Second Lieut. George B. Pillsbury, Corps of Engineers, February 2, 1901, to fill an original vacancy.

Second Lieut. Gustave R. Lukesh, Corps of Engineers, February 2, 1901, to fill an original vacancy.

Second Lieut. Edmund M. Rhett, Corps of Engineers, February 2, 1901, to fill an original vacancy.

CORPS OF ENGINEERS.

Second Lieut. Edward M. Adams, Corps of Engineers, to be first lieutenant, February 2, 1901, to fill an original vacancy.

POSTMASTERS.

Albert E. Martz, to be postmaster at Arcadia, Hamilton County, Ind. Office became Presidential January 1, 1901.

William H. Nolte, to be postmaster at Holstein, Ida County, Iowa, in place of S. B. Gilmore, resigned.

Watson J. Matteson, to be postmaster at Marcellus, Onondaga County, N. Y. Office became Presidential April 1, 1900.

George C. Burrows, to be postmaster at Montoursville, Lycoming County, Pa., in place of David Trump. Incumbent's commission expired February 23, 1901.

Roderick Weagant, to be postmaster at Grafton, Walsh County, N. Dak., in place of J. D. Robertson. Incumbent's commission expired January 15, 1900.

UNITED STATES ATTORNEY.

Reese Blizzard, of West Virginia, to be attorney of the United States for the district of West Virginia, vice Joseph H. Gaines, resigned.

RECEIVER OF PUBLIC MONEYS.

August F. George, of Crookston, Minn., to be receiver of public moneys at Crookston, Minn. Reappointment from May 19, 1901, when his present term will expire.

REGISTERS OF LAND OFFICES.

Sylvester Peterson, of Ada, Minn., to be register of the land office at Crookston, Minn. Reappointment from March 24, 1901, when his present term will expire.

Wat Theodore Beall, of Leadville, Colo., to be register of the land office at Leadville, Colo. Reappointment from April 14, 1901, when his present term will expire.

MINERAL-LAND COMMISSIONERS.

John T. Ingram, of Bozeman, Mont., to be a mineral-land commissioner in Montana, vice William W. Alderson, resigned.

Daniel Arms, of Philipsburg, Mont., to be a mineral-land commissioner in Montana, vice Joseph C. Auld, resigned.

George L. Wales, of Helena, Mont., to be a mineral-land commissioner in Montana, vice John W. Eddy, resigned.

PENSION AGENT.

Oscar A. Janes, of Hillsdale, Mich., to be pension agent at Detroit, Mich. Reappointment from March 8, 1901, when his present term will expire.

APPOINTMENTS IN THE NAVY.

Frederick G. Pyne, a citizen of New Jersey; Frederick B. Colby, a citizen of New York; Edward E. Goodhue, a citizen of Massachusetts, and William R. Bowne, a citizen of Pennsylvania, to be assistant paymasters in the Navy from the 28th day of February, 1901, to fill vacancies existing in that corps.

Reuben E. Bakenhus, a citizen of Illinois, to be a civil engineer in the Navy from the 27th day of February, 1901, to fill a vacancy existing in that corps.

PROMOTION IN THE NAVY.

Former P. A. Surg. John F. Bransford, United States Navy, to be a surgeon in the Navy from the 5th day of February, 1901; said officer, upon confirmation, to be placed on the retired list of the Navy.

CONSUL.

Frank W. Jackson, of Pennsylvania, to be consul of the United States at Patras, Greece, vice George L. Darte, resigned.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRTY-SECOND INFANTRY.

Q. M. Sergt. George G. Dennis, Company G, Thirty-second Infantry, to be second lieutenant, March 1, 1901, vice Wilson, honorably discharged.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Second Lieut. John R. Slattery, Corps of Engineers, to be first lieutenant, February 2, 1901, to fill an original vacancy.

ORDNANCE DEPARTMENT.

First Lieut. Lawson M. Fuller, Ordnance Department, to be captain, February 2, 1901 (subject to examination required by law), vice Russell, promoted.

First Lieut. Charles C. Jamieson, Ordnance Department, to be captain, February 7, 1901, vice Birnie, promoted.

CAVALRY ARM.

Capt. John F. Guilfoyle, Ninth Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of Dorst, Second Cavalry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Charles H. Watts, Fifth Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of Thomas, Fifth Cavalry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Frank A. Edwards, First Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of Parker, Fourth Cavalry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Eugene A. Ellis, Eighth Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of Fountain, Ninth Cavalry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Matthias W. Day, Ninth Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of McClernand, unassigned, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Walter L. Finley, Ninth Cavalry, to be major, February 28, 1901, to fill vacancy caused by detail of Wilder, unassigned, to a staff department, under sections 26 and 27, act of February 2, 1901.

ARTILLERY CORPS.

Capt. Charles Humphreys, Artillery Corps, to be major, February 28, 1901, to fill vacancy caused by detail of Davis, Artillery Corps, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Luigi Lomia, Artillery Corps, to be major, February 28, 1901, to fill vacancy caused by detail of Strong, Artillery Corps, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Alexander D. Schenck, Artillery Corps, to be major, February 28, 1901, to fill vacancy caused by detail of Caziarc, Artillery Corps, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Sedgwick Pratt, Artillery Corps, to be major, February 28, 1901 (subject to examination required by law), to fill vacancy caused by detail of Potts, Artillery Corps, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. John McClellan, Artillery Corps, to be major, February 28, 1901 (subject to examination required by law), to fill vacancy caused by detail of Taylor, Artillery Corps, to a staff department, under sections 26 and 27, act of February 2, 1901.

INFANTRY ARM.

Capt. Robert J. C. Irvine, Eleventh Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Smith, First Infantry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Edward E. Hardin, Seventh Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Reynolds, Twentieth Infantry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Richard H. Wilson, Eighth Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Greene, Fourteenth Infantry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. William B. Reynolds, Fourteenth Infantry, to be major, February 28, 1901 (subject to examination required by law), to fill vacancy caused by detail of Ballance, Thirteenth Infantry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Frank F. Eastman, Fourteenth Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Crane, Sixteenth Infantry, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Lea Febiger, Twenty-third Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Sharpe, unassigned, to a staff department, under sections 26 and 27, act of February 2, 1901.

Capt. Bernard A. Byrne, Sixth Infantry, to be major, February 28, 1901, to fill vacancy caused by detail of Irons, unassigned, to a staff department, under sections 26 and 27, act of February 2, 1901.

CAVALRY ARM.

Capt. Thaddeus W. Jones, Tenth Cavalry, to be major, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

Capt. Francis H. Hardie, Third Cavalry, to be major, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

Capt. George K. Hunter, Third Cavalry, to be major, February 2, 1901 (subject to examination required by law), to fill an original vacancy.

INFANTRY ARM.

Capt. James A. Irons, Twentieth Infantry, to be major, February 2, 1901, to fill an original vacancy.

CAVALRY ARM.

Capt. Louis A. Craig, Sixth Cavalry, to be major, February 17, 1901, vice Cooper, Fifth Cavalry, promoted.

Capt. Wilber E. Wilder, Fourth Cavalry, to be major, February 19, 1901, vice Edgerly, Seventh Cavalry, promoted.

ARTILLERY CORPS.

Capt. Sydney W. Taylor, Artillery Corps, to be major, February 28, 1901, vice Kobbé, appointed brigadier-general, United States Army.

WITHDRAWAL.

Executive nomination withdrawn March 1, 1901.

William W. Champion, to be postmaster at Montoursville, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1901.

APPOINTMENT IN THE NAVY.

Charles A. Boutelle, a citizen of Maine, formerly a volunteer lieutenant on the active list of the Navy, to be a captain on the retired list of the Navy.

PROMOTIONS IN THE NAVY.

Commander Robert M. Berry, to be a captain in the Navy, from the 19th day of February, 1901.

Lieut. Commander Daniel D. V. Stuart, to be a commander in the Navy, from the 19th day of February, 1901.

Lieut. William R. Rush, to be a lieutenant-commander in the Navy, from the 19th day of February, 1901.

Lieut. (Junior Grade) Wilfrid V. N. Powelson, to be a lieutenant in the Navy, from the 19th day of February, 1901.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Oscar G. Haines, of New Jersey, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Staley M. Landrey, of Maryland, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Ellsworth P. Bertholf, of New Jersey, to be a first lieutenant in the Revenue-Cutter Service of the United States.

First Lieut. Walstein A. Failing, of New York, to be a captain in the Revenue-Cutter Service of the United States.

Third Asst. Engineer Charles S. Root, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major-general.

Brig. Gen. William R. Shafter, United States Army, retired (major-general, United States Volunteers), February 18, 1901.

To be brigadier-general.

Col. Aaron S. Daggett, Fourteenth Infantry, United States Army, February 21, 1901.

INFANTRY ARM.

Sergt. William J. Schmidt, Company M, Twelfth Infantry, United States Army, to be second lieutenant, February 2, 1901.

QUARTERMASTER'S DEPARTMENT.

First Lieut. Joseph T. Crabbs, Eighth Cavalry, to be quartermaster, with the rank of captain, February 2, 1901.

First Lieut. Louis B. Lawton, Ninth Infantry, to be quartermaster, with the rank of captain, February 2, 1901.

SUBSISTENCE DEPARTMENT.

First Lieut. Arthur M. Edwards, Fourteenth Infantry, to be commissary, with the rank of captain, February 2, 1901.

CORPS OF ENGINEERS.

To be second lieutenants.

1. Cadet Edward N. Johnston.
2. Cadet Clarence O. Sherrill.
3. Cadet John H. Poole.
4. Cadet Ernest D. Peek.
5. Cadet Walter H. Lee.
6. Cadet George R. Spalding.
7. Cadet Elliott J. Dent.
8. Cadet William G. Caples.
9. Cadet Henry C. Jewett.
10. Cadet Arthur Williams.

CAVALRY ARM.

To be second lieutenants.

12. Cadet William L. Guthrie.
19. Cadet Walter D. Smith.
21. Cadet Harry B. Jordan.
23. Cadet Frank P. Lahm.
25. Cadet Orlando C. Troxel.
29. Cadet Creed F. Cox.
30. Cadet Robert McC. Beck, jr.
33. Cadet George M. Russell.
35. Cadet Lewis Brown, jr.
39. Cadet Jerome G. Pillow.
40. Cadet Ralph N. Hayden.
43. Cadet Leonard W. Prunty.
48. Cadet E. Kersley Sterling.
49. Cadet Wiley P. Mangum, jr.
50. Cadet Charles J. Naylor.
51. Cadet Kerr T. Riggs.
52. Cadet Carl H. Müller.
53. Cadet Allen C. Keyes.
54. Cadet John A. Pearson.
55. Cadet Prince A. Oliver.
56. Cadet Charles Burnett.
57. Cadet Arthur J. Lynch.
60. Cadet Daniel D. Gregory.
61. Cadet John Symington.
62. Cadet Walter H. Smith.
64. Cadet George H. Baird.
65. Cadet William M. Cooley.
66. Cadet William N. Haskell.
68. Cadet Henry A. Meyer, jr.
69. Cadet Frank Keller.
70. Cadet Fred L. Deen.
71. Cadet Guy Kent.
72. Cadet Copley Enos.
73. Cadet Emory J. Pike.

ARTILLERY CORPS.

To be second lieutenants.

11. Cadet Wildurr Willing.
13. Cadet William S. Browning.
14. Cadet Clarence H. Knight.
15. Cadet Nathaniel E. Bower.
16. Cadet Francis W. Clark.
17. Cadet Joseph F. Barnes.
18. Cadet Edward Canfield, jr.
20. Cadet William P. Ennis.
22. Cadet Arthur H. Bryant.
24. Cadet Willis G. Pence.
26. Cadet William P. Platt.
27. Cadet Guy E. Carleton.
28. Cadet Eugene R. West.
31. Cadet Dennis H. Currie.
32. Cadet Beverly F. Browne.
34. Cadet Edward M. Shinkle.
36. Cadet William R. Bettison.
37. Cadet Raymond S. Pratt.
38. Cadet Alfred A. Maybach.
41. Cadet Alden F. Brewster.
42. Cadet John A. Berry.
44. Cadet Gordon Robinson.
45. Cadet Henry M. Dougherty.
47. Cadet Edward H. De Armond.
58. Cadet Claude E. Brigham.
59. Cadet Richard Furnival.
63. Cadet William Tidball.
67. Cadet James Prentice.

PROMOTIONS IN THE ARMY.

MEDICAL DEPARTMENT.

To be surgeons with the rank of major.

Capt. Charles M. Gandy, assistant surgeon, February 2, 1901.

Capt. Jefferson R. Kean, assistant surgeon, February 2, 1901.

Capt. Henry I. Raymond, assistant surgeon, February 2, 1901.

Capt. Francis J. Ives, assistant surgeon, February 2, 1901 (subject to examination required by law).

Capt. Edward R. Morris, assistant surgeon, February 2, 1901.

ARTILLERY CORPS.

To be major.

Capt. Elbridge R. Hills, Artillery Corps, February 2, 1901.

To be captains.

First Lieut. George W. Gatchell, Artillery Corps, February 2, 1901.

First Lieut. Oscar I. Straub, Artillery Corps, February 2, 1901.

First Lieut. Herman C. Schumm, Artillery Corps, February 2, 1901.

First Lieut. Alfred M. Hunter, Artillery Corps, February 2, 1901.

First Lieut. John L. Hayden, Artillery Corps, February 2, 1901.

First Lieut. Peyton C. March, Artillery Corps, February 2, 1901.

First Lieut. Eugene T. Wilson, Artillery Corps, February 2, 1901.

First Lieut. Edmund M. Blake, Artillery Corps, February 2, 1901.

First Lieut. John T. Martin, Artillery Corps, February 2, 1901.

First Lieut. Wilmot E. Ellis, Artillery Corps, February 2, 1901.

First Lieut. William L. Kenly, Artillery Corps, February 2, 1901.

First Lieut. William G. Haan, Artillery Corps, February 2, 1901.

First Lieut. Sidney S. Jordan, Artillery Corps, February 2, 1901.

First Lieut. Walter A. Bethel, Artillery Corps, February 2, 1901 (subject to examination required by law).

First Lieut. Morris K. Barroll, Artillery Corps, February 2, 1901.

First Lieut. Delamere Skerrett, Artillery Corps, February 2, 1901.

First Lieut. Edward F. McGlachlin, jr., Artillery Corps, February 2, 1901.

First Lieut. Archibald Campbell, Artillery Corps, February 2, 1901.

CAVALRY ARM.

Lieut. Col. Edward M. Hayes, Fourth Cavalry, to be colonel, February 17, 1901.

Maj. Charles L. Cooper, Fifth Cavalry, to be lieutenant-colonel, February 17, 1901.

ADJUTANT-GENERAL'S DEPARTMENT.

Lieut. Col. John B. Babcock, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, February 21, 1901.

Maj. John A. Johnston, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, February 21, 1901.

MEDICAL DEPARTMENT.

Capt. Henry S. T. Harris, assistant surgeon, to be surgeon with the rank of major, February 4, 1901.

CAVALRY ARM.

Lieut. Col. Thomas C. Lebo, First Cavalry, to be colonel, February 19, 1901.

Maj. Winfield S. Edgerly, Seventh Cavalry, to be lieutenant-colonel, February 19, 1901.

CAVALRY ARM.

Capt. George A. Dodd, Third Cavalry, to be major, February 2, 1901.

Capt. Henry H. Wright, Ninth Cavalry, to be major, February 2, 1901.

Capt. Charles M. O'Connor, Eighth Cavalry, to be major, February 2, 1901.

First Lieut. Edward C. Brooks, Sixth Cavalry, to be captain, February 2, 1901.

First Lieut. Malvern Hill Barnum, Tenth Cavalry, to be captain, February 2, 1901.

First Lieut. Letcher Hardeman, Tenth Cavalry, to be captain, February 2, 1901.

First Lieut. Edmund S. Wright, First Cavalry, to be captain, February 2, 1901.

First Lieut. William H. Hay, Tenth Cavalry, to be captain, February 2, 1901.

MEDICAL DEPARTMENT.

Capt. Charles B. Ewing, assistant surgeon, to be surgeon, with the rank of major, February 2, 1901.

Capt. Walter D. McCaw, assistant surgeon, to be surgeon, with the rank of major, February 2, 1901.

Capt. William P. Kendall, assistant surgeon, to be surgeon, with the rank of major, February 2, 1901.

ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Henry W. Butner, Artillery Corps, February 2, 1901.

Second Lieut. Marcellus G. Spinks, Artillery Corps, February 2, 1901.

Second Lieut. Jacob C. Johnson, Artillery Corps, February 2, 1901.

Second Lieut. Henry L. Newbold, Artillery Corps, February 2, 1901.

Second Lieut. Ernest D. Scott, Artillery Corps, February 2, 1901.

Second Lieut. Albert G. Jenkins, Artillery Corps, February 2, 1901.

Second Lieut. Robert E. Wyllie, Artillery Corps, February 2, 1901.

Second Lieut. William Forse, Artillery Corps, February 2, 1901.

Second Lieut. Malcolm Young, Artillery Corps, February 2, 1901.

Second Lieut. Laurence C. Brown, Artillery Corps, February 2, 1901.

Second Lieut. Harry L. Steele, Artillery Corps, February 2, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE ASSISTANT SURGEONS OF VOLUNTEERS WITH THE RANK OF CAPTAIN.

James J. Edmondson, of New York (acting assistant surgeon, United States Army), February 18, 1901.

Joseph C. Reifsnyder, of Pennsylvania (acting assistant surgeon, United States Army), February 18, 1901.

Joseph J. Curry, of Massachusetts (acting assistant surgeon, United States Army), February 18, 1901.

James K. Stockard, of North Carolina (acting assistant surgeon, United States Army), February 18, 1901.

George R. Plummer, of Florida (acting assistant surgeon, United States Army), February 18, 1901.

William R. Van Tuyl, of Kansas (acting assistant surgeon, United States Army), February 18, 1901.

John S. Fogg, of Maine (acting assistant surgeon, United States Army), February 18, 1901.

William F. James, of Texas (acting assistant surgeon, United States Army), February 20, 1901.

PROMOTIONS IN THE VOLUNTEER ARMY.

ELEVENTH CAVALRY.

First Lieut. Charles R. Trowbridge, Eleventh Cavalry, United States Volunteers, to be captain, February 1, 1901.

Second Lieut. John Holtman, Eleventh Cavalry, United States Volunteers, to be first lieutenant, February 1, 1901.

REGISTER OF THE LAND OFFICE.

Melvin A. Deering, of Colorado, to be register of the land office at Gunnison, Colo.

ASSISTANT APPRAISER OF MERCHANDISE.

Grover H. Lufburrow, of New Jersey, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

POSTMASTERS.

Louis Desmarais, jr., to be postmaster at Opelousas, St. Landry Parish, La.

James Longstreet Sibley, to be postmaster at Milledgeville, Baldwin County, Ga.

Edwin S. Holcomb, to be postmaster at Westfield, Tioga County, Pa.

Irvin Ogden, to be postmaster at What Cheer, Keokuk County, Iowa.

Joseph A. McClaran, to be postmaster at Saltsburg, Indiana County, Pa.

Alexander B. Grosh, to be postmaster at New Bloomfield, Perry County, Pa.

Charles H. Stevens, to be postmaster at Perry, Shiawassee County, Mich.

John M. Clark, to be postmaster at Onaway, Presque Isle County, Mich.

Margaret Duncan, to be postmaster at Au Sable, Iosco County, Mich.

Amelia E. Roth, to be postmaster at Virginia City, Storey County, Nev.

Mathias Sailer, to be postmaster at Laurium, Houghton County, Mich.

George R. Craft, to be postmaster at North Manchester, Wabash County, Ind.

Charles Z. Landreau, to be postmaster at Mayaguez, Porto Rico.

N. A. Hummel, to be postmaster at Wadsworth, Washoe County, Nev.

Harvey E. Fitts, to be postmaster at Aberdeen, Monroe County, Miss.

Jennie T. Mister, to be postmaster at Grenada, Grenada County, Miss.

Charles W. Bemis, to be postmaster at Foxboro, Norfolk County, Mass.

Frank Murphy, to be postmaster at Blandinsville, McDonough County, Ill.

Edward J. Stackpole, to be postmaster at Harrisburg, Dauphin County, Pa.

Mary Green, to be postmaster at Warrenton, Warren County, N. C.

Harry Bacharach, to be postmaster at Atlantic City, Atlantic County, N. J.

Christian A. Hanson, to be postmaster at Stoughton, Dane County, Wis.

Lehman E. Gantt, to be postmaster at Newport, Perry County, Pa.

Alfred R. Houck, to be postmaster at Lebanon, Lebanon County, Pa.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 1, 1901.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADMISSION TO THE HOUSE—CLOSING DAYS OF SESSION.

Mr. DALZELL. Mr. Speaker, I desire to submit for immediate consideration a resolution which I send to the desk. I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the immediate consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Ordered, That from midnight March 3 until 2 p. m. March 4, 1901, admission to the House wing of the Capitol shall be by the lower east door only, and no persons, except members of Congress, members-elect, and employees of the House shall be admitted except by ticket. Tickets issued under this order shall admit to all galleries of the House except the executive, diplomatic, and reporters' galleries. The number of tickets issued under this order shall not exceed three for each Member and Delegate.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DALZELL. I will state, Mr. Speaker——

Mr. RICHARDSON of Tennessee. Before the gentleman from

Pennsylvania proceeds, I desire to ask him if the resolution embraces the secretaries or clerks of members? Are they included in the terms of the resolution? For if not, they ought to be.

Mr. DALZELL. They are not included expressly. They are not, I suppose, employees. The terms of the resolution are "House employees."

Mr. RICHARDSON of Tennessee. Some provision should be made for their admission.

Mr. DALZELL. Of course; if they are not included in the terms of the resolution, I think they ought to be. I have no objection to it.

Mr. RICHARDSON of Tennessee. As I understood the reading of the resolution they are not included.

Mr. DALZELL. We can easily make some arrangement which will permit them to enter the building if they are not allowed under the terms of the resolution.

Mr. RICHARDSON of Tennessee. I would suggest that some such provision be inserted in the resolution.

Mr. DALZELL. I have no objection——

Mr. SHERMAN. Mr. Speaker, may we have this resolution again reported? It was not distinctly heard.

The SPEAKER. If there be no objection, the resolution will be again read.

There was no objection, and the resolution was again read.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I suggest to the gentleman from Pennsylvania that he so modify the resolution as to include the clerks or secretaries of members.

Mr. DALZELL. The only difficulty, in my judgment, would be this: It is possible that the doorkeepers in charge of the building would not be able to recognize a number of these secretaries, not being familiar with the members' clerks. It seems to me it would be a better arrangement to allow tickets to be issued to them by the Doorkeeper or some similar arrangement which would make provision for them.

Mr. FITZGERALD of Massachusetts. I would like to submit an inquiry to the gentleman from Pennsylvania.

Mr. DALZELL. Certainly.

Mr. FITZGERALD of Massachusetts. I would like to ask if the resolution includes members-elect? As I understand it, it does not read that way.

Mr. DALZELL. They ought to be included, if they are not, in the terms of the resolution.

Mr. FITZGERALD of Massachusetts. I ask unanimous consent that they be included, so as to read, "members and members-elect."

The SPEAKER. The Chair would ask the gentleman from Pennsylvania if this contemplates giving the members-elect the same number of tickets provided for the members?

Mr. DALZELL. No; it only admits them.

Mr. BAILEY of Texas. I desire to ask the gentleman from Pennsylvania if I understand this resolution correctly to provide that nobody can come into the Capitol except with a ticket?

Mr. DALZELL. That is right.

Mr. BAILEY of Texas. To say that nobody shall be admitted without tickets until 2 o'clock on Monday, March 4, and giving the 357 members three tickets each not more than a thousand people can be admitted into the Capitol, when perhaps 50,000 people, coming from all parts of the country, may by this resolution be denied the opportunity of getting into the building itself.

Mr. DALZELL. Mr. Speaker, I think my friend does not understand the situation. The order now in existence in regard to this is that there shall be no admission at the other end of the Capitol except by tickets.

Mr. BAILEY of Texas. At the Senate end?

Mr. DALZELL. Yes; the Senate end.

Mr. BAILEY of Texas. That is all the more reason why, in the House of the people, people ought to be admitted to the building.

Mr. DALZELL. But those who have tickets for the other end of the Capitol can come in here, and members are aware that perhaps a large number will come over here to witness the closing scenes of the House and then go to the other end of the Capitol; so, when you take that into consideration, and when you take into consideration the three tickets which are given to each member and the tickets issued——

Mr. CANNON. Two from the Senate end.

Mr. DALZELL. Yes; two from the Senate end, and three tickets to the members and five to the stands and other tickets that committees have issued—when you consider all this, more people will seek to be admitted to the Capitol than can possibly get in. In all previous inaugurations entrance to the Capitol at either end has been denied save by ticket.

Mr. BAILEY of Texas. I was in the gallery with a constituent and did not distinctly understand the resolution. When does the resolution begin operating?

Mr. DALZELL. At midnight, March 3.

Mr. BAILEY of Texas. Then it is practically for the inauguration ceremony?

Mr. DALZELL. For the inauguration.

Mr. BAILEY of Texas. I have no objection.

Mr. ROBINSON of Indiana. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Indiana.

Mr. DALZELL. Yes.

Mr. ROBINSON of Indiana. I see that the tickets, five in number, that admit our visitors to the stands here, do not admit to the Capitol. The gentleman is certainly under a misapprehension. The five tickets will not admit to the Capitol.

Mr. DALZELL. That is true; but I will say to the gentleman that there will be a modification of the order which prevents access to the platform save from the outside, so that parties having tickets to the platform who come into the Capitol may have access over the bridge.

Mr. ROBINSON of Indiana. It may be very cold, and they might want to warm here.

Mr. DALZELL. That is true, and they may do so here.

Mr. DINSMORE. I would suggest to the gentleman from Pennsylvania that he make it apply to ex-members also. We will have a good many friends who have been here who would like to be admitted.

Mr. DALZELL. I have no objection to that.

Mr. SHAFROTH. It ought also to provide for members-elect.

Mr. DALZELL. That is already provided for.

Mr. MOODY of Massachusetts. I should like to ask the gentleman a question.

Mr. DALZELL. I yield to the gentleman.

Mr. MOODY of Massachusetts. I would like to ask the gentleman if it is the intention, in the interest of public business, to somewhat limit the privileges of the floor from this time on to the adjournment of Congress?

Mr. DALZELL. I have not heard of any such suggestion.

Mr. MOODY of Massachusetts. I suggest, for the consideration of the gentleman, that it will greatly aid the conduct of public business if that could be done.

Mr. DALZELL. That would require a change of the rules.

Mr. MOODY of Massachusetts. That could be done by the Committee on Rules.

Mr. DALZELL. Has the gentleman a suggestion to make?

Mr. MOODY of Massachusetts. I think the privileges of the floor should be denied from this time out in the interest of public business.

Mr. DALZELL. Introduce a resolution and send it to the Committee on Rules, and it will be considered.

Mr. MOODY of Massachusetts. I will not do that.

Mr. DALZELL. I consent that the resolution may be amended by adding ex-members.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the words "members-elect" the word "ex-members."

Mr. MORRIS. I ask for the reading of the resolution as amended.

The SPEAKER. It has been read twice already. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to call up for immediate consideration the bill H. R. 14093.

Mr. HEPBURN. Mr. Speaker, I call for the special order.

The SPEAKER. The gentleman objects and calls for the special order. Pending that, the Chair submits the following to the House:

Members of the temporary Committee on Accounts, as authorized by law, Messrs BULL of Rhode Island, JOY of Missouri, and BARTLETT of Georgia.

CORRECTION OF THE JOURNAL.

The SPEAKER. Without objection, a correction will be made in the Journal of February 26—a clerical error by the Clerk.

There was no objection.

Mr. CANNON. Will the gentleman from Iowa allow me to ask him a question?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. HEPBURN. I do.

Mr. CANNON. Is it the intention of the gentleman to ask the House to go into Committee of the Whole on the revenue bill?

Mr. HEPBURN. Yes.

Mr. CANNON. I want to submit to the gentleman that there are some matters of suspension, as well as conference reports upon appropriation bills, and I am informed that some other bills will

soon come over from the Senate that must receive attention. Does the gentleman from Iowa think that it is just to the public business——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I object to what is going on unless we can hear.

The SPEAKER. The House is in unusually good order, but the Chair can not put lungs into members. [Laughter.]

Mr. HEPBURN. Mr. Speaker, I appreciate the anxiety of the gentleman from Illinois for the dispatch of business. I remember a night or two ago how the gentleman aided in losing an hour that might have been devoted to public business. [Laughter.] This matter now in hand will not occupy, in my judgment, an hour's time. Therefore I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering House bill 5499.

Mr. CANNON. In the interest of public business I raise the question of consideration.

Mr. HEPBURN. I will say that this is in the interest of public business.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 5499. What is the point of the gentleman from Illinois?

Mr. CANNON. Is it in order, Mr. Speaker, to move to postpone the consideration of this bill until the 4th of March?

The SPEAKER. The Chair thinks not. It is the regular standing order. The motion before the House is to go into Committee of the Whole House on the state of the Union.

Mr. CANNON. I ask if upon that it is in order to move to lay the bill on the table?

The SPEAKER. The bill is in the Committee of the Whole and not in the House.

Mr. CANNON. I raise the question of consideration.

The SPEAKER. That will be done on the motion to go into Committee of the Whole. The motion to go into Committee of the Whole is equivalent to raising the question of consideration. The House will be able to express its desire whether to consider this bill or postpone it.

Mr. SULZER. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SULZER. I understood that the vote of the House, the overwhelming vote of the House yesterday afternoon, was to go into Committee of the Whole on this bill.

The SPEAKER. Will the gentleman state his point of order?

Mr. SULZER. That is my point of order.

The SPEAKER. That was yesterday and this is to-day. [Laughter.] The question is on the motion of the gentleman from Iowa to go into Committee of the Whole House on the state of the Union for the further consideration of the bill 5499.

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 99, noes 84.

Mr. CANNON and Mr. MANN. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 134, answered "present" 5, not voting 92; as follows:

YEAS—122.

Adamson,	Fitzgerald, Mass.	Loudenslager,	Salmon,
Allen, Me.	Fitzgerald, N. Y.	Lovering,	Shattuc,
Baker,	Fletcher,	Lybrand,	Shelden,
Bankhead,	Gardner, N. J.	McAleer,	Sheppard,
Barber,	Gibson,	McClellan,	Sherman,
Barham,	Gillet, N. Y.	McDowell,	Showalter,
Bartholdt,	Gordon,	Mahon,	Sibley,
Bellamy,	Greene, Mass.	May,	Smith, Iowa
Berry,	Griffith,	Minor,	Smith, H. C.
Breazeale,	Grosvenor,	Moody, Oreg.	Smith, Samuel W.
Brownlow,	Hall,	Morrell,	Southard,
Burnett,	Hay,	Morris,	Sperry,
Butler,	Hedge,	Muller,	Stallings,
Catchings,	Hepburn,	Naphen,	Stewart, N. J.
Clayton, Ala.	Hoffecker,	Newlands,	Sulloway,
Cochrane, N. Y.	Hopkins,	Norton, S. C.	Sulzer,
Connell,	Howard,	O'Grady,	Tawney,
Cooper, Tex.	Howell,	Otey,	Taylor, Ala.
Cooper, Wis.	Jack,	Otjen,	Terry,
Corliss,	Jenkins,	Payne,	Thomas, Iowa
Cousins,	Jones, Wash.	Pearson,	Thomas, N. C.
Crowley,	Joy,	Pearre,	Tompkins,
Cushman,	Kluttz,	Phillips,	Vreeland,
Dalzell,	Lamb,	Powers,	Wanger,
Davenport, S. A.	Lane,	Ransdell,	Warner,
Davenport, S. W.	Latimer,	Rhea, Va.	Weaver,
Davis,	Lester,	Richardson, Ala.	Weymouth,
Driggs,	Lewis,	Richardson, Tenn.	Young,
Emerson,	Littauer,	Roberts,	Ziegler.
Esch,	Littlefield,	Russell,	
Finley,	Livingston,	Ryan, N. Y.	

NAYS—134.

Adams,	Bailey, Tex.	Bishop,	Burke, S. Dak.
Aldrich,	Ball,	Boutell, Ill.	Burke, Tex.
Allen, Ky.	Barney,	Bowersock,	Burkett,
Allen, Miss.	Bell,	Brick,	Burleson,
Atwater,	Benton,	Bromwell,	Burton,
Bailey, Kans.	Bingham,	Brown,	Caldwell,
Cannon,	Haugen,	Maddox,	Sims,
Capron,	Heatwole,	Mann,	Slayden,
Cochran, Mo.	Hemenway,	Marsh,	Smith, Ill.
Cowherd,	Henry, Conn.	Meekison,	Smith, Ky.
Cox,	Henry, Miss.	Mesick,	Snodgrass,
Cromer,	Henry, Tex.	Miers, Ind.	Spalding,
Crumpacker,	Hill,	Mondell,	Spight,
Dahle,	Hitt,	Moody, Mass.	Sprague,
Davidson,	Hull,	Moon,	Stark,
De Armond,	Jett,	Morgan,	Steele,
Denny,	Johnston,	Needham,	Stephens, Tex.
Dinsmore,	Jones, Va.	Norton, Ohio	Talbert,
Dougherty,	Kerr, Md.	Olmsted,	Thayer,
Fitzpatrick,	Ketcham,	Overstreet,	Tongue,
Fleming,	Kitchin,	Parker, N. J.	Turner,
Fordney,	Kleberg,	Pierce, Tenn.	Underwood,
Fox,	Knox,	Pugh,	Vandiver.
Freer,	Lanham,	Quarles,	Van Voorhis,
Gaines,	Lawrence,	Ray, N. Y.	Wadsworth,
Gamble,	Linney,	Reeves,	Watson,
Gardner, Mich.	Little,	Rhea, Ky.	Weeks,
Gayle,	Lloyd,	Rixey,	Williams, J. R.
Gilbert,	Long,	Robb,	Williams, W. E.
Gillett, Mass.	Loud,	Robinson, Ind.	Williams, Miss.
Graff,	McCall,	Robinson, Nebr.	Wilson, Idaho
Griggs,	McCleary,	Rucker,	Zenor.
Grout,	McCulloch,	Shackleford,	
Grow,	McRae,	Shafroth,	

ANSWERED "PRESENT"—5.

Boreing,	Hamilton,	Lacey,	Landis.
Fowler,			

NOT VOTING—92.

Acheson,	Cummings,	Lassiter,	Ryan, Pa.
Alexander,	Curtis,	Lentz,	Scudder,
Babcock,	Cusack,	Levy,	Small,
Bartlett,	Davey,	Lorimer,	Smith, Wm. Alden
Boutelle, Me.	Dayton.	McDermott,	Sparkman,
Bradley,	De Graffenreid,	McLain,	Stevens, Minn.
Brantley,	Dick,	Mercer,	Stewart, N. Y.
Brenner,	Dovener,	Metcalf,	Stewart, Wis.
Brewer,	Driscoll,	Meyer, La.	Stokes,
Brosius,	Eddy,	Miller,	Sutherland,
Broussard,	Elliott,	Mudd,	Swanson,
Brundidge,	Faris,	Neville,	Tate,
Bull,	Foss,	Noonan,	Tayler, Ohio
Burleigh,	Foster,	Packer, Pa.	Thropp,
Calderhead,	Gaston,	Pearce, Mo.	Underhill,
Campbell,	Gill,	Polk,	Wachter,
Carmack,	Glynn,	Prince,	Waters,
Chanler,	Graham,	Reeder,	Wheeler,
Clark,	Green, Pa.	Ridgely,	White,
Clayton, N. Y.	Hawley,	Riordan,	Wilson, N. Y.
Conner,	Kahn,	Robertson, La.	Wilson, S. C.
Cooney,	Kerr, Ohio	Rodenberg,	Woods,
Crump,	King,	Ruppert,	Wright.

So the motion was rejected.

The following pairs were announced:

On the revenue-cutter bill:

Mr. GRAHAM with Mr. LACEY.

For this day:

Mr. RODENBERG with Mr. CAMPBELL.

Mr. LORIMER with Mr. LASSITER.

Mr. CRUMP with Mr. ELLIOTT.

Mr. BOREING with Mr. DE GRAFFENREID.

Mr. CURTIS with Mr. DAVEY.

Mr. DRISCOLL with Mr. CHANLER.

Mr. FOSS with Mr. BRANTLEY.

Mr. KERR of Ohio with Mr. FOSTER.

Mr. MILLER with Mr. SWANSON.

Mr. TAYLER of Ohio with Mr. STOKES.

Mr. THROPP with Mr. UNDERHILL.

For this vote:

Mr. DOVENER with Mr. SMALL.

Mr. HAMILTON with Mr. KING.

Mr. BABCOCK with Mr. TATE.

Mr. ACHESON with Mr. CUMMINGS.

Mr. BULL with Mr. ROBERTSON of Louisiana.

Mr. BURLEIGH with Mr. BROUSSARD.

Mr. CONNER with Mr. BRUNDIDGE.

Mr. DICK with Mr. CARMACK.

Mr. FARIS with Mr. BRENNER.

Mr. EDDY with Mr. CLAYTON of New York.

Mr. HAWLEY with Mr. COONEY.

Mr. CALDERHEAD with Mr. POLK.

Mr. METCALF with Mr. WHEELER.

Mr. OLMSTED with Mr. GLYNN.

Mr. MUDD with Mr. MCLAIN.

Mr. PRINCE with Mr. RYAN of Pennsylvania.

Mr. WM. ALDEN SMITH with Mr. SCUDDER.

Mr. WACHTER with Mr. SPARKMAN.

Mr. KAHN with Mr. SUTHERLAND.

Mr. WRIGHT with Mr. GREEN of Pennsylvania.

Mr. BROSIUS with Mr. GAINES.

Mr. STEWART of Wisconsin with Mr. RUPPERT.

Mr. ALEXANDER with Mr. WILSON of New York.

Mr. PEARCE of Missouri with Mr. LENTZ.

Mr. STEVENS of Minnesota with Mr. CUSACK.

Until further notice:

Mr. FOWLER with Mr. BARTLETT.

Mr. BOUTELLE of Maine with Mr. BRADLEY.
Mr. GILL with Mr. WILSON of South Carolina.
Mr. REEDER with Mr. NEVILLE.
Mr. LANDIS with Mr. CLARK.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. STEWART of New York with Mr. RIORDAN.
Mr. WOODS with Mr. NOONAN.

Mr. RICHARDSON of Alabama. Mr. Speaker, I desire to have my name called. I wish to vote.

The SPEAKER. Was the gentleman present and in his seat and watching for his name to be called?

Mr. RICHARDSON of Alabama. I was in my seat and did not hear my name called.

The SPEAKER. Was the gentleman watching to hear his name called?

Mr. RICHARDSON of Alabama. Yes.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RICHARDSON of Alabama, and he voted "aye," as above recorded.

Mr. LACEY. Mr. Speaker, I observe that my pair is general. I understood it to be only on the final vote, but as it seems to be general I wish to withdraw my vote and be marked "present."

Mr. LACEY's name was called, and he voted "present," as above recorded.

Mr. TONGUE. Mr. Speaker, I desire to vote. I was present and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. TONGUE. I was at the second roll call, Mr. Speaker.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. TONGUE'S name, and he voted "no," as above recorded.

Mr. LANDIS. Mr. Speaker, I am paired with Mr. CLARK. I was under the impression that he was present, and I voted. I desire to withdraw my vote and be marked "present."

The Clerk called Mr. LANDIS'S name, and he voted "present," as above recorded.

The result of the vote was then announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 5715. An act granting a charter to the General Federation of Women's Clubs.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. Res. 306. Joint resolution concerning printing of additional copies of the Annual Report of the Geological Survey.

The message also announced that the Senate had passed with amendment bill of the following title:

H. R. 13189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes; and

H. R. 11881. An act to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia."

The message also announced that the Senate had passed without amendment the following concurrent resolutions:

House concurrent resolution 84.

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 171, Fifty-sixth Congress, second session, entitled Agricultural Resources and Capabilities of Porto Rico, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture, the quality of paper and style of binding to be the same as in the original edition of the publication.

House concurrent resolution 83.

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 5,000 copies of House of Representatives Document No. 355, Fifty-sixth Congress, second session, entitled Fourth Report on the Agricultural Investigations in Alaska, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That there be 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals for the calendar year 1899, bound in cloth and wrapped, 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

And be it further resolved, That there also be printed 8,000 additional copies of the report of the Director of the Mint, covering the operations of the mints and assay offices of the United States for the fiscal year ending June 30, 1900, to be bound in cloth and wrapped, 2,000 copies for the use of the Senate, 3,000 for the use of the House of Representatives, and 3,000 for the use of the Director of the Mint.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 5943. An act to establish Lowelltown, Me., a subport of entry.

RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to House bill 13189—the river and harbor bill—and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House nonconcur in the Senate amendments to the river and harbor bill, and ask for a conference thereon.

Mr. HEPBURN. Mr. Speaker, I desire to reserve all points of order against this bill, and to suggest that there are many important amendments which I think should be considered in Committee of the Whole House, and I therefore object.

The SPEAKER. The bill will be referred to the Committee on Rivers and Harbors.

APACHE INDIAN RESERVATION IN ARIZONA.

Mr. SHERMAN. Mr. Speaker, I call up the conference report and ask unanimous consent to dispense with the reading of the report and read the statement.

The SPEAKER. The Clerk will first report the title of the bill.

The Clerk read as follows:

H. R. 10899. An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation in the Territory of Arizona.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement may be read and the reading of the report omitted.

Mr. RICHARDSON of Tennessee. I would like to ask if all the conferees signed the report?

Mr. SHERMAN. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment on page 2, line 13, and agree to the same.

That the Senate recede from its amendment on page 3, line 6.

That the Senate recede from its amendment on page 3, lines 6 and 7.

That the Senate recede from its amendment on page 3, line 10.

J. S. SHERMAN,
C. D. SHELDEN,
JOHN S. LITTLE,
Managers on the part of the House.
JNO. M. THURSTON,
J. V. QUARLES,
JAMES K. JONES,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The Senate recedes from all amendments save one, and that one simply makes a correction in a description of property, making a course read "east" instead of "west." The conference report therefore presents the bill in the form in which it passed the House.

Mr. SHERMAN. I move that the report be adopted.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the report was adopted was laid on the table.

GOVERNMENT FOR PORTO RICO.

Mr. COOPER of Wisconsin. The conference report on the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, I ask unanimous consent that the reading of the report be dispensed with, and that in lieu thereof the statement of the House conferees be read.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows: Insert in line 8,

page 1, after the word "assistants," the following: "Appointed by the United States district court."

Strike out the word "a," after the word "including," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out the word "an," next preceding the word "interpreter," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out, commencing at the end of line 8, page 1, the following: "Appointed by the United States district court as provided in section 34 of said act."

Strike out all of section 5, on page 3.

And the Senate agree to the same.

H. A. COOPER,
R. R. HITT,
W. L. JONES,
Managers on the part of the House.

J. B. FORAKER,
J. H. GALLINGER,
S. R. MALLORY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 12396, to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, respectfully submit the following statement as to the action agreed upon in the accompanying conference report:

The first amendment proposed by the conferees is inserted for the purpose only of making clearer the intent of the section.

As now agreed upon by the conferees, the first section fixes the salary of the commissioner of education for Porto Rico at $4,000 per annum, and empowers the executive council of Porto Rico to determine the salaries of all the officials and assistants appointed by the United States district court for Porto Rico, including the clerk and the interpreter, and also provides that they shall be paid out of the revenues of Porto Rico, as other salaries and expenses of like character are paid.

The second amendment proposed by the conferees strikes out the word "a," after the word "including," in line 8, on page 1, and inserts in lieu thereof the word "the," and is merely verbal.

The third amendment proposed by the conferees strikes out the word "an," in line 8, on page 1, and inserts in lieu thereof the word "the," and is merely verbal.

The fourth amendment proposed by the conferees strikes out certain words in order to avoid a repetition of the same words.

The fifth amendment proposed by the conferees strikes out all of section 5 of the Senate amendments. This Senate amendment related to the public lands of Porto Rico and made an appropriation of $16,000, which the Secretary of the Interior was authorized and directed to expend, if, in his judgment, advisable, in ascertaining the location and quantity of such lands, and in compensating a surveyor-general and the necessary clerical assistants.

Your conferees are of the opinion that, in view of all the circumstances, the whole matter of the survey of the public lands in Porto Rico should be deferred until the next session of Congress.

Mr. COOPER of Wisconsin. Mr. Speaker, allow me a word of explanation. There has recently been made a report by a commissioner appointed by the War Department to ascertain the public lands in Porto Rico, with a view to fortifying the island. That report, which, as I have said, is quite recent, has not yet been thoroughly digested; there has been no opportunity to do so; and in view of the importance of the subject the conferees were unanimously of the opinion that the whole subject had better be deferred until the next session of Congress.

Mr. LACEY. I would like to ask the gentleman if he can give us some approximate idea of the quantity of public lands remaining there?

Mr. COOPER of Wisconsin. The governor-general wrote a letter on that subject to the chairman of the Senate Committee on Porto Rico and the Pacific Islands. As we computed the amount yesterday, it is about 120,000 acres.

Mr. GAINES. From what revenues is this superintendent of public instruction paid—from the local revenues or from the United States Treasury?

Mr. COOPER of Wisconsin. From the revenues of the island of Porto Rico.

Mr. GAINES. Is the fixing of the salary of this officer left to the local legislature down there?

Mr. COOPER of Wisconsin. It is not. The gentleman misapprehends the purport of that section.

Mr. GAINES. I did not hear the report read. There was so much confusion.

Mr. COOPER of Wisconsin. All that is left to the executive council is the fixing of the salaries of the officers and assistants appointed by the district court. The reason for enacting the law in its present form is the fact that one of the Solicitors of the Treasury rendered recently a decision in which he said that the original Porto Rican act was so worded as to preclude the payment of salaries to the clerk of the court, so that this officer was obliged to rely upon his fees. As I understand from a letter which I have recently received from Judge Holt—a letter written last week—there have been only 19 cases filed in his branch of that court at San Juan.

That would not give the clerk sufficient compensation, and the judge has paid a part of the salary out of his own pocket. In order to enable the clerk to receive a sufficient salary, we have conferred upon the executive council the authority I have just stated.

Mr. GAINES. Then Congress has created this office and authorized the compensation of the officer to be paid out of the revenues of Porto Rico.

Mr. COOPER of Wisconsin. Congress has not determined the amount of salary, but has left it to be determined at the discretion of the executive council.

Mr. GAINES. From revenues paid into the Porto Rican treasury or into the Treasury of the United States?

Mr. COOPER of Wisconsin. These revenues are paid into the treasury of Porto Rico.

Mr. GAINES. Is not that contrary to the fundamental law? Does not the Constitution require that all revenues collected anywhere in the United States shall be paid into the Treasury of the United States?

Mr. COOPER of Wisconsin. The gentleman will remember that under the Porto Rican act passed last spring a very large amount of revenue is collected from Porto Rico, something like a million and a half of dollars. Moreover, there will be in the treasury of Porto Rico additional revenue arising from local taxation upon the property of the islands to meet the insular expenses.

Mr. GAINES. What is your judgment as to whether that revenue should be paid into the Treasury of the United States?

Mr. COOPER of Wisconsin. I do not know that I am here to interpret constitutional law. I am willing that the question shall be decided by the Supreme Court of the United States; and pending that decision I do not want to decide the question.

Mr. GAINES. I knew that I was asking a gentleman who is good authority, and I expected a clear-cut answer.

Mr. COOPER of Wisconsin. I prefer to leave the question to the Supreme Court of the United States—for the time being at least.

I move the adoption of the report.

The question being taken, the report was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the report was adopted was laid on the table.

ST. LOUIS EXPOSITION.

Mr. TAWNEY. I desire to submit a conference report on the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States, by holding an international exposition of arts, industries, manufactures, and the products of the soil, mines, forests, and the sea in the city of St. Louis, in the State of Missouri. I ask unanimous consent that the reading of the report be dispensed with, and that the statement of the House conferees be read instead.

Mr. KING. I desire to reserve all points of order against this report.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Utah reserves all points of order.

Mr. ELLIOTT. Mr. Speaker, at the proper time I desire to make a motion to recede from the disagreement of the House to the second amendment of the Senate and concur in that amendment.

Mr. TAWNEY. I will say to the gentleman that after this report is acted upon it will be my privilege to ask the House to further insist on its disagreement to amendment No. 2, and ask for a further conference.

The SPEAKER pro tempore. The Chair hears no objection to dispensing with the reading of the conference report.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 9829, "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines, forests, and sea, in the city of St. Louis, in the State of Missouri," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreeing vote on Senate amendment No. 1, and agree to the same."

That the conferees have been unable to agree to Senate amendment numbered 2, providing for the erection of a Government building and the making of a Government exhibit at the Interstate and West Indian Exposition in the city of Charleston, S. C.

J. A. TAWNEY,
GEO. W. STEELE,
JOHN S. WILLIAMS,
Managers on the part of the House.

CHAUNCEY M. DEPEW,
H. C. LODGE,
GEO. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines, forest, and the sea in the city of St. Louis, in the State of Missouri, submit the following written statement in explanation of the effect of the action agreed upon in the accompaning conference report on each of the Senate amendments, namely:

By the action of the conference submitted in the accompaning report, the House recedes on amendment numbered 1.

On amendment numbered 2 the conference committee were unable to agree.

The SPEAKER pro tempore. The question is on agreeing to this report.

Mr. HAUGEN. I suggest that we are entitled to know what the Senate amendments numbered 1 and 2 are. I do not think the matter is made sufficiently plain in the statement.

Mr. TAWNEY. Amendment No. 1 is what is known as the Sunday-closing amendment, and amendment No. 2 is the appropriation for the exposition at Charleston, S. C. We agree to the first amendment and disagree to the second.

The SPEAKER pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. TAWNEY. I move that the House further insist on its disagreement to Senate amendment numbered 2 and ask for a further conference.

Mr. ELLIOTT. I move that the House recede from its disagreement on amendment No. 2 and agree to the amendment.

The SPEAKER pro tempore. The question is first upon the motion of the gentleman from South Carolina.

Mr. TAWNEY. I rise to a parliamentary inquiry. Under the rules, how much time is allowed for discussion under this proposition?

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. TAWNEY] is entitled to the floor for one hour; he can yield such time as he may desire.

Mr. TAWNEY. I yield ten minutes to the gentleman from South Carolina.

Mr. ELLIOTT. I ask the gentleman to yield me twenty minutes, as I wish to yield to other gentlemen on the floor.

Mr. TAWNEY. I do not expect to occupy one-half of the time. I yield twenty minutes to the gentleman.

Mr. ELLIOTT. Mr. Speaker, I desire to occupy only three minutes of my time, and wish to be informed when that has expired.

The SPEAKER pro tempore. The Chair will call the gentleman's attention when three minutes have expired.

Mr. ELLIOTT. Mr. Speaker, the amendment of the Senate in which I move to concur provides for holding an Interstate and West India Exposition at Charleston, commencing December next and lasting until the following June. The appropriation of $250,000 that is asked for is solely for the purpose of furnishing a Government exhibit, and no part of it whatever is to be appropriated to paying the current expenses of the exposition.

Two hundred thousand dollars have already been subscribed by the citizens of Charleston and others, $50,000 by the State of South Carolina, and $50,000 by the city of Charleston, making in all $300,000 already subscribed, and it is estimated that there will be, including the sale of concessions and tickets, $1,000,000 spent in carrying it through. The greatest interest has been exhibited throughout the country in behalf of this exposition. A number of States have determined to erect buildings and furnish exhibits; also a number of cities in the North.

Everywhere throughout the country the project has been encouraged in every way, and it remains to be seen whether the House of Representatives, which is the special representative of the people of the country, will deny to us what everybody else has given. Why should we not have an appropriation of $250,000, one-twentieth of the amount given to St. Louis? It is, as I say, purely for a Government exhibit. All the expenses of the exposition will by paid by the company that has organized it.

What excuse can be given, Mr. Speaker, for denying Charleston this small appropriation when we are giving $5,000,000 to St. Louis, $500,000 to Buffalo, and have heretofore made appropriations to Omaha and other cities? You will observe that this money is simply for the purpose of giving the people who visit Charleston the right and privilege of inspecting the Government exhibits, which are all the time exhibited to the public here in Washington at the expense of the Government. Why should not the people who visit the Charleston exposition have the right to see what visitors to Washington see every day? I can not imagine how gentlemen can consistently vote for these other appropriations and deny this small sum to South Carolina.

Mr. Speaker, the people of Charleston have put forth the most strenuous efforts to make their exposition a success. They have planned it on broad and comprehensive lines. They have provided for 13 exposition buildings. They are making the most earnest efforts in all parts of the country to make it a national affair. They have met with no check so far, and an adverse vote here will proclaim to the world that their undertaking is unworthy of encouragement. I earnestly hope that the motion to concur will be adopted.

I yield five minutes to the gentleman from Wisconsin.

Mr. DAVIDSON. Mr. Speaker, the motion of the gentleman from South Carolina means an appropriation of $250,000 for a Government exhibit at the Southern Interstate and West Indian Exposition to be held at Charleston. I am in favor of this appropriation. I know of no reason why we should deny to the exposition at Charleston this comparatively small sum when we have repeatedly appropriated much larger sums for like expositions in other sections of the country.

This bill carries an appropriation of $5,000,000 for the celebration of the centennial of the Louisiana purchase. I am in favor of this appropriation, although I know that this sum is to be turned over to the commissioners to be expended in behalf of that exposition. It should be remembered that Charleston does not ask aid from the Government for the exposition itself. They only ask that the Government shall patronize the exposition to the extent of making an exhibit there, just as it has at Atlanta, Nashville, Louisville, New Orleans, Chicago, and other places.

I believe that exhibits of this kind are of great benefit to the people and to the country. They are a source of education. They give new inspiration to the genius of our country, cause our people to become better acquainted with each other, and are of lasting benefit to all concerned.

But, Mr. Speaker, there is another reason why I shall vote for this appropriation. I remember, less than three years ago, on the floor of this House, the Representatives from South Carolina and other Southern States stood shoulder to shoulder with those from Wisconsin and the North and voted $50,000,000 for the national defense. That act was most generously applauded. The old sectional line had been wiped out, and we all rejoiced that we were one people, having but one country and one flag. A few months after that, when volunteers had been called for and two regiments from Wisconsin, having been for weeks at Chickamauga, where they contracted the germs of typhoid, had started on their way to Porto Rico, they waited for transports at Charleston.

The transports finally sailed having the Wisconsin regiments on board, but there were left behind in the hospitals of that city 87 boys from my district and adjoining counties, sick with fever. Upon the adjournment of Congress I went down there to visit them and do what I could for their relief. The mayor of the city took me in his carriage out to the hospital. As we approached the buildings, looking out across the harbor I could see Fort Sumter, and I remembered that it was there where the first guns were fired on that dark and dreary night in April, when the storm of secession broke over this Union. I went into the hospitals, and I visited the boys. I found there Major Morgan, Captain Abel, Private Kelsey, and many others. I found there the best ladies of the city of Charleston, caring for and nursing back to life those brave Wisconsin boys who had gone out to serve their country in her hour of need. Those who had recovered sufficiently to be up and about the building told me that repeatedly the ladies had called with their carriages and taken them to drive, and had shown them every courtesy and every attention, and I want to say to you that in my judgment many of those boys owe their lives to the kind treatment received at the hands of the people of the city of Charleston. [Applause.] I went back to my home in Wisconsin and told the mothers and the families of those boys of the treatment they were receiving down at Charleston, and when the boys came home they corroborated what I had said.

From that time to this there has ever been a feeling of tenderness and affection from the people of my district toward the people of Charleston, and there is not one of the 500 boys of my district who went out with the Second Regiment of Wisconsin Volunteers in the Spanish war but what wants me to show my appreciation of what Charleston did for Wisconsin by voting for this appropriation.

You may call this sentiment—and so it is—but thank God, I am not ashamed of it. There is some sentiment in it, and I think there ought to be. I would be ashamed to go back to the people of my district and say to them that after I had voted millions of dollars for commercial purposes I was afraid to vote the paltry sum of $250,000 for the Charleston Exposition.

Believing as I do that these exhibits are of benefit to the people, and because the old sectional lines have been wiped away, and the people of the South, and especially the people of Charleston, have shown their loyalty to the flag and their affection for the people of the North, and for the boys of Wisconsin at a time when care and attention were of very material benefit to them, I shall vote for this appropriation. [Loud applause.]

Mr. ELLIOTT. I will ask the other side to use some of its time.

Mr. TAWNEY. I do not care to occupy any of my time now.

The SPEAKER. The gentleman from Minnesota declines to use any part of his time now.

Mr. ELLIOTT. I yield two minutes to the gentleman from Nevada.

Mr. NEWLANDS. Mr. Speaker, I propose to vote for this amendment. I believe in these expositions. I believe that every one of them has done a great and general good. I believe in promoting at each and every one of them a Government exhibit. As I understand it, this amendment calls for a Government exhibit. We have voted appropriations for exhibitions at Omaha, at Nashville, at Buffalo, Chicago, and Philadelphia, all of them largely

in excess of the appropriations asked for in this case. I believe Chicago was given $5,000,000 or more, St. Louis $5,000,000, and Buffalo $500,000. Now, this is an interstate exposition, and not only that, but an exposition that relates to the industries of the islands of the West Indies, and I believe it will serve a good purpose. I am in favor of this amendment.

Mr. GAINES. Is this exposition at St. Louis to be closed on Sunday?

Mr. TAWNEY. The House has just agreed, by the adoption of the conference report, to the Senate amendment, which is intended to close the exhibition on Sunday.

Mr. GAINES. Then it will be closed?

Mr. TAWNEY. I do not know whether it will be closed or not; whether it will have that effect I do not know.

Mr. STEELE. That is not fair; there is no question that it will be closed.

Mr. BUTLER. I understand that by the adoption of the conference report it is the understanding that this exposition will be closed on Sunday.

Mr. TAWNEY. That is the purpose of it.

Mr. BROSIUS. That has been adopted.

Mr. TAWNEY. That has been adopted.

I will only occupy a few moments in answer or in opposition to the motion of the gentleman from South Carolina. I am not, in opposing this motion, necessarily opposed to the South Carolina exposition, nor am I necessarily opposed to the Government appropriating a sum of money for the purpose of making an exhibit there. But in the last session of this Congress we enacted a law whereby we agreed with the people inhabiting the Louisiana territory, or the States and Territories carved out of that purchase, to appropriate $5,000,000 to aid in carrying forward to success an exposition to commemorate that important event in our national history. The conditions upon which that promise was made were that the people in those States should raise, to the satisfaction of the Secretary of the Treasury, $10,000,000, which they have done. With the evidence of that before us we passed this bill and sent it to the Senate, thus fulfilling our express promise. Many men voted in favor of the bill who were opposed to our making the pledge, but the pledge having been made, they felt in honor bound to keep it.

Now, those members of the House who thus voted are, by the action of the Senate in attaching to our bill carrying out this agreement a condition to appropriate money for an exposition at Charleston, placed in a position where they will have to either vote against the Government keeping its pledge or vote in favor of a proposition that they are unalterably opposed to. And it was exactly for this purpose that this amendment was made to the bill we passed. If legislation can be obtained by the aid of such methods as are being employed in respect to this amendment, then it is not necessary for this House to waste any time in the discussion of the merits of any proposition.

Why could not this proposition come before the House in a way whereby it might be considered and voted upon independent of the question of whether or not we are going to vote in favor or against the Government keeping the pledge which it made at the last session of Congress? That, Mr. Speaker, is a very substantial reason why this amendment should not be concurred in.

Mr. GAINES. Which do you think is more meritorious of the two projects—the one that makes a direct gift of $5,000,000 to St. Louis, to do as they please with, or the one that gives $250,000 to make a Government exhibit pure and simple in South Carolina?

Mr. TAWNEY. The gentleman's question involves more than is the fact. We do not propose to give $5,000,000 to the people of St. Louis for them "to do as they please with." We give it to them for the specific purpose of aiding in the success of an exposition that will commemorate an event that contributed more than any other to the industrial welfare of the people, and to the power and influence of our nation at home and abroad.

Mr. GAINES. Is it to make a Government exhibit?

Mr. TAWNEY. It is not for the purpose of making a Government exhibit, and nobody claims that it is.

Mr. GAINES. That is all that it has been heretofore, except at the Columbian Exposition.

Mr. TAWNEY. I beg to differ with the gentleman. New Orleans got $1,250,000 from the Treasury of the United States to aid in carrying forward that exposition. The Centennial Exposition at Philadelphia got $1,550,000.

Mr. GAINES. The last was purely national.

Mr. TAWNEY. The Chicago Exposition got over $3,000,000.

Mr. GAINES. That was purely national.

Mr. TAWNEY. That was, and so is this; this is a national and international exhibition. Let me call the gentleman's attention to the fact that you are asked by this amendment to invest as much money in the Government exhibit at Charleston, S. C., as there is to be invested in the entire exposition in that city by the people interested.

Now, I have here the prospectus showing that the State of South Carolina has appropriated $50,000, and the city of Charleston $50,000, and the exposition company have raised in addition to that $150,000, making a total of $250,000.

Mr. STEELE. Let me correct the gentleman. It is not invested; with the exception of $50,000 it is all prospective.

Mr. ELLIOTT. Oh, no; $200,000 has been subscribed by citizens, 3,000 subscriptions in all, showing how popular the subscription was; and all the installments have been called for except three or four, and have been paid in.

Mr. PAYNE. As I understand, the purpose of the exposition at Charleston is practically the same as that of a respectable State fair, and where there would be no more reason for making the appropriation for that than there would for appropriating money for any State fair.

Mr. TAWNEY. None whatever. We are asked to invest in a Government exhibit at that exposition an amount equal to the total amount which has been subscribed, if you please, and possibly paid in, for the purpose of carrying on the exposition. In other words, the Government exhibit will be practically the whole show at this Charleston Exposition.

Now, some gentlemen on the other side appeal to the sympathy of this House on the ground that we ought not to discriminate against different sections of the country. I find, Mr. Speaker, that we have appropriated heretofore for two classes of expositions, one international and the other purely local. The Centennial Exposition was the first, and then the Columbian Exposition, and then the proposed Louisiana Exposition. Now, in addition to those three, we have had eight expositions, and of the amount appropriated by the Government either to aid in carrying forward these expositions or for the purposes of making a Government exhibit I find that $1,990,000 went to the Southern section of our country. The South has had four of these expositions, the North four; and the Northern expositions that were purely local received $1,660,000. As the gentleman from Massachusetts says, the Southern section has far less than one-half the population that the North has. The appropriation for the St. Louis Exposition, it may well be said, will benefit the South far more than the North. So that gentlemen have no ground to claim that we are discriminating against the Southern section of the country if we disagree to this amendment.

But there is a vast difference between these two propositions. The one is international in its character; the one commemorates one of the greatest events of the history of our country, and it will also commemorate the first great international event in our national history, while the Charleston exposition is, as the gentleman from New York [Mr. PAYNE] said a moment ago, nothing more or less than a State fair, such as almost every State has every year; and we are asked to contribute to that fair an exhibit which will cost the Government of the United States an amount equal to the total amount invested by the people of South Carolina in that exposition.

Mr. Speaker, I reserve the balance of my time.

Mr. ELLIOTT. I now yield three minutes to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, I am unable to distinguish between sections of our common country in gifts of this character or between one exposition and another. They are all praiseworthy and educational. We have voted liberally for expositions in the North. This measure contains an appropriation of $5,000,000 to the St. Louis Exposition in celebration of the Louisiana purchase. It seems to me a small sum that South Carolina asks, when compared to those heretofore voted. I believe that expositions of this character are a benefit to our country. They are the gathering places of our citizens, who attain the best advantages of an educational character. They are places where new ideas get into the minds of our citizens, where genius is stimulated and invention born for the benefit of civilization and mankind; and I am willing to take this one additional step in the interest of our national fraternity and the welfare of that historical city of Charleston and the State of South Carolina.

Mr. TAWNEY. Does the gentleman think——

Mr. WM. ALDEN SMITH. I can not yield in my time.

Mr. TAWNEY. Does the gentleman think that this applies to the members of this House?

Mr. WM. ALDEN SMITH. If the gentleman will give me more time, I will yield.

Mr. Speaker, the exposition proposed to be held at Charleston, S. C., is an Interstate and West Indian Exposition. Charleston is admirably located for such a purpose. It is an historic city, full of great interest to the country and its people. It was at Charleston that one of the first victories of the Revolutionary war was won, and old Fort Moultrie still raises her historic head in that city, from whose walls Sergeant Jasper leaped and rescued the American flag when the staff had been shot away by the British invaders. It was at Charleston that the first shot of the war of the rebellion was fired, calling millions of men—fathers and sons, brothers and neighbors—to the country's service and the nation's

defense; and I shall be glad to join in celebrating the return of good will between the North and South by this splendid evidence of appreciation on the part of the Congress of the United States.

For my part, I believe that this appropriation should be given. If it is proper to give such an appropriation to Buffalo, if it was proper to give such an appropriation to St. Louis, why should we not give it to Charleston, and allow the citizens of that city and State to have an exposition worthy the period through which we are now passing, and illustrative of the genius of the age.

[Here the hammer fell.]

Mr. TAWNEY. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I did not intend to say a word in this debate, but I could not sit by without making a protest against the proposed appropriation for the exposition at Charleston, S. C. True, five millions are given for the St. Louis Exposition. St. Louis has raised ten millions. These five millions are a gift. St. Louis puts up two dollars to every one that the Government advances.

I stood and worked and voted as hard as I could against committing the Government to the St. Louis Exposition; but when committed, that committal became an obligation. Now, upon a provision to meet that obligation, another body, in the closing days of this Congress, adopts this additional legislation giving $250,000 for the purpose of having a Government exhibit at Charleston. So far as the Senate is concerned, it says to friends of the St. Louis Exposition: "The obligation to St. Louis shall not be fulfilled unless you will drag through also this appropriation for Charleston."

Now, as I have said a hundred times before, the rule is that the body which proposes legislation upon an appropriation bill must recede if the other body insists upon its objection. I have no doubt that the Senate will recede, if the House will insist on its disagreement of this amendment.

Now, upon the merits: I have no pride of opinion in regard to granting anything to any exposition; but I say respectfully it seems to me that the Charleston proposition does not commend itself to Congress. Two hundred and fifty thousand dollars to be appropriated by the Government, with a second $250,000 to be subscribed in South Carolina——

Mr. FINLEY. Will the gentleman allow me a question?

Mr. CANNON. Yes, sir.

Mr. FINLEY. The gentleman suggests that this proposition does not commend itself to Congress. I wish to know whether any proposition for an exposition anywhere in the United States other than the exposition at Chicago, in his State, has, in the gentleman's view, commended itself to Congress.

Mr. CANNON. Yes; I made the fight on this side and against the other side—and I think I had more to do with procuring the appropriation than any other man in Congress—for the Atlanta Exposition. I made the fight for the New Orleans Exposition. I helped also in securing the appropriation for the Nashville Exposition. But this matter has reached a point now where the exposition racket runs to the point of State fairs, and soon it will extend to county fairs. [Applause.] In my judgment the time has come to call a halt.

Mr. FINLEY. I ask the gentleman to let me make one statement in connection with that which he has made.

Mr. CANNON. I have only five minutes.

Mr. FINLEY. This will only occupy a second. The gentleman stated that an appropriation of $250,000 had been made by the city of Charleston.

Mr. CANNON. So I have been told.

Mr. FINLEY. I hold in my hand a telegram signed by the mayor of that city stating that the amount of the appropriation by the city of Charleston is $350,000.

Mr. CANNON. Very well; I am glad if it is $350,000. The amount was stated by the gentleman from Minnesota [Mr. TAWNEY] as $250,000, and he was not contradicted.

It is all very nice to talk about "the old flag and an appropriation," and about sentiment, and about "the first battle of the Revolution" (if the first battle was fought in that part of the country), and about Moultrie, and about Fort Sumter, and about the "bloody chasm," and about "the era of peace and good will." I submit that with appropriations piling up mountain high the time has come to have a little sentiment for the taxpayer. [Applause.] Therefore, I want to give notice now that to the best of my ability, my voice, weak though it may be, and my vote, though it counts but one—from this on my voice and my vote are against any and all propositions that will take money from the public Treasury for expositions. "Give us a rest." [Loud applause.]

Mr. ELLIOTT. Mr. Speaker, how much time have I remaining?

The SPEAKER. Seven minutes.

Mr. ELLIOTT. I will yield three minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, let us look at this matter dispassionately and without excitement. Let us look at it as a business proposition, for it is one of plain business. This Government is asked to spend $250,000 in order to place its own exhibits where they can be seen at the Charleston and West Indian Exposition by visitors from every section of the country. Charleston has raised $250,000 and the State legislature has given $50,000. Now, will the Government do it? This money is not a gift from the Government, but only spending its own money to place upon exhibit its own resources. The gentleman from Minnesota says the St. Louis Exposition will be an international one. I say Charleston's will be a national one and will be equally as important as the other. Let us ask if South Carolina's history does not entitle her to consideration along this line, as well as the State of New York, Tennessee, Louisiana, or any other of them.

Yes, sir, the record of South Carolina in our struggle for independence can very safely challenge a comparison with any other of her sister colonies. In the patriotism of her women, none excel her, and she can recall with pride the devotion of Mrs. Motte, whose palatial residence being occupied by the British, furnished the patriots with the means of destruction of her own beautiful home. She can point with pride to the perilous trip of Emily Geiger on horseback from old Cambridge to Charleston, carrying the message to General Greene that foiled the brutal Tarleton in his murderous designs. Many other names might be mentioned, but time forbids, and then I am only speaking from memory on the spur of the moment about some of the noble women and men of my native State.

I know her statesmen were potential and prominent in the organization and establishment of our magnificent system of government. She gave to the struggling patriots the "Swamp Fox" in the person of Marion, who was never caught; the gamecock Sumter, who was never defeated, and the gallant Moultrie, who never gave up the fort; and when the chivalric Frenchman, the gallant soldier, the sincere lover of liberty, and Washington's friend and associate, Lafayette, was imprisoned in the Fortress Olmutz it was one of South Carolina's most distinguished soldiers and patriots, Colonel Laurens, who, without regard to the dangers involved in such an enterprise, at his own expense went to France and undertook to effect the release and escape of his illustrious companion in arms.

When future generations shall read the history of our Continental war, there is nothing in prose, poetry, or song, in fiction or reality, more captivating and instructive than South Carolina's part in accomplishing the independence of America. There stands to-day at the head of Broad street, in the city of Charleston, that grand old city by the sea, the very building, then used as a prison, in which patriots were confined by the Tories, and visitors may now see the very spot, with the very iron staples, in which the patriot Hayne was confined, and from which he was taken to cruel and bloody execution, and many other places may be seen there which makes Charleston one of the most historic cities in the United States.

Whatever may have been the history of South Carolina in later years I will not now speak, except to say that her sons have nothing to apologize for or to be ashamed of. I can simply refer now to her earlier actions and repeat with pride Mr. Webster's reference to Massachusetts in his famous debate with Senator Hayne, "There stands Massachusetts with her Boston Commons, her Fanueil Hall, and her Bunker Hill, and there she will stand forever." The same grand and eloquent tribute will equally apply to South Carolina, where she will stand upon her record forever. Now, Mr. Speaker, South Carolina invites her sister States to come and erect buildings there and place their products on exhibition. She asks the General Government to do so.

We invite the people from the North, South, East, and West to come to South Carolina to see our people and become better acquainted with them. Let us have this small appropriation, and come down into the country whose patriot soldiers have moistened the soil of this nation, as I have already said, upon every battlefield from Bunker Hill and Lexington to Yorktown for American liberty. Come down amongst us and see our marvelous advancement in agriculture, manufacturing, mining, and all the other industries. Come down amongst and help us to prove to the world that we do not punish the most humble citizen, red, white, black, or blue, without a just cause, and help us to give the lie to the slanderous statements recently published in the North American, published in Philadelphia. [Applause.]

Mr. ELLIOTT. I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, there is an old and a wise saying that consistency is a jewel. The distinguished gentleman from Illinois [Mr. CANNON] has probably never heard that saying, if we are to judge by his actions, his votes, and his speeches. He has originated and passed some of the most lavish and extravagant appropriation bills.

He has advocated and voted for some of the most reckless and uncalled-for expenditures of the people's money. He has done as

much as anyone on that side of the House to make this a billion and a half dollar Congress, the most costly and expensive Congress in all the history of our country. When we compare his record with his professions, he is as disingenuous as he is inconsistent.

He is strenuously opposed now to this appropriation of $250,000 for a Government exhibit and the necessary and incidental Government building at the Charleston Exposition. At the last moment—in the dying days of this Congress—he is awakened and rises up in patriotic indignation to sound the alarm, and in stentorian tones declare these appropriations must cease or the exchequer of the Government will be depleted. It seems to me the gentleman's good intentions are rather late, and should have been put in execution long ere this.

Sir, I am at least consistent. I am in favor of the exposition in Charleston, S. C., and I shall do all I can in my humble way to make it a success and an object lesson that will help the Southland and reflect credit on the whole country. I believe in these expositions of our progress, our industry, and our material resources.

I believe they do great good; that they are great object lessons to the people and great educators for the masses. The Government should participate in all of them and give what aid it can. The benefits to the people are inestimable and the small sum spent wise and prudent economy that will ultimately be returned an hundred fold.

Entertaining these views I shall cordially stand by my friend from South Carolina, and I trust his motion will prevail. I am on record in favor of expositions. I voted for the Omaha Exposition, for the Pan-American Exposition, for the St. Louis Exposition, and on the roll call I shall vote in favor of the Charleston Exposition. I like the people of the South; I believe in them, in their future, and I want to help them demonstrate to the world in an educational way their greatness, their grandeur, their commerce, their resources, their progress, and their material industries.

In my judgment, this exposition is most desirable and will do incalculable good. It will astonish many, and rivet the attention of America on the New South, with its innumerable opportunities, its untold wealth, and its myriad possibilities. Give the grand old South a chance, and the result will be as surprising as the vast amount of invaluable information disseminated will be beneficial.

This, sir, is not a local or a sectional matter. It will help and benefit our whole country. I dissent from the provincial and narrow view taken by some gentlemen on this question. The Columbian Exposition at Chicago did more for this country in different ways than the most eloquent tongue can ever portray.

Every exposition ever held in this country has been a great national blessing that has made for peace, for progress, and for civilization. We spend yearly millions and millions of dollars for useless objects and worthless matters, but when a few thousands of dollars are asked for educational purposes, for the benefit of humanity, for the diffusion of information, some all-wise and far-seeing cheeseparing statesman gravely arises and in sepulchral tones objects.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. TAWNEY. I yield three minutes to the gentleman from Utah [Mr. KING].

Mr. KING. I am more than delighted to know that there is at least one voice upon the Republican side that is raised against the reckless appropriations made by this Congress.

Unfortunately, his voice, so far as its influence upon the Republicans is concerned, is like "one crying in the wilderness."

And yet my distinguished friend from Illinois [Mr. CANNON] is not entitled to much credit for his plea for economy. It is a deathbed repentance. Millions and hundreds of millions were appropriated this session, and he felt no duty resting upon him to warn the majority in Congress to halt in their wild and heedless efforts to plunder the public Treasury. Democrats upon this side of the House again and again raised their voices against the maladministration of the party in power, and the unconstitutional, unwarranted, and meretricious "grabs" which were made upon the National Treasury.

When nearly a billion dollars have been taken from the people in three months, then a faint voice is heard from the darkness of Republican jungles, crying out in doleful and lugubrious sounds, "We are lost; woe is me!"

And yet, Mr. Speaker, in the interest of fairness and truth I am compelled to say that, in my humble opinion, the record of some members upon this side of the Chamber in regard to certain appropriations is not free from criticism.

Mr. Speaker, since I have been in Congress I have come to believe that no proposition can be suggested in a legislative body, which involves the appropriation of money from the Treasury, that can not be supported by some kind of an argument and some show of reason.

We hear that we should appropriate $5,000,000 for the St. Louis fair because it commemorates the splendid achievement of Jefferson in securing by peaceful means a great empire; and that we should give to South Carolina $250,000 because of "sentiment."

Mr. Speaker, I am opposed to this whole scheme. I think it is wrong and indefensible to take the people's money, as it is purposed by the bill under consideration. I voted against the St. Louis proposition. If it were within my power I would defeat the scheme by which $5,000,000 are taken from the people and turned over to a private corporation in the city of St. Louis.

The whole system is wrong. We are running wild upon the subject of "fairs" and "expositions."

It is an easy thing, apparently, to organize a private corporation, subscribe a few dollars, and then lobby through Congress a bill to put into the treasury of the corporation hundreds of thousands of dollars, and even millions, for the ostensible purpose of having a "fair." When is this thing to end?

One State asks to-day, to-morrow another makes its appearance, and next week some county will be heard from. Of course each "exposition" is "international." By labeling it "international" the robbery of the Treasury becomes a virtue.

It is similar to the villainies found in the river and harbor bills; a dribbling, shallow creek is called a "river," and forthwith it becomes so important for "commerce" that an appropriation should be made to widen and deepen it.

Mr. Speaker, we have a Constitution, although the party in power treats it with supreme contempt. There are limitations placed upon the legislative department of the Government. It is a crime to tax the people for any purpose other than to raise revenue for the economical administration of the affairs of the Government.

It is revolutionary to use the taxing power to aid private enterprises. All history teaches that the persistent and flagrant abuse of this sovereign power is destructive of liberty, and the sure precursor of tyranny.

I am interested in the great State of South Carolina. I am proud of her history, and glory in her mighty achievements. I hold in sacred memory the illustrious Democrats who have held her banner.

In all that will advance her interests I shall rejoice. But I hope I may never support a proposition that I regard as a violation of the spirit and letter of the Constitution of the United States, no matter how apparently beneficial it may seem to the great State of South Carolina or any other State of our Union.

Mr. ELLIOTT. I just wish to say one word. It is estimated that the expense of this exposition outside of the Government appropriation will be $1,000,000.

I yield the remainder of my time to my colleague [Mr. LATIMER].

Mr. LATIMER. I yield two minutes of my time to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the other day, when this appropriation was up, I opposed the appropriation for the St. Louis fair, and referred to this that was to follow. Now, I am like my friend from Illinois. I think the time has come, on this question, when there should be a halt upon these appropriations; but I can not see how this House can stand here and propose to make an appropriation of $5,000,000 for the St. Louis fair and refuse an appropriation to the city of Charleston.

But our friends on the other side, and especially the gentleman from Minnesota and the gentleman from Illinois, say that we have obligated ourselves at a previous Congress to make this appropriation of $5,000,000 to the St. Louis fair. Let me call your attention to another thing. On the 19th day of April, 1898, you obligated yourselves to the world and especially to Cuba to do certain things; and I say now that before the sun sets you will violate those obligations openly and aboveboard [Applause.] Now, see if you do not do that; see where your obligations lead you, and see if you are as loyal to the obligations you made on April 19, 1898, as you are to the St. Louis fair.

The SPEAKER. The time of the gentleman has expired.

Mr. LATIMER. Mr. Speaker——

The SPEAKER. There is no more time remaining.

Mr. LATIMER. I had three minutes.

The SPEAKER. You yielded two minutes; your colleague used half a minute, and now the time has all expired.

Mr. ELLIOTT. Mr. Speaker, I ask that my colleague have two minutes. He yielded under a misapprehension.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LATIMER. I want to appeal to this House and gentlemen to show now that you feel and will act in accordance with the expressions that have been given out by the President of the United States and members on the floor of this House in regard to the hostilities that have been exhibited for the last twenty-five

years toward the South and especially toward South Carolina. This is an opportunity to show absolutely that the feeling of hostility toward the South, and toward South Carolina, has been obliterated. This is the first time that South Carolina has come before Congress and asked for an appropriation from the National Government. This is an opportunity to show that State that you feel toward her just as you feel toward St. Louis, Chicago, and New Orleans, and Buffalo. This is a small appropriation, and I hope this House will vote for it, and agree to the Senate amendment, keeping this $250,000 in this bill.

The SPEAKER. The gentleman from Minnesota.

Mr. TAWNEY. The gentleman from South Carolina [Mr. TALBERT] says this is a business proposition. I thoroughly agree with him in that statement, and it is because the business end of the proposition is all on the side of the Charleston exposition that I object to the appropriation of the money carried by this amendment. You come to Congress and demand that we make an exhibit there wholly disproportionate to the character of the exposition which you propose holding. This is the result of tacking onto the bill which we passed and sent to the other end of the Capitol a proposition wholly different and not germane. It comes to us now in such a way that the House can not consider, correct, or amend any defects that exist in the Senate amendment.

This, Mr. Speaker, is alone a sufficient reason why this amendment should not be concurred in. By this amendment the House is literally held up. You will now either vote against keeping the promises which you have made to the people of St. Louis or else you will vote in favor of a proposition which, if it stood alone in its present form, would not receive any favor whatever in this House. The plea made by the gentleman from South Carolina [Mr. LATIMER] in favor of this proposition, that it would be the highest evidence of the complete wiping out of sectional lines, has no foundation in fact. We have been appropriating money for the purpose of making exhibits at Southern expositions ever since 1884. We appropriated in 1884 for the New Orleans Exposition $1,350,000, and in addition to that we appropriated $300,000 for a building and exhibit.

We appropriated for the Louisville Exhibition; we appropriated for the Atlanta exposition, and we also appropriated for the Nashville Exposition. It is not on that ground, it is not because it is in the South, that I object to this proposition, but I object to having the proposition coupled with a bill that is intended only to carry out our agreement, a proposition that otherwise many members of this House would oppose, and I should oppose in its present form. Now, Mr. Speaker, I ask for a vote on the motion of the gentleman from South Carolina.

Mr. STEELE. I demand the yeas and nays on this.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 164, answered "present" 9, not voting 89; as follows:

YEAS—91.

Adamson,	Esch,	Lybrand,	Ryan, N. Y.
Alexander,	Finley,	McAleer,	Salmon,
Bankhead,	Fitzgerald, Mass.	Marsh,	Shackleford,
Barham,	Fitzgerald, N. Y.	May,	Shafroth,
Bellamy,	Gibson,	Meekison,	Showalter,
Bingham,	Gordon,	Morrell,	Slayden,
Brantley,	Green, Pa.	Muller,	Smith, Iowa
Breazeale,	Grout,	Newlands,	Smith, Wm. Alden
Brownlow,	Hall,	Norton, Ohio	Spight,
Burleigh,	Hay,	Norton, S. C.	Stark,
Burnett,	Hepburn,	Packer, Pa.	Sulzer,
Caldwell,	Hoffecker,	Pearson,	Sutherland,
Clayton, N. Y.	Howell,	Polk,	Swanson,
Cusack,	Jack,	Powers,	Talbert,
Davenport, S. A.	Jenkins,	Ransdell,	Taylor, Ala.
Davenport, S. W.	Knox,	Ray, N. Y.	Thayer,
Davey,	Lacey,	Richardson, Tenn.	Thomas, N. C.
Davidson,	Lane,	Riordan,	Tompkins,
Davis,	Latimer,	Rixey,	Wachter,
Denny,	Lester,	Robertson, La.	Waters.
Dick,	Lewis.	Robinson, Nebr.	Weymouth,
Driggs,	Littlefield,	Rucker,	Young.
Elliott,	Livingston,	Ruppert,	

NAYS—164.

Acheson,	Brundidge,	Dinsmore,	Hedge,
Adams,	Burke, S. Dak.	Driscoll,	Hemenway,
Aldrich,	Burke, Tex.	Eddy,	Henry, Conn.
Allen, Ky.	Burkett,	Fletcher,	Henry, Miss.
Allen, Miss.	Burleson,	Fordney,	Henry, Tex.
Atwater.	Butler,	Fox,	Hill,
Babcock,	Calderhead,	Freer,	Hopkins,
Bailey, Tex.	Cannon,	Gaines,	Hull,
Baker,	Capron,	Gamble,	Jett,
Ball,	Carmack,	Gardner, N. J.	Johnston,
Barber,	Clayton, Ala.	Gilbert,	Jones, Va.
Barney,	Cochrane, N. Y.	Gillet, N. Y.	Jones, Wash.
Bartholdt,	Connell,	Gillett, Mass.	Joy,
Bell,	Cooper, Wis.	Graff,	Ketcham,
Benton,	Cooney,	Greene, Mass.	King,
Berry,	Corliss,	Griffith,	Kitchin,
Boutell, Ill.	Cousins,	Grosvenor,	Kleberg,
Bowersock,	Cowherd,	Grow,	Kluttz,
Brick,	Cromer,	Hamilton,	Lamb,
Bromwell,	Crowley,	Haugen,	Lanham,
Brosius,	Crumpacker,	Hawley,	Lawrence,
Brown,	Dalzell,	Heatwole,	Levy,
Linney,	Morris,	Ryan, Pa.	Tate,
Littauer,	Needham,	Shattuc,	Tawney,
Little,	Olmsted,	Sheppard,	Tayler, Ohio
Lloyd,	Otjen,	Sherman,	Terry,
Long,	Overstreet,	Sibley,	Thomas, Iowa
Loudenslager,	Parker, N. J.	Sims,	Turner,
Lovering,	Payne,	Smith, Ky.	Vandiver,
Mahon,	Pearce, Mo.	Smith, H. C.	Van Voorhis,
Mann,	Pearre,	Snodgrass,	Vreeland,
McCall,	Phillips,	Southard,	Wadsworth,
McCleary,	Pierce, Tenn.	Sperry,	Wanger,
McLain,	Pugh,	Sprague,	Watson,
Miers, Ind.	Rhea, Ky.	Stallings,	Weaver,
Miller,	Richardson, Ala.	Steele,	Weeks,
Mondell,	Robb,	Stephens, Tex.	Williams, J. R.
Moody, Mass.	Roberts,	Stevens, Minn.	Williams, Miss.
Moody, Oreg.	Robinson, Ind.	Stewart, N. J.	Wright,
Moon,	Rodenberg,	Stewart, N. Y.	Zenor,
Morgan,	Russell,	Stewart, Wis.	Ziegler.

ANSWERED "PRESENT"—9.

Bishop,	Fowler,	Landis,	Meyer, La.
Cox,	Gardner, Mich.	Maddox,	Wheeler.
Fleming,			

NOT VOTING—89.

Allen, Me.	Dayton,	Lorimer,	Scudder,
Bailey, Kans.	De Armond,	Loud,	Shelden,
Bartlett,	De Graffenreid,	McClellan,	Small,
Boreing,	Dougherty,	McCulloch,	Smith, Ill.
Boutelle, Me.	Dovener,	McDermott,	Smith, Samuel W.
Bradley,	Emerson,	McDowell,	Spalding,
Brenner,	Faris,	McRae,	Sparkman,
Brewer,	Fitzpatrick,	Mercer,	Stokes,
Broussard,	Foss,	Mesick,	Sulloway,
Bull,	Foster,	Metcalf,	Thropp,
Burton,	Gaston,	Minor,	Tongue,
Campbell,	Gayle,	Mudd,	Underhill,
Catchings,	Gill,	Naphen,	Underwood,
Chanler,	Glynn,	Neville,	Warner,
Clark,	Graham,	Noonan,	White,
Cochran, Mo.	Griggs,	O'Grady,	Williams, W. E.
Conner,	Hitt,	Otey,	Wilson, Idaho
Cooper, Tex.	Howard,	Prince,	Wilson, N. Y.
Crump,	Kahn,	Quarles,	Wilson, S. C.
Cummings,	Kerr, Md.	Reeder,	Woods.
Curtis,	Kerr, Ohio	Reeves,	
Cushman,	Lassiter,	Rhea, Va.	
Dahle,	Lentz,	Ridgely,	

So the motion was rejected.

The following additional pairs were announced:

For this day:

Mr. DAHLE with Mr. MCCULLOCH.

Mr. BULL with Mr. WILLIAM E. WILLIAMS.

For this vote:

Mr. CONNER with Mr. UNDERWOOD.

Mr. MUDD with Mr. DE ARMOND.

Mr. BAILEY of Kansas with Mr. BREWER.

Mr. O'GRADY with Mr. GASTON.

Mr. GRAHAM with Mr. GRIGGS.

Mr. HITT with Mr. HOWARD.

Mr. LOUD with Mr. MADDOX.

Mr. DOVENER with Mr. COOPER.

Mr. BURTON with Mr. SPARKMAN.

Mr. MESICK with Mr. RHEA of Virginia.

Mr. HAWLEY with Mr. GLYNN.

Mr. KERR of Maryland with Mr. MCRAE.

Until further notice:

Mr. WACHTER with Mr. SMALL.

Mr. REEVES with Mr. CATCHINGS.

On Charleston amendment:

Mr. KAHN with Mr. COX.

Mr. GARDNER of Michigan with Mr. STOKES.

Mr. NEWLANDS. Mr. Speaker, I was present and listening, but did not hear my name called, and I desire to vote.

The name of Mr. NEWLANDS was called, and he voted as above recorded.

The result was then announced as above recorded.

The SPEAKER. The question now is on the motion of the gentleman from Michigan [Mr. TAWNEY], that the House further insist on its disagreement to amendment No. 2 and ask for a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced as managers on the part of the House Mr. TAWNEY, Mr. STEELE, and Mr. WILLIAMS of Mississippi.

ARMY APPROPRIATION BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having under consideration House resolution No. 441, report the same herewith with a recommendation that it be agreed to:

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H. R. 14017) making appropriations for the Army and without intervening motion to move to concur in the Senate amendments thereto in gross; after two hours' debate (one hour on each side) the previous question shall be considered as ordered on said motion, and a vote then be had thereon without delay or intervening motion.

Mr. DALZELL. Upon that, Mr. Speaker, I ask for the previous question.

The question was taken; and the Speaker announced that the ayes had it.

Mr. HAY. A division, Mr. Speaker.

Mr. STEELE. The call for a division came too late. It came after the decision of the Chair.

The SPEAKER. The Chair was putting it rapidly, not anticipating any opposition, and the gentleman was cut off from a fair opportunity to demand a division.

The House again divided; and there were—ayes 118, noes 93.

Mr. HAY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 120, answered "present" 4, not voting 90; as follows:

YEAS—139.

Acheson,	Davenport, S. A.	Kerr, Md.	Pugh,
Adams,	Dick,	Ketcham,	Ray, N. Y.
Aldrich,	Dovener,	Knox,	Roberts,
Alexander,	Eddy,	Lacey,	Rodenberg,
Babcock,	Emerson,	Lane,	Russell,
Bailey, Kans.	Esch,	Lawrence,	Shattuc,
Barney,	Fletcher,	Littlefield.	Sherman,
Bartholdt,	Fordney,	Loudenslager,	Showalter,
Berry,	Freer,	Lovering,	Sibley,
Bingham,	Gamble,	Lybrand,	Smith, Ill.
Bishop,	Gardner, N. J.	McCleary,	Smith, Iowa
Boutell, Ill.	Gibson,	Mahon,	Southard,
Bowersock,	Gillet, N. Y.	Mann,	Spalding,
Brick,	Gillett, Mass.	Marsh,	Steele,
Bromwell,	Graff,	Mercer,	Stevens, Minn.
Brosius,	Greene, Mass.	Metcalf,	Stewart, N. J.
Brown,	Grosvenor,	Miller,	Stewart, N. Y.
Brownlow.	Grout,	Minor,	Stewart, Wis.
Burke, S. Dak.	Grow,	Mondell,	Tawney,
Burkett,	Hamilton,	Moody, Oreg.	Tayler, Ohio
Burleigh,	Haugen,	Morrell,	Thomas, Iowa
Butler,	Heatwole,	Morris,	Tompkins,
Calderhead,	Hedge,	Mudd,	Van Voorhis,
Cannon,	Hemenway,	Needham,	Vreeland,
Capron,	Henry, Conn.	O'Grady,	Wachter,
Cochrane, N. Y.	Hepburn,	Olmsted,	Wanger.
Connell,	Hill,	Otjen,	Warner,
Conner,	Hitt,	Overstreet,	Watson,
Corliss,	Hoffecker,	Parker, N. J.	Weaver,
Cousins,	Hopkins,	Payne,	Weeks,
Cromer,	Howell,	Pearson,	Weymouth,
Crumpacker,	Hull,	Pearre,	White.
Curtis,	Jack,	Phillips,	Wright,
Cushman,	Jenkins,	Powers,	Young.
Dalzell,	Jones, Wash.	Prince,	

NAYS—120.

Adamson,	Dougherty,	Lloyd,	Ruppert,
Allen, Ky.	Finley,	McAleer,	Ryan, N. Y.
Atwater,	Fitzgerald, Mass.	McClellan,	Ryan, Pa.
Bailey, Tex.	Fitzgerald, N. Y.	McCulloch,	Salmon,
Ball,	Fleming,	McDermott,	Scudder,
Bankhead,	Fox,	McLain,	Shackleford,
Barber,	Gaines,	McRae,	Shafroth,
Bellamy,	Gilbert,	Maddox,	Sheppard,
Benton,	Gordon,	May,	Sims,
Brantley,	Green, Pa.	Meekison,	Slayden,
Breazeale,	Griffith,	Miers, Ind.	Smith, Ky.
Broussard,	Griggs,	Muller,	Snodgrass,
Burke, Tex.	Hall,	Naphen,	Stallings,
Burleson,	Hay,	Newlands,	Stark,
Caldwell,	Henry, Miss.	Norton, Ohio	Stephens, Tex.
Carmack,	Henry, Tex.	Otey,	Sulzer,
Clayton, Ala.	Jett,	Pierce, Tenn.	Swanson,
Cochran, Mo.	Johnston,	Polk,	Talbert,
Cooney,	Jones, Va.	Quarles,	Tate,
Cooper, Tex.	King,	Ransdell,	Terry,
Cowherd,	Kitchin,	Rhea, Ky.	Thayer,
Cox,	Kleberg,	Rhea, Va.	Thomas, N. C.
Crowley,	Kluttz,	Richardson, Ala.	Turner,
Cusack,	Lamb,	Richardson, Tenn.	Underwood,
Davenport, S. W.	Lanham,	Riordan,	Vandiver,
Davey,	Latimer,	Rixey,	Wheeler,
Davis,	Levy,	Robb,	Williams, J. R.
De Armond,	Lewis,	Robinson, Ind.	Williams, Miss.
Denny,	Little,	Robinson, Nebr.	Wilson, Idaho
Dinsmore,	Livingston,	Rucker,	Zenor.

ANSWERED "PRESENT"—4.

Glynn,	Landis,	Meyer, La.	Smith, H. C.

NOT VOTING—90.

Allen, Me.	Dahle,	Lentz,	Small,
Allen, Miss.	Davidson,	Lester,	Smith, Samuel W.
Baker,	Dayton.	Linney,	Smith, Wm. Alden
Barham,	De Graffenreid,	Littauer,	Sparkman,
Bartlett,	Driggs,	Long,	Sperry,
Bell,	Driscoll,	Lorimer,	Spight,
Boreing,	Elliott,	Loud,	Sprague,
Boutelle, Me.	Faris,	McCall,	Stokes,
Bradley,	Fitzpatrick,	McDowell,	Sulloway,
Brenner,	Foss,	Mesick,	Sutherland,
Brewer,	Foster,	Moody, Mass.	Taylor, Ala.
Brundidge,	Fowler,	Moon,	Thropp,
Bull,	Gardner, Mich.	Morgan,	Tongue,
Burnett,	Gaston,	Neville,	Underhill,
Burton,	Gayle,	Noonan,	Wadsworth,
Campbell,	Gill,	Norton, S. C.	Waters,
Catchings,	Graham,	Packer, Pa.	Williams, W. E.
Chanler,	Hawley,	Pearce, Mo.	Wilson, N. Y.
Clark,	Howard,	Reeder,	Wilson, S. C.
Clayton, N. Y.	Joy,	Reeves,	Woods,
Cooper, Wis.	Kahn,	Ridgely,	Ziegler.
Crump,	Kerr, Ohio.	Robertson, La.	
Cummings,	Lassiter,	Shelden,	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. SAMUEL W. SMITH with Mr. ROBERTSON of Louisiana.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

On this vote:

Mr. BARHAM with Mr. GLYNN.

Mr. COOPER of Wisconsin with Mr. BELL.

Mr. JOY with Mr. RIDGELY.

Mr. KAHN with Mr. SUTHERLAND.

Mr. FARIS with Mr. BRENNER.

Mr. BULL with Mr. SPIGHT.

Mr. SPRAGUE with Mr. ZIEGLER.

Mr. MOODY of Massachusetts with Mr. ALLEN of Mississippi.

Mr. SHELDEN with Mr. UNDERHILL.

Mr. GARDNER of Michigan with Mr. MCDOWELL.

The result of the vote was then announced as above recorded.

Mr. DALZELL. Mr. Speaker, I have no disposition at this time to discuss any of the questions that may be incidentally involved in the discussion of this rule. The proposition embodied in the rule is that the Army appropriation bill, which comes back from the Senate with sundry amendments, shall be voted upon on a motion to concur in the Senate amendments, and the proposition is that there shall be two hours' debate—one hour on either side.

In addition to that, of course, there are forty minutes, under the rules of the House, for debate on the rule—twenty minutes on either side. As far as my twenty minutes are concerned, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I understand the gentleman to say that we shall have forty minutes' debate on the rule.

Mr. DALZELL. That is the understanding.

Mr. RICHARDSON of Tennessee. Mr. Speaker, we are brought by this rule to the consideration of one of the most important legislative subjects ever presented to the American Congress. This rule forces a vote of the House of Representatives, after one hour's debate, upon a general appropriation bill carrying appropriations for the Army for the next fiscal year, loaded down with the most offensive, obnoxious, and unconstitutional provisions that were ever ingrafted, in my judgment, upon a bill presented to the American Congress.

Mr. Speaker, these provisions of legislation are ingrafted upon this general appropriation bill in defiance of every sound legislative principle and in absolute defiance of the rules of this House. The rules expressly provide that no such legislation shall go upon a general appropriation bill; and yet in defiance of that provision we are brought to the consideration of these far-reaching and most monstrous propositions. We are to have no opportunity to offer a single, solitary amendment to them or even discuss them before the House and country.

Now, Mr. Speaker, I say this rule ought to be voted down. We propose in these amendments—and I shall not have an opportunity to refer to them except in the briefest manner—by one of them we are called upon to make legislative provision for 10,000,000 people in the Philippine Islands. We send to govern them a commission composed of five men, or, what would be worse, a military governor, who is to have no restraint placed upon him except his own sweet will and the instructions of the Chief Executive of this nation.

He is not required to support the Constitution of the United States, and such an obligation may not be put upon him here. The rights of these ten millions of people are wholly disregarded, and they are to be governed indefinitely under the provisions of this bill. Some gentlemen, justifying their action in voting for these Senate amendments, may cite the Louisiana purchase. They may cite other precedents in our history and undertake to say they find something to warrant this far-reaching and unconstitutional legislation, but I deny it.

I deny that there is anything comparable in the government of the Louisiana territory in 1803 with the methods contemplated in this bill. Why, Mr. Speaker, if gentlemen are satisfied with the provisions as to the Louisiana purchase, let them present that here as a substitute for the pending provision for the Philippine Islands and there will be no division between the parties. If they are sincere in citing that as a precedent, let them tender the same plan for the government of the Philippine Islands.

Mr. Speaker, under this bill there will be a government set up in the Philippines over 10,000,000 people who are denied every guaranty given by our Constitution—the right of trial by jury, the right of representation, the right to a voice in their government—and must submit to oppressive taxation without representation of any kind or character. A party founded on freedom, as our friends on the other side claim their party was founded, a party brought into its existence to give freedom to a suffering people, are now proposing to place upon 10,000,000 subjects of America a slavery more galling, if possible, than was ever known in our history or was applicable to those in African slavery.

No right to trial by jury; no constitutional restrictions; no obligations to control them; nothing except the arbitrary will of the men who are sent there to govern them. All the sacred guarantees in the bill of rights are denied them. They are not to look with favor to any provision in the Declaration of Independence and the Constitution of the country under which they live—the Constitution of their country does not apply to them.

Mr. Speaker, this provision is contrary to the traditions and principles of Republicanism and Democracy and every other party that ever existed in this Republic. This rule ought to be voted down for the reasons I have mentioned. In addition to that the Senate amendments deal with Cuba. On April 20, 1898, we gave the people of Cuba and the world a solemn pledge that in waging war on Spain we did not do so for conquest, and did not intend to interfere with the people of Cuba except to give them a stable government and insure them their independence.

Our solemn declaration was—

That the people of the island of Cuba are, and of right ought to be, free and independent.

And again:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

This bill denies to the people of Cuba a free, independent government. Yet we are not to be permitted to amend it; we are not permitted to mention in detail the provisions of the bill, because it can not be done in the short space of an hour. No man can discuss this measure properly if he consumed all the time given for the discussion. I take it that the majority have prepared their minds to vote to concur in the Senate amendments in gross. On yesterday they were ready to nonconcur, and a resolution was presented and reported to the House proposing to nonconcur in these amendments. To-day this great party in the majority, without a policy, it seems, as to these foreign subjects, reverses its action of yesterday and now comes and proposes to concur in every amendment proposed by the Senate.

Mr. GAINES. Just a moment for a question. The gentleman says that this proposed law is different from the law which was passed with relation to Louisiana and Florida. Does not the main difference consist in the fact that under this bill the President is to make the law, whereas in the other cases the President executed the existing law?

Mr. RICHARDSON of Tennessee. Undoubtedly that is so; but a still greater difference is that in the former cases the Government by the President was temporary. There was a time at which they died.

Mr. GAINES. Louisiana act continued eleven months exactly.

Mr. RICHARDSON of Tennessee. If we had the opportunity to amend this bill we might provide that at the end of the next Congress the government now put in force should cease to operate, but now no provision of that kind is offered. The proposition is simply that this form of government shall last indefinitely, because when this bill is once passed there will be no opportunity ever to change the law until there shall be a Democratic President, a Democratic Senate, and a Democratic House of Representatives. And I say, Mr. Speaker, God speed the time when these blessings shall rest upon our Republic. [Loud applause on the Democratic side.]

Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Of course, Mr. Speaker, in five minutes it would be utterly impossible to discuss the question before the House. We now have the first test, the first real, definite Congressional test of imperialism upon these mighty issues. Heretofore, with Congress shirking its duty, with Congress hesitating to act, with Congress willing to let the Constitution and the traditions of the country be disregarded and violated, the President has ruled with the hand and the power of an emperor. Now, with no opportunity for discussion, scarcely with the opportunity even for a protest, we are to have imperialism sanctioned by the Congress of the United States. There is thrust into this Chamber now, by the tyranny of the majority, by the connivance of others who had power and did not use it, a mighty question, which can not be considered here, but which is to be settled here.

In the closing hours of this sessions the body which could have prevented, the men who could have barred from this Chamber these great questions, for reasons of their own which I have not time to bring into light and upon which I do not care now to enter—for reasons of their own, yielding to inducements sufficiently powerful upon them and with them, have allowed this measure to come with these amendments to this House; and the House, taking the bidding of its master; the House, ready to surrender its prerogatives; the House, obedient and subservient, denies the right of debate which might be given, shrinks from the discussion of an hour or two, which might easily be given in addition to what is given, rushes blindly along the pathway of imperialism, spits upon the honor and the pledge of this great Government, dishonors the United States of America, and wrongs millions in the Philippines and in Cuba. Ah, weak, ignoble House! Ah, mean and contemptible tyranny—abject evidence of abject slavery!

There never has been a day fuller of fate for freedom and liberty in the Republic of the United States than this; and here, with the representatives of the American people shackled with trades and bargains and connivance, with cringing and bending of the knee that thrift may follow fawning, the rights of the American people are to be frittered away, their Constitution is to be disregarded, the people in the far-away Philippines are to be outraged, the risk of war in Cuba is to be hazarded, and all, all that those subservient enough to do it may register the decrees of imperial majesty here in the Congress of the United States of America; and, shame upon shame, this is to be done here in what is supposed to be the House of Representatives of the American people, but which really is the House of Representatives of the bosses and the managers and the traders and the traffickers, those who have no respect for the Constitution, those who have no respect for their constituencies, those who have no respect for what ought to be their own manhood, those who surrender their every right, those who grovel in the dust and seem to rejoice that they are so constituted that they may crawl instead of standing erect, as God probably intended that they should do. [Applause.]

If I had the time I would be glad to discuss this infamous measure. I would be glad to discuss the infamous procedure, the infamous surrender, the infamous cowardice, the infamous trading and trafficking, the infamous disregard of everything sacred and holy and decent and honorable and glorious in these United States of America. But the time is lacking. The people abroad, perhaps, in their day (for their day, I hope in the good providence of God, is coming) probably the people abroad may brand as they deserve, and may lash from public places, as ought to be done, the recreant men—men in appearance—recreant creatures, who are ready now to surrender everything and forego everything that is decent, honorable, and constitutional, and right—everything that has tended to make our nation glorious, and who resort willingly to everything that may make it infamous now and in all the hereafter.

I commend to the tyrants here, I commend to the sycophants and the traders and the traffickers elsewhere, the plunder they get. For one, I will stand here, even in the brief time that I have, true to my conceptions of the Constitution of my country, of the honor of the great Republic, of our duties to our own people and to civilization, and protest. I condemn, fruitlessly though it may be here, the infamy that you are perpetrating. [Loud applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I left?

The SPEAKER. Five minutes.

Mr. RICHARDSON of Tennessee. I yield four minutes to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DINSMORE. Mr. Speaker, this rule introduced here comports most harmoniously with the purposes which it seeks to accomplish. Resorted to in violation of all the observances of the House, in violation of our laws, with the deliberate purpose of imposing upon the country an infraction of every tradition, an abandonment of every principle we have professed, an absolute reversal of our history as a nation; and you propose to drag down the honored name of the Republic in the dust, to crush out liberty where we have promised to establish it, to break national faith, to violate our publicly proclaimed national promise, and for what? From motives of greed and lust of power alone.

Mr. Speaker, the die is cast; the purpose has been deliberately formed and will be relentlessly carried out, to go forward and fix the position of the United States amongst the nations of the earth as the oppressor of humanity rather than as heretofore the friend and the uplifter of the oppressed.

For one, while we have not the opportunity to discuss the infamous features of the measure proposed, and shall not have, for you dare not let us discuss it, I shall at least in the remainder of my life regard with satisfaction the fact that I had the opportunity, even though by but a word, to express my unutterable abhorrence of such infamous conduct.

What is it we do? I must put it in two brief propositions. We establish a tyrannous rule in the Philippine Islands against their will, depriving the inhabitants of the most valued and valuable rights of self-government, denying to them the right of citizenship, and make them subject entirely to the will of the President of the United States, the laws being administered by officers upon whom there is not imposed even the obligation of an oath to support the Constitution of the United States.

On the other hand, after we made war against Spain to make the Cubans free and solemnly declared that we had no motive of conquest, that we had no intention of exercising sovereignty or jurisdiction except for the pacification of the island, and that when this was accomplished our forces should be withdrawn for

the Cuban people were and of right should be free and independent, it is now proposed to force upon them permanently our own superintendence, and to require them, by the amendments on the pending bill, to recognize in their constitution, their organic law, our right to intervene when we see fit, to enforce a government such as we think is required to preserve life, property, and liberty.

Whatever gentlemen may think of the importance of American domination of Cuba, we may, under invocation of the Monroe doctrine, enforce our every right, a policy which we have never asserted in vain and under which we could continue honorably to protect all our interests; but even if we should suffer I hold that the preservation of a nation's honor is of the highest importance and that its plighted faith must be kept.

In all business and social relations society has laid upon the individual an obligation to keep his word, to perform his promise, and he can not, without the sacrifice of honor, break it. It is no less binding upon nations, and that man is no friend to his country who would have it violate this law. Commercial spirit has made us mad, and greed has taken the place in the hearts of men where patriotism should abide. Shall we, who struck the foremost nation in all this world to achieve our liberty, sell the mighty span of our large honors for so much trash as may be granted thus?

You steal away the liberties of men. It is not only an assault upon the liberties of the Filipinos and of the Cubans that you make, but it is an attack upon liberty everywhere, and one which threatens every household in our own land, because if we can force upon others this obnoxious and wrongful oppression it will ultimately steal away the liberties of Americans themselves. [Loud applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I have only one minute left, and I hope the gentleman will use some of his time.

Mr. DALZELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nineteen minutes and a half.

Mr. DALZELL. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I wish to call attention of the Democratic members of this Congress to the excellent precedent for the bill which is denounced now as tyrannous. I want to invite their attention to the act of 1803, in the second General Statutes, page 245, enacted under Jefferson's Democratic Administration, providing:

JEFFERSON'S PLAN FOR LOUISIANA IN 1803.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Approved October 31, 1803.

In 1804, the following year, a further act was passed, which is found in the Second Statutes at Large, page 284:

JEFFERSON'S PLAN FOR LOUISIANA IN 1804.

SEC. 4. The legislative powers shall be vested in the governor and in thirteen of the most fit and discreet persons of the Territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least in the said Territory and hold no office of profit under the territory of the United States.

The governor, by and with advice and consent of the said legislative council or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States, or which shall lay any person under restraint, burden, or disability on account of his religious opinions, professions, or worship, in all which he shall be free to maintain his own and not burdened for those of another.

The governor shall publish throughout the said Territory all the laws which shall be made, and shall from time to time report the same to the President of the United States, to be laid before Congress; which, if disapproved by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said Territory. The governor shall convene and prorogue the legislative council whenever he may deem it expedient. It shall be his duty to obtain all the information in his power in relation to the customs, habits, and dispositions of the inhabitants of the said Territory and communicate the same from time to time to the President of the United States.

These were the Democratic provisions for the government of the Territory of Louisiana from which the bill, which is now criticised, has substantially been copied. And it was under these laws that the region now occupied in part by Iowa was governed for many years.

Mr. RICHARDSON of Tennessee. If you will give us the provisions of that bill we will take it now.

Mr. LACEY. I thank the gentleman from Tennessee for his suggestion, but he will find on examination that the proposition in the present bill is the same as that of Jefferson's governmental act for Louisiana in 1803, only slightly modified to adapt it to the existing conditions in the Philippines.

I will read the propositions of the present bill, inviting the attention of the House to its close adherence to the lines marked out by the fathers in 1803 with regard to the government of Louisiana.

You will note that the differences are in the nature of limitations on the power of the Government to legislate, which were not contained in the Louisiana act. The following is the proposition of the present bill:

PROPOSITIONS AS TO THE PHILIPPINE ISLANDS, 1901.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interests of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

MONROE'S PLAN FOR FLORIDA IN 1822.

Mr. LACEY. Now as to Florida. It was provided in 1822 under another Democratic Administration:

And be it further enacted, That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons in the Territory, to be called the legislative council, who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there. The governor, by and with the advice and consent of the said legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act.

Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the Constitution and laws of the United States, or which shall lay any perso. under restraint, burthen, or disabitity on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burthened with those of another.

It will be observed that in 1822, while the action in regard to Louisiana was still fresh, and while the Democratic party was still in power, they followed the precedent of the Louisiana act by a similar enactment for Florida. It will be observed, further, that in the Louisiana legislation the power of lawmaking was vested in a governor, by and with the consent of a legislative council of fifteen, both the governor and council being appointed by the President of the United States.

Mr. Bryan would call this imperialism, and so would the gentleman from Tennessee.

When it came to legislation for Florida the legislative power was vested in "a governor and thirteen discreet persons," who should be a legislative council, all appointed by the President. The Florida act almost literally follows the Louisiana act. In later years similar legislation has been enacted, without any objection from our Democratic brethren, for Alaska.

So we have most eminent precedents for the bill that is now denounced as tyranny, precedents from the fathers themselves, going back to Jefferson and Monroe; and that law worked well, and it resulted in giving freedom, it resulted in giving good government, to the people of Louisiana and Florida. And, Mr. Speaker, we are confronted with the same proposition now, only in addition to the situation that existed then in Louisiana and in Florida we have actively a war upon our hands in the Philippine Islands, a war in which, I regret to say, our enemies have received much aid and comfort within the limits of the United States of America.

In looking at this morning's dispatches I noticed the arrival of the body of Lieut. John Morrison, jr., a native of the Congressional district which I represent, at San Francisco. He was recently ambushed and murdered in cold blood by the insurgents in Luzon; and yet, Mr. Speaker, one gentleman has arisen on the floor of this House and said that the soldiers under Morrison's command ought to desert, and approved the desertion of those few degenerates who have gone over to the Filipino enemies.

The country was confronted with difficulties on the annexation of Louisiana in many respects like those which now embarrass President McKinley in the Philippines. An alien population, speaking the French and Spanish languages, together with the aboriginal savages, inhabited the territory, and like legislation is proposed to meet analogous circumstances.

THE CUBAN SITUATION.

As to Cuba the situation was different. The purpose of this Government was outlined in the resolution by which we intervened in the affairs of that unhappy island. The binding force of that resolution nobody in the United States will now deny, but it does not follow by any means that this country has no rights in Cuba, or power to direct its destiny.

We have spent vast sums of money and sacrificed many valuable lives in securing for Cuba her independence from Spain.

We had, however, another purpose in view in that intervention, which was to abate an insufferable nuisance within 90 miles of our shores. Having, at a cost of millions of dollars and the sacrifice of thousands of lives, freed Cuba from her oppressors, we not only have the right, but it is our duty, to be sure that Spanish tyranny is not followed by anarchy in that island, and the assurances in this bill are both reasonable and moderate. They are in the best interest of Cuba and of ourselves. Let us look at the conditions proposed in the bill:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

These conditions are but simple modifications and adaptations of the Monroe doctrine, applying that doctrine to conditions as they exist at present, as it is our right to do.

I will not detain the House longer at this time. We have a right, both on principle and precedent, to legislate as is proposed in the present bill.

Mr. Speaker, we have these most excellent precedents to which I refer, and which have been followed by the Senate in making the amendment which we are called upon now to ratify and confirm. Of course this class of legislation, this method of government of any country, must be a temporary expedient; permanent government must follow; but these are the necessary preliminaries followed in the part, and will be found successful in the present. [Applause on the Republican side.]

Mr. DALZELL. Now, if the gentleman desires to use the balance of his time, I wish he would do so.

Mr. RICHARDSON of Tennessee. I have only one minute.

Mr. DALZELL. I have no applications for time.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, in that minute of course I can not say anything further than I have said in the way of debate. I propose now, however, if the gentleman from Iowa who has just taken his seat will bring forward for the government of the Philippines such a bill as he has charged was passed for the government of the Louisiana territory, we will cease all contention and give him the solid Democratic vote of this side of the House. [Applause.]

We will stop all contention and dispute and further controversy; we will govern the people of the Philippine Islands just as the people of Louisiana were governed by Jefferson. Now, let the gentleman come forward with his proposition, and we will have peace and harmony here on this subject. [Loud applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, one would suppose from what has been said on the other side of this Chamber that something out of the ordinary run is sought to be done by the adoption of this rule. That is not so. We simply are adopting the method adopted always by the party of the House responsible for legislation when called upon to finish the public business when it is necessary that it should be done without undue debate.

Why, I recollect the time when, under a Democratic administration of this House, a rule was brought into the House which provided for the introduction of bills aimed at all the great industries of this country, which provided that those bills should be considered without being printed, without being sent to a committee, and considered with only fifteen minutes of debate, and yet here is complaint that we are unduly cutting off debate, when two hours are allowed for the discussion of a subject which has been debated month in and month out during the last three years of our history.

Mr. GREEN of Pennsylvania. Mr. Speaker, I desire to interrogate the gentleman.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. I do.

Mr. GREEN of Pennsylvania. Did not the Republicans at that time protest against that kind of procedure?

Mr. DALZELL. Undoubtedly, and protested in vain; and if you would undertake to bring in such a rule now we would protest again. But between that situation and this situation there is no analogy. What is the present situation? We are within four days of adjournment—the compulsory end of the session.

The Army appropriation bill comes over to us carrying two propositions, two main propositions, about which the majority of this House have no doubt, and in the discussion of which gentlemen upon that side of the Chamber have not been at all curtailed.

These propositions in substance have been discussed time and again during not only this Congress but during the preceding Congress. One proposition is that we shall enact into law substantially the Louisiana resolution of 1803. The other is that we shall make such a provision——

Mr. WILLIAMS of Mississippi. Will the gentleman permit me to ask him a question?

Mr. DALZELL. Certainly.

Mr. WILLIAMS of Mississippi. Did not the Louisiana resolution to which the gentleman referred by its own terms extend only until Congress should meet again?

Mr. DALZELL. It did.

Mr. WILLIAMS of Mississippi. But this resolution provides otherwise. It provides that it shall continue until Congress directs otherwise, and that will have to meet with the approval of the President; and therefore this resolution continues as long as the President wills that it shall act.

Mr. DALZELL. I will answer the gentleman. This resolution, while it is substantially the Louisiana resolution, is a much more generous resolution than was that, and the provisions of this resolution are much more generous toward the people of the Philippine Islands than was the Louisiana resolution toward the inhabitants of the Louisiana territory.

It is more generous even than was the legislation which succeeded it for the government of the Louisiana territory. Let me read from a historian of repute as to what that government was—a government under the Democratic Administration of Thomas Jefferson. I read from the historian Adams:

It created a Territorial form of government in which the people of Louisiana were to have no share. The governor and secretary were to be appointed by the President for four years. The legislative council, constituted of thirteen members, was to be appointed by the President without consulting the Senate, and was to be convened and prorogued by the governor as he might think proper. The judicial officers, also appointed by the President, were to hold office for four years instead of the usual term of good behavior. * * * The bill—

I continue to quote from this historian, this impartial historian—

It seemed to set the new Territory apart as a peculiar estate, to be governed by the power employed in the right to acquire it.

With the passage of this act and its twin statute for collecting duties in the ceded territory the precedent was complete. Louisiana received a government in which its people, who had been solemnly promised all the rights of American citizens, were set apart, not as citizens, but as subjects, lower in the political scale than the meanest tribe of Indians, whose right to self-government was never questioned. By these measures the Executive and the Legislature recorded their decision in regard to the powers of government over national territory.

There is a Democratic precedent as against your protest of to-day.

Mr. HENRY of Texas. In the Louisiana act is it not a fact that trial by jury was provided for, and that there was also an express provision that the inhabitants of that territory should have the right to be jurors?

Mr. DALZELL. Certainly not. There was no provision of that kind in the original Louisiana act.

Mr. HENRY of Texas. If the gentleman will permit me I will read it.

Mr. DALZELL. The gentleman can be heard in his own time. I can not yield now.

Mr. HENRY of Texas. I want to read the law. I will state that there is an express provision guaranteeing the right of trial by jury.

Mr. DALZELL. Oh, I have been all over the question and know what was in the original act, and what was in the Territorial act. There was nothing in the original act as to trial by jury. I have read to you the judgment of the historian Adams as to what was the meaning of the Territorial act, and I will set that up in connection with the provisions embodied in this bill.

I have listened to the gentleman from Missouri repeat here what he repeated on the stump, but the verdict of the people on the stump last November was against him, and the same verdict will continue to be repeated whenever this matter shall be submitted to them. [Applause on the Republican side.]

Mr. HENRY of Texas. If the gentleman will permit me to interrupt him, I will read from the act itself, while he has been reading from a commentary.

Mr. DALZELL. I can not yield now. The gentleman knows, and every gentleman knows who will be honest and frank about the matter, that under the instructions given by the President to the Philippine Commission every guaranty of liberty existing under the Constitution of the United States, so far as it is possible to extend that guaranty, has been extended to the citizens of the Philippine Islands.

Now, the other provision here is simply a provision for carrying out the Monroe doctrine in connection with our relations to the island of Cuba and in making proper sanitary provisions, not only for the protection of the people of Cuba, but for the protection of our own people. Upon these two subjects every gentleman in this House has already made up his mind, and it can not be changed by any debate, limited or unlimited.

Mr. RICHARDSON of Tennessee. Will my friend yield to me for a question?

Mr. DALZELL. What is the question?

Mr. RICHARDSON of Tennessee. The gentleman says that this act, as to Cuba, is simply reenacting the Monroe doctrine. Does the gentleman imagine that at this day it is necessary to pass any act in respect to Cuba of that kind?

Mr. DALZELL. It is not a reenactment of the Monroe doctrine. It is simply a declaration as to the pertinence of that doctrine to our relations with Cuba.

Mr. RICHARDSON of Tennessee. The gentleman does not think it necessary to pass an act in respect to Cuba of that kind or any South American Republic, does he?

Mr. DALZELL. I think, under the existing circumstances, it is proper and necessary for us to pass this act, so that it may be accepted by the people of the island of Cuba.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HAY. A division, Mr. Speaker.

Mr. DALZELL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 127, marked "present" 4, not voting 77, as follows:

YEAS—145.

Acheson,	Dick,	Joy,	Ray, N. Y.
Adams,	Dovener,	Kahn,	Rodenberg,
Aldrich,	Eddy,	Kerr, Md.	Russell,
Alexander,	Emerson,	Kerr, Ohio	Shattuc,
Allen, Me.	Esch,	Ketcham,	Sherman,
Babcock,	Faris,	Knox,	Showalter,
Bailey, Kans.	Fletcher,	Lacey,	Sibley,
Baker,	Fordney,	Lane,	Smith, Ill.
Barham,	Fowler,	Linney,	Smith, Iowa
Barney,	Freer,	Littauer,	Smith, Wm. Alden
Bartholdt,	Gamble,	Long,	Southard,
Bishop,	Gardner, Mich.	Loudenslager,	Spalding,
Boutell, Ill.	Gardner, N. J.	Lovering,	Sperry,
Bowersock,	Gibson,	Lybrand,	Steele,
Brick,	Gill,	Mahon,	Stewart, N. J.
Bromwell,	Gillet, N. Y.	Mann,	Stewart, N. Y.
Brosius,	Graff,	Marsh,	Stewart, Wis.
Brown,	Greene, Mass.	Mercer,	Sulloway,
Brownlow,	Grosvenor,	Miller,	Tayler, Ohio
Burke, S. Dak.	Grow,	Minor,	Thomas, Iowa
Burkett,	Hamilton,	Mondell,	Tompkins,
Butler,	Haugen,	Moody, Mass.	Tongue,
Calderhead,	Hawley,	Moody, Oreg.	Van Voorhis,
Cannon,	Heatwole,	Morris,	Vreeland,
Capron,	Hedge,	Needham,	Wachter,
Cochrane, N. Y.	Hemenway,	O'Grady,	Wadsworth,
Connell,	Henry, Conn.	Olmsted,	Wanger,
Conner,	Hepburn,	Otjen,	Waters,
Corliss,	Hill,	Overstreet,	Watson,
Cousins,	Hitt,	Parker, N. J.	Weaver.
Cromer,	Hoffecker,	Payne,	Weeks,
Crumpacker,	Hopkins,	Pearce, Mo.	Weymouth,
Curtis,	Howell,	Pearson,	Wright,
Cushman,	Hull,	Phillips,	Young.
Dahle,	Jack,	Powers,	
Davenport, S. A.	Jenkins,	Prince,	
Davidson,	Jones, Wash.	Pugh,	

NAYS—127.

Adamson,	Dinsmore,	Lester,	Robb,
Allen, Ky.	Dougherty,	Lewis,	Robinson, Ind.
Allen, Miss.	Driggs,	Little,	Robinson, Nebr.
Atwater,	Driscoll,	Livingston,	Rucker,
Bailey, Tex.	Finley,	Lloyd,	Ruppert,
Ball,	Fitzgerald, Mass.	McAleer,	Ryan, N. Y.
Bankhead,	Fitzgerald, N. Y.	McCall,	Ryan, Pa.
Barber,	Fitzpatrick,	McClellan,	Scudder,
Bell,	Fleming,	McCulloch,	Shafroth,
Bellamy,	Fox,	McDowell,	Sheppard,
Benton,	Gaines,	McLain,	Sims,
Brantley,	Gaston,	McRae,	Slayden,
Breazeale,	Gayle,	May,	Smith, Ky.
Brenner,	Gilbert,	Meekison,	Snodgrass,
Broussard,	Glynn,	Miers, Ind.	Spight,
Brundidge,	Gordon,	Moon,	Stallings,
Burke, Tex.	Green, Pa.	Muller,	Stark,
Burleson,	Griffith,	Naphen,	Stephens, Tex.
Burnett,	Hall,	Newlands,	Sulzer,
Caldwell,	Hay,	Norton, S. C.	Sutherland,
Carmack,	Henry, Miss.	Otey,	Swanson,
Clayton, Ala.	Henry, Tex.	Pierce, Tenn.	Talbert,
Cochran, Mo.	Jett,	Polk,	Tate,
Cooney,	Johnston,	Quarles,	Terry,
Cooper, Tex.	Jones, Va.	Ransdell,	Thomas, N. C.
Cowherd,	Kitchin,	Rhea, Ky.	Turner,
Cusack,	Kleberg,	Rhea, Va.	Underwood,
Davenport, S. W.	Kluttz,	Richardson, Ala.	Vandiver,
Davey,	Lamb,	Richardson, Tenn.	Williams, J. R.
Davis,	Lanham,	Ridgely,	Williams, Miss.
De Armond,	Latimer,	Riordan,	Zenor.
Denny,	Lentz,	Rixey,	

ANSWERED "PRESENT"—4.

Boreing,	Meyer, La.	Taylor, Ala.	Thayer.

NOT VOTING—77.

Bartlett,	Dayton,	Maddox,	Smith, Samuel W
Berry,	De Graffenreid,	Mesick,	Sparkman,
Bingham,	Elliott,	Metcalf,	Sprague,
Boutelle, Me.	Foss,	Morgan,	Stevens, Minn.
Bradley,	Foster,	Morrell,	Stokes,
Brewer,	Gillett, Mass.	Mudd,	Tawney,
Bull,	Graham,	Neville,	Thropp,
Burleigh,	Griggs,	Noonan,	Underhill,
Burton	Grout,	Norton, Ohio.	Warner,
Campbell,	Howard,	Packer, Pa.	Wheeler,
Catchings,	King,	Pearre,	White,
Chanler,	Landis,	Reeder,	Williams, W. E.
Clark,	Lassiter,	Reeves,	Wilson, Idaho
Clayton, N. Y.	Lawrence,	Roberts,	Wilson, N. Y.
Cooper, Wis.	Levy,	Robertson, La.	Wilson, S. C.
Cox,	Littlefield,	Salmon,	Woods,
Crowley,	Lorimer,	Shackleford,	Ziegler.
Crump,	Loud,	Shelden,	
Cummings,	McCleary,	Small,	
Dalzell,	McDermott,	Smith, H. C.	

So the resolution was adopted.

The following additional pairs were announced:

Until further notice:

Mr. GRAHAM with Mr. WILSON of South Carolina.

On this vote:

Mr. TAWNEY with Mr. CROWLEY.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SAMUEL W. SMITH with Mr. NORTON of Ohio.

Mr. WOODS with Mr. BARTLETT.

Mr. FLEMING. Mr. Speaker, I desire to know whether Mr. FITZPATRICK is recorded as voting. The reason I ask is, I think the Clerk got the response from me for his name.

The SPEAKER. The gentleman is recorded.

Mr. FLEMING. I am quite sure that the gentleman is not here, and that they mistook my response for his.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to vote?

Mr. FLEMING. My vote is all right, but I think the Clerk got my response for my name and also for Mr. FITZPATRICK's, as there was some confusion at the time.

The result of the vote was then announced as above recorded.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a point of order, and desire to be heard briefly upon it. I ask as a preliminary that the Clerk report the first two or three lines of the rule just adopted.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

Resolved, That immediately after the adoption of this resolution it shall be in order to take from the Speaker's table——

Mr. RICHARDSON of Tennessee. That is sufficient. The point of order I make, Mr. Speaker, is that the rule is inoperative, because the bill which this rule, by express words, orders taken from the Speaker's table is not on the Speaker's table, but is in the Committee on Military Affairs. On yesterday, the Chair will remember, when the bill came from the Senate, that unanimous consent was asked to take it up and by unanimous consent agree to nonconcur in the Senate amendments, objection was made. Thereupon, under the rule, the Speaker must refer the bill to the committee to which it belongs, and that is the Committee on Military Affairs. Of course, the Speaker did his duty. No gentleman would presume to say that the Speaker did not do what the rule

provides he shall do. The bill, we conclude, was referred, therefore, to the Committee on Military Affairs, and that committee is considering it.

This rule does not discharge the Committee on Military Affairs from the further consideration of the bill, but the bill is now in that committee and it is now considering it, or it should be, being a bill of so much importance. This being true, the motion to take it from the Speaker's table provided for by this rule must be inoperative. The bill is in the Military Committee, it is not on the Speaker's table; and the motion to take it from the Speaker's table does not discharge the Committee on Military Affairs from its consideration, and therefore this rule just passed is absolutely void and inoperative.

Mr. HULL. Why, Mr. Speaker, that point is too late. It is too late to raise it now.

Mr. DALZELL. Of course it is.

Mr. RICHARDSON of Tennessee. Not at all.

Mr. HULL. It should have been raised when this resolution was introduced.

Mr. RICHARDSON of Tennessee. I could not raise it until now. It is absolutely inoperative, because the bill is not on the Speaker's table.

Mr. HULL. The point comes too late.

Mr. RICHARDSON of Tennessee. The rule calls for the bill to be taken from the Speaker's table, and it is in the Committee on Military Affairs.

Mr. DALZELL. But the bill has never been referred to the Committee on Military Affairs.

Mr. RICHARDSON of Tennessee. Oh, I hope the gentleman will not make that defense, as that assumes the Speaker did not do his duty.

The SPEAKER. The Clerk will read clause 2 of Rule XXIV.

The Clerk read as follows:

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

Mr. RICHARDSON of Tennessee. I will not detain the Chair more than a moment.

This is a bill which, I submit, can not be taken from the Speaker's table except by unanimous consent. Under the rules it requires consideration in Committee of the Whole. Otherwise the gentleman from Iowa need not have asked unanimous consent yesterday to call it up and nonconcur. He could have made a motion to that effect. But the very fact that he made a request to call it up by unanimous consent is a concession that it is a bill which should go to the Committee of the Whole; and I assume, of course, the Speaker did his duty and sent it to the Military Committee.

If it were not a bill which required consideration in the Committee of the Whole it would have been in order to take it from the Speaker's table, or it would have remained on the Speaker's table until laid before the House by the Speaker, and a motion to concur or nonconcur in the Senate amendments would have been in order. But it requires consideration in Committee of the Whole. No one will controvert that. The gentleman from Iowa, as I have said, acted on that assumption. He asked unanimous consent because he could not by motion take it from the Speaker's table for consideration, and I assume the Speaker, under the rule just read, did what the rules required him to do—that is, sent it to the Military Committee.

This morning the House bill making appropriation for the improvement of rivers and harbors came back from the Senate with Senate amendments, which required consideration in the Committee of the Whole just as the amendments to this bill did. The gentleman from Ohio [Mr. BURTON] following correctly the same line of precedents followed by the gentleman from Iowa, rose in his place and asked unanimous consent to take up that bill and nonconcur in the Senate amendments. Unanimous consent was refused. What then did the Speaker do? He sent it to the Committee on Rivers and Harbors.

So yesterday he must have sent this bill to the Committee on Military Affairs. That able committee, I have no doubt, is at this moment considering this bill, and we can not, by a motion to take it from the Speaker's table, discharge that able committee from its further consideration.

Of course the Chair is familiar with the rule I have already recited. I read from the Digest:

The three requisites for calling up a Senate bill directly from the Speaker's table are that it be not such as to require consideration in the Committee of the Whole, that there be a similar bill on the House Calendar, and that it be called up by authority of a committee.

This bill does require consideration in the Committee of the Whole. No bill like this has been reported by the Military Committee or any other committee before in any legislative body that ever sat on the face of this earth. It is sui generis. Therefore the Speaker must have referred it to the Committee on Military Affairs. And therefore this motion to take it from the Speaker's table must be inoperative.

The SPEAKER. The House is well aware—and the Chair presumes no one more so than the gentleman from Tennessee who submits this point of order—that in the rule which the Chair has had read the language is "may be referred"—not "must be referred."

Furthermore, every Speaker since the service of the present occupant of the chair began in this House, has exercised a discretion in regard to the matter of making references of bills immediately. This bill, according to the practice for many years—the Chair does not know how long—was not referred to the Committee on Military Affairs, and is in fact upon the Speaker's table. If the Speaker erred or departed from the rule in retaining the bill on the table, that error would not do away with the fact that here is the bill upon his table; and that alone destroys the effect of the point of order submitted by the gentleman from Tennessee.

But the Chair believes that in this matter he has simply exercised a discretion which has usually been exercised in this House by occupants of the chair. There is scarcely a member of this House who, when interested in a bill coming from the Senate, as this bill came, has not requested the Chair to hold the bill upon the Speaker's table until it could be disposed of by unanimous consent or otherwise.

It was just as easy to make this special rule applicable to the bill in the Committee of the Whole as on the Speaker's table. It was absolutely within the right of the Committee on Rules to provide for discharging the Committee on Military Affairs from the consideration of the bill and taking it up in the House for consideration. But the bill was not with that committee.

There is another point to which the Chair desires to invite the attention of the House. No member of this House has lost any rights by reason of the bill remaining upon the Speaker's table. No one is injured. If it had gone to the Committee on Military Affairs the special rule would have been differently drafted.

The Chair must overrule the point of order on two grounds——

Mr. RICHARDSON of Tennessee rose.

The SPEAKER. The gentleman will be kind enough to allow the Chair to conclude.

Mr. RICHARDSON of Tennessee. I was going to state something that I should have read when on the floor before.

The SPEAKER. The Chair has practically decided this matter.

Mr. RICHARDSON of Tennessee. Very well; I can read it afterwards.

The SPEAKER. The point of order is overruled; first, because the bill is on the Speaker's table. That being the fact, nothing more need have been said in deciding the point of order. Whatever else the Chair may have said in this ruling was designed to show that he has been acting in the line set by his predecessors and in accordance with the practice of this House.

Mr. RICHARDSON of Tennessee. Will the Chair allow me to read three lines?

The SPEAKER. The Chair is not in the habit of allowing a matter of that kind after the point has been decided; but if the gentleman insists the Chair will hear him. When a matter has once been decided it is better that we go on with the work of the House.

Mr. RICHARDSON of Tennessee. The Chair said that according to the reading of the rule the Chair "may" refer the bill on the Speaker's table; that the language was "may" and not "shall." But in the Fifty-first Congress Mr. Speaker Reed decided that—

A House bill with Senate amendments requiring consideration in the Committee of the Whole should be referred from the Speaker's table to the proper standing committee under the rule.

"Should be"—not simply "may be."

The SPEAKER. That is true as to ultimate action; but nowhere in the rules or the decisions can be found any notation, decision, or ruling saying just when a bill shall be referred. This course is pursued—and the Chair invites the attention of the gentleman—in the interest of the public business, to facilitate and expedite the work of the House. It is the course that has been repeatedly and in fact daily pursued, and the Chair thinks it has been for the good of the public service, no one being damaged.

Mr. RICHARDSON of Tennessee. I very respectfully appeal from the decision of the Chair.

Mr. DALZELL. I make the point of order that the motion is dilatory. It is purely for the purpose of delay. Gentlemen on the other side have been delaying the proceedings all day.

Mr. RICHARDSON of Tennessee. It is not for delay. I have made no dilatory motions.

Mr. SHERMAN. I move that the appeal be laid on the table.

Mr. GROW. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 116, answered "present" 3, not voting 87; as follows:

YEAS—147.

Acheson,	Dalzell,	Jack,	Ray, N. Y.
Adams,	Davenport, S. A.	Jones, Wash.	Roberts,
Aldrich,	Dick,	Kahn,	Rodenberg,
Alexander,	Dovener,	Kerr, Md.	Russell,
Allen, Me.	Driscoll,	Kerr, Ohio	Shattuc,
Babcock,	Eddy,	Ketcham,	Shelden,
Bailey, Kans.	Emerson,	Knox,	Sherman,
Baker,	Esch,	Lacey,	Showalter,
Barham,	Fleming,	Lawrence,	Sibley,
Barney,	Fletcher,	Littauer,	Smith, Ill.
Bartholdt,	Fordney,	Littlefield,	Smith, Iowa
Bishop,	Fowler,	Long,	Smith, H. C.
Boutell, Ill.	Freer,	Loud,	Smith, Samuel W.
Bowersock,	Gamble,	Lovering,	Southard,
Brick,	Gardner, Mich.	McCall,	Spalding,
Bromwell,	Gardner, N. J.	Mahon,	Sperry,
Brosius,	Gibson,	Mann,	Steele,
Brown,	Gill,	Marsh,	Stevens, Minn.
Brownlow,	Gillet, N. Y.	Metcalf,	Stewart, N. J.
Burke, S. Dak.	Graff,	Miller,	Stewart, N. Y.
Burkett,	Greene, Mass.	Minor,	Stewart, Wis.
Burleigh,	Grosvenor,	Mondell,	Sulloway,
Butler,	Grout,	Moody, Mass.	Thomas, Iowa
Calderhead,	Grow,	Moody, Oreg.	Thropp,
Cannon,	Hamilton,	Morris,	Tompkins,
Capron,	Hawley,	Needham,	Tongue,
Cochrane, N. Y.	Heatwole,	Olmsted,	Van Voorhis,
Connell,	Hedge,	Otjen,	Vreeland,
Conner,	Hemenway,	Overstreet,	Wachter,
Cooper, Wis.	Henry, Conn.	Parker, N. J.	Warner,
Corliss,	Hepburn,	Payne,	Waters,
Cousins,	Hill,	Pearce, Mo.	Watson,
Cromer,	Hitt,	Pearson,	Weaver,
Crumpacker,	Hoffecker,	Phillips,	Weeks,
Curtis,	Hopkins,	Powers,	Wright,
Cushman,	Howell,	Prince,	Young.
Dahle,	Hull,	Pugh,	

NAYS—116.

Adamson,	Finley,	McAleer,	Rucker,
Allen, Ky.	Fitzgerald, N. Y.	McClellan,	Ruppert,
Atwater,	Fox,	McCulloch,	Ryan, N. Y.
Bailey, Tex.	Gaines,	McDermott,	Ryan, Pa.
Ball,	Gaston,	McLain,	Salmon,
Bankhead,	Gilbert,	McRae,	Scudder,
Barber,	Gordon,	Maddox,	Shackleford,
Bell,	Green, Pa.	May,	Shafroth,
Bellamy,	Griffith,	Meekison,	Sheppard,
Brantley,	Griggs,	Meyer, La.	Sims,
Breazeale,	Hall,	Miers, Ind.	Slayden,
Brenner,	Hay,	Moon,	Smith, Ky.
Broussard,	Henry, Tex.	Muller,	Snodgrass,
Brundidge,	Jett,	Newlands,	Spight,
Burke, Tex.	Johnston,	Norton, Ohio	Stallings,
Burleson,	Jones, Va.	Norton, S. C.	Stark,
Burnett,	King,	Otey,	Stephens, Tex.
Carmack,	Kitchin,	Pierce, Tenn.	Sulzer,
Clayton, Ala.	Kleberg,	Polk,	Swanson,
Cochran, Mo.	Kluttz,	Quarles,	Talbert,
Cooney,	Lamb,	Ransdell,	Tate,
Cooper, Tex.	Lanham,	Rhea, Ky.	Taylor, Ala.
Cusack,	Latimer,	Richardson, Ala.	Terry,
Davenport, S. W.	Lentz,	Richardson, Tenn.	Thomas, N. C.
Davis,	Lester,	Ridgely,	Vandiver,
De Armond,	Lewis,	Riordan,	Williams, J. R.
Dinsmore,	Little,	Rixey,	Williams, Miss.
Dougherty,	Livingston,	Robb,	Zenor.
Driggs,	Lloyd,	Robinson, Ind.	Ziegler.

ANSWERED "PRESENT"—3.

Glynn,	Landis,	Thayer.

NOT VOTING—87.

Allen, Miss.	Davey,	Linney,	Small,
Bartlett,	Davidson,	Lorimer,	Smith, Wm. Alden
Benton,	Dayton,	Loudenslager,	Sparkman,
Berry,	De Graffenreid,	Lybrand,	Sprague,
Bingham,	Denny,	McCleary,	Stokes,
Boreing,	Elliott,	McDowell,	Sutherland,
Boutelle, Me.	Faris,	Mercer,	Tawney,
Bradley,	Fitzgerald, Mass.	Mesick,	Tayler, Ohio
Brewer,	Fitzpatrick,	Morgan,	Turner,
Bull,	Foss,	Morrell,	Underhill,
Burton,	Foster,	Mudd,	Underwood,
Caldwell,	Gayle,	Naphen,	Wadsworth,
Campbell,	Gillett, Mass.	Neville,	Wanger,
Catchings,	Graham,	Noonan,	Weymouth,
Chanler,	Haugen,	O'Grady,	Wheeler,
Clark,	Henry, Miss.	Packer, Pa.	White,
Clayton, N. Y.	Howard,	Pearre,	Williams, W. E.
Cowherd,	Jenkins,	Reeder,	Wilson, Idaho.
Cox,	Joy,	Reeves,	Wilson, N. Y.
Crowley,	Lane,	Rhea, Va.	Wilson, S. C.
Crump,	Lassiter,	Robertson, La.	Woods.
Cummings,	Levy,	Robinson, Nebr.	

So the motion to lay the appeal on the table was agreed to.

The following additional pairs were announced:

On this vote:

Mr. DAYTON with Mr. DAVEY.

Mr. MORRELL with Mr. HOWARD.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. LOUDENSLAGER with Mr. NAPHEN.

Mr. PEARRE with Mr. CROWLEY.

Mr. BLUL with Mr. CALDWELL.

Mr. WEYMOUTH with Mr. BENTON.

Mr. WM. ALDEN SMITH with Mr. WILSON of New York.

Mr. HAUGEN with Mr. UNDERWOOD.

Mr. JENKINS with Mr. HENRY of Mississippi.

Mr. FARIS with Mr. DENNY.

Mr. TAWNEY with Mr. TURNER.

Mr. JOY with Mr. NORTON of Ohio.

Mr. DAVIDSON with Mr. SMALL.

For the balance of the day:

Mr. WOODS with Mr. BARTLETT.

Mr. LANE with Mr. MCDOWELL.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Iowa.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendments in gross.

The SPEAKER. The gentleman from Iowa moves that the House concur in the Senate amendments in gross, and the gentleman from Iowa is recognized for one hour and the gentleman from New York [Mr. SULZER] is recognized for one hour.

Mr. HULL. Before proceeding, Mr. Speaker, with the debate on the bill, I ask unanimous consent that general leave to print be given for five days to all members of the House, their remarks to be confined to the subject embraced in the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general leave to print on the bill be given for five days, the speeches to be confined to the discussion of the bill.

Mr. WILLIAMS of Mississippi. To that, Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Mississippi.

Mr. SULZER. I trust, Mr. Speaker, there will be no objection to that request. There are many gentlemen who want to speak on the bill and can not get time.

Mr. HULL. I do not yield anything out of my time.

The SPEAKER. The right to object is absolute in any member, and the objection is not withdrawn.

Mr. HULL. Mr. Speaker, the bill as it passed the House dealt only with the Army and the pay of the Army for the next fiscal year. The Senate has taken it as a vehicle for legislation outside of these purposes and has made amendments to the Army bill proper which, if there had been an opportunity, would have been probably objected to by some of the members of the committee. But, Mr. Speaker, there is nothing on the bill, so far as the pay of the Army or the government of the Army is concerned, which will materially affect the organization of the Army and which could not be remedied at our next session of Congress. We have but two days more for legislative work, and everyone realizes the importance of getting the great appropriation bills through, and the Committee on Military Affairs, or a majority of it at least, thoroughly indorsed the proposition to pass the bill without sending it to conference. The main change in the bill, so far as organization of the Army is concerned, is with regard to the staff corps, and they are opened up to the line of the Army, so that a man who is serving in the line heretofore is eligible to an appointment in the staff. Outside of that one proposition there is nothing in the bill that need give us any concern. Many members of the House believe that it is wise to enlarge the number of persons eligible to staff positions.

Mr. HAY. What does the gentleman understand to be the age limit as to these staff appointments from the line?

Mr. HULL. There is no age limit——

Mr. HAY. That is the way I understood it.

Mr. HULL. Except as to chaplains. As to those we increased the age limit two years.

I apprehend, Mr. Speaker, there would have been no controversy over this bill in the House but for the radical amendments placed on it in the Senate affecting Cuba and the Philippine Islands. For that reason I do not desire to occupy any great amount of time in discussion unless some one desires to ask a question in regard to the Army bill proper. So far as those two amendments are concerned, there is no member of the House who has not been giving attention to every provision incorporated in the bill from the time they were introduced in the Senate down to the present time.

There is no doubt that if we had a month in place of two days they would not have been inserted in this bill. It is putting them here or having an extra session of Congress. So far as I am concerned personally, I believe the provision as to Cuba conservative and exceedingly wise. So far as the Philippine Islands are concerned, the provision is more a limitation upon the power of the President than it is an enlargement of his power.

Mr. Speaker, I reserve the balance of my time, and yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the gentleman from Tennessee has told us that the two great provisions of this bill, which have come to it by way of amendment attached to it in the Senate, are in derogation of the principles of the American Republic and opposed to the traditions of the Democratic party. He has gone

beyond that and stated, in effect, that these were provisions destroying the whole theory of liberty in the islands and wresting from those people the degree of liberty which he says is traditional with the American character. He used language which in substance and in effect charged that the whole history and policy of the Democratic party had been opposed to securing from other people territory or land or dominion without the consent and advice and willingness of those who were thereby acquired. He spoke of it as the hereditary policy of the present Democratic party. I do not quote his language, but I do him justice in this comment. Let us see how the matter stands. Let us see what has been the traditional policy of the Democratic party.

In 1854 the Democratic party was in full power in the United States; its authority in every branch of administration was uncontested and unquestioned. At that time the Democratic President called to his aid, by a secret letter of instructions sent to them by special messenger, unrecorded in the Department of State, a secret and clandestine message directing James Buchanan, minister to England; John Y. Mason, minister to France; and Pierre Soulé, minister to Spain, to assemble at Ostend, in the Kingdom of Prussia, and decide what ought to be done in regard to Cuba. Spain at that time was at peace with the United States. In no way had she trespassed upon our rights. There was perfect peace in the island of Cuba. There were no complaints that the Cuban people were being trampled under foot. The cry of "Cuba libre" had never yet been raised in this country. These three emissaries of annexation, these three emissaries of rapine and seizure, acting under secret authority, assembled at Ostend, met afterwards at Aix-la-Chapelle, and issued a proclamation, called the Ostend manifesto. They, in the first place, proposed to offer to Spain $100,000,000 for the island of Cuba. They did not have the money—Democratic Administrations seldom do—and the whole Democratic party and the Administration did not have that amount of money; but they proposed to get it in some way. Later on they proposed that $120,000,000 should be given; and then this is a part of the Ostend manifesto: "Does Cuba in the possession of Spain seriously endanger our internal peace?"—not our external peace—and this question answered in the affirmative, they said:

> Then by every law, human and divine, we shall be justified in wresting Cuba from Spain if we possess the power, and it is upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there was no other means of preventing the flames from destroying his own house.

That was the deliberate secret act of the Democratic Administration, and was approved two years later by the nomination of the chairman of that commission at Ostend for President of the United States upon the Democratic platform, and indorsing in effect and in substance the Ostend manifesto thereby. That is one of the traditions of the Democratic party, and another is to vote to repudiate a tradition for a political purpose.

Mr. CARMACK rose.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Tennessee?

Mr. CARMACK. Will the gentleman permit me to interrupt him?

Mr. GROSVENOR. I would prefer to be permitted to continue my speech; but I do not want to be uncourteous.

Mr. CARMACK. Do you indorse the proposition of the Ostend manifesto?

Mr. GROSVENOR. No, I do not; but it has never been repudiated by the Democratic party.

Mr. CARMACK. It has been repudiated.

Mr. GROSVENOR. The gentleman is wholly mistaken. It had been the settled policy of his party to seize Cuba until slavery had been abolished. The gentleman from Tennessee says if you will bring in a bill like the Louisiana bill he and all his side of the House will vote for it.

Now, see how a man does when he wants to bluff somebody upon a very small organization in his own hand. If you will bring in a bill "like the Louisiana purchase," then we will have peace and harmony and all vote for it! There is a difference between the two conditions. In the case of the Louisiana purchase we had not possession of it; and the second difference between the two conditions is that one came by purchase from France by peaceful measures, and this comes by treaty from Spain at the close of war and as the result of conquest. The gentleman from Tennessee knows that on our acquisition of Florida, which we have discussed here so often and which had undergone no softening-down process, is a very different question from those now confronting us. There does seem to have been a softening process at the other end of the Capitol in this particular instance. There was in the Florida case no deliberate consideration of what also we know of the glamor of collateral or incidental questions that seems to have been looming up in the rear of the more recent step of the Democratic party, and in that particular instance regardless of anybody. Hardly knowing who the people were we had acquired in Florida, we sent an army under the direction of Monroe to seize the people and take possession, and have ever since governed them according to the Constitution and laws of the United States as we applied them.

What else? Throughout the whole history of this country we have done nothing to denounce or deny the justice and legality of our acts. Take all the traditions of our country and there is not a single instance of a repudiation of that history. If this debate is to be of value, let me suggest to somebody that he tell me where we acquired a foot of territory that we have treated differently from the manner we are treating the Philippines to-day. When did we send to Alaska to inquire what the people over there wanted us to do? When we discovered the territory of Oregon, when we acquired territory at the close of the Mexican war, whenever in the whole history of our country have we taken one step that we have not taken in the case of the Philippine Islands? The whole of this is a mere appeal to a sentiment that does not exist in this country; and I want to say to our friends on the other side these appeals in the name of liberty, these appeals in the name of the consent of the governed, sounded well in the balmy days of last summer; they came with mellifluent utterance from the leader of the Democratic party, and were feebly imitated on every stump and in every newspaper by his supporters.

These songs were sung with great exultation, and while you were doing this we were looking up our traditions, representing our history, and understanding the organization of this mighty empire. We took for our candidate the man who more fully represented the very opposite of all claimed by the Democrats in the arguments in their campaign and gave him a majority for the Presidency of the United States without precedent in the history of the country, and we put such a majority against Mr. Bryan as testified to the popular view of the American people. [Applause.] That was the decision of the people, and the position of the gentleman from Tennessee was left by that great popular verdict and judgment in the graveyard of your defeat last fall. I beg you to leave your dead in undisturbed slumber.

For fear my time may be exhausted, I want to come to another matter. There seems to be mistrust that some wrong is to be done somewhere, by somebody, name and locality unknown, Now, Mr. Speaker, if there is anything wrong about this bill, about its presence here, about the support the Republican party and the Administration and the Senate are giving to these measures now pending on this bill in the House, I know nothing about it, and I do not understand that anybody complains about that. These are our principles, and we stand upon our historical traditions. There seems to be something the matter with Democratic gentlemen and with the Democracy generally with regard to this matter. Whoever heard here in the history of the American Congress the like of what I am going to read to you?

We have heard language here within the last half hour more astonishing to me than any language I have heard in this Hall during the long period which I have had the honor to be a member of Congress. I have heard in very general terms complaints made about other public men outside of this body and inside of this body, but I never before heard an organized, deliberate arraignment of the Senate of the United States or of any member of it upon this floor before. The rules of the House of Representatives, the rules of Jefferson's Manual, the rules that must be the rules of all parliamentary bodies to insure respect and consideration for the views and opinions of others, have not served to stay the tide of wrath which poured itself out of the inimitable sarcasm and bitterness of the gentleman from Missouri [Mr. DE ARMOND]. Was it justified? Is it justified? I know not; I care not. It is enough for me, Mr. Speaker, to know that great good has come of whatever acts the members of the other House have been guilty of.

I read from a speech made a few moments ago by the distinguished and able gentleman from Missouri [Mr. DE ARMOND]:

> There is thrust into this Chamber now by the tyranny of the majority—

That is us; we are the fellows—

> by the connivance of others who had power and did not use it, a question which can not be considered here, but which is to be settled here. In the closing hours of this session the body which could have prevented, the men who could have barred from this Chamber these great questions, for reasons of their own which I have not time to bring to light—

I wish the gentleman had time to bring it to light—

> and upon which I do not care now to enter, for reasons of their own, yielding to inducements—

What inducements did the gentleman refer to? Will he tell us?

> sufficiently powerful to them and with them, have allowed this measure to come with these amendments to this House.

To what people did the gentleman refer? Who are the people thus corrupted by reason of inducements sufficiently powerful? Who are they? There seems to be some light thrown on that later on:

> If I had the time I would be glad to discuss this infamous measure. I would be glad to discuss this infamous procedure, the infamous surrender, the infamous cowardice, the infamous trading and trafficking, the infamous surrender, the infamous disregard of everything sacred and holy and decent and honorable and glorious in these United States of America.

Who did that? Not the Republicans of the Senate. Surely not.

Not the President and his Cabinet, surely not, for we are standing upon the very platform of this resolution. Who has done this infamous act?

I commend to the tyrants here—

That is our side—

I commend to the sycophants and the traders and the traffickers elsewhere the plunder that they get.

What did they get, in the name of the Benevolent Father of all? [Laughter.] What did they get? Will my friend from Missouri make a public statement that the sycophants whom he has pointed out with sufficient accuracy, so that everybody knows who he means, will he kindly tell us what they got? What was the inducement? It goes directly to the charge and commends to them the plunder, the loot, the bribes, which they have got; and I can give to the language no other meaning.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CAPRON. I will yield the gentleman five minutes more.

Mr. COONEY. Will the gentleman yield to me for a question?

Mr. GROSVENOR. If it is very short.

Mr. COONEY. I understand the gentleman from Missouri, to whom the gentleman from Ohio refers, is not here; but in his behalf I will ask the gentleman if he will procure him sufficient time in the consideration of this bill to answer his charge?

Mr. GROSVENOR. Oh, the gentleman has an hour on that side, and I am not making a charge. I am reading the language of the gentleman, and he will not deny the meaning. So, Mr. Speaker, I think our friends on the other side are a little bit worried that we are bringing out of chaos, with the aid possibly of some auxiliary conditions—that is a good word for it [laughter]—we are bringing out of the body of men who have been attempting to hold this Government to conditions that would be intolerable up to conditions that in my judgment meet the demands of the patriotism of the people of the United States. [Applause.] Let us see what we have done. We have driven Spain out of Cuba. Peace has been restored, whether good order has or not. A stable government has not been established and can not be during the life of this Congress; but the material interests of that people have been improved to such an extent that in my judgment the blessings of the people of the island of Cuba are constantly heaped up on the name of the American Republic. [Applause.]

What have we done in Porto Rico? There you suffered so very greatly over the sorrows of that people. You really thought there was going to be some trouble in Porto Rico. You said we were taxing them unreasonably; you talked about the Constitution and the flag; you said we were seizing upon the little 15 per cent that we placed as a tax upon their products in their own interest. What has come of that during this one brief year that has rolled over your heads and which has thrown light upon your prophetic utterance? They have had a free government; they have established legislative authority; they have met and considered the conditions; they have adjourned while the burdensome Porto Rican tariff is still in full force. By a single resolution they might have lifted the 15 per cent off of their imports and effected the repeal of the law that gave us so much trouble here a little over a year ago. They adjourned without any action in that direction, thereby writing their indorsement on the action of the Republican party, and to-day the people of Porto Rico are the happiest, the best educated, the best clothed, the best fed and with better prospects ahead of them than ever appertained to the inhabitants of any of the islands in the Caribbean Sea. [Applause on Republican side.]

Prophets of evil, pessimists, and croakers join technical lawyers and disappointed politicians grumbling and growling over the sad fate that has indicated the estimate the American people place upon them over the situation in Porto Rico, and the outcry went from ocean to ocean that the poor people of that island had been downtrodden under foot by the Republican Administration. Sage men rushed into print to prate about the consent of the governed, and the doctrine of ex proprio vigore was rolled as a sweet morsel upon the tongues of men, all drifting toward a Presidential election in 1900. Men who ought to have taken a different stand threw little barbed arrows of sarcasm and doubt upon the legality of the Porto Rican legislation, and have spoken of the people down there as under the oppressive force of our tyranny.

Now, Mr. Speaker, looking at the map of the world and its history combined, I challenge any living man to show where a people transformed and transferred by a treaty, whether made in pursuance of conquest of war or purchase or annexation or what not, has ever under any circumstances been treated with the liberality and generosity that have the people of the island of Porto Rico; and they feel it and they know it, and the genius of American institutions extended to them by the hands of William McKinley, the Republican President of the United States, backed up by the sincere Republicans of this House and of the Senate and supported by the great moral influence of the intelligent people of the United States, has done all this and set an example to all the world of what the American Republic can do under conditions like these. Where stands the pessimist to-day? Where stands the croaker? Where stands the man who predicted all sorts of evil? Wrapped up in the mantle of their own self-estimate, refuted by the facts and figures of the beautiful demonstration in Porto Rico.

Mr. CARMACK. Will the gentleman yield to me?

Mr. GROSVENOR. My time is very short.

Mr. CARMACK. I only want to ask a question. Suppose the people of Cuba should refuse to submit to these limitations on their independence provided in the Spooner amendment. What is this Government to do?

Mr. GROSVENOR. We have thus far, Mr. Speaker, been able to cross the bridges when we came to them, without the aid of gentlemen on the other side.

Mr. CARMACK. You are at the bridge now.

Mr. GROSVENOR. There is no time to talk about what we will do if——

Mr. CARMACK. That is because you will not give us time.

Mr. GROSVENOR. "Sufficient unto the day is the evil thereof." The question is, What shall we do to-day? To-day we put forth the ultimatum to the people of Cuba, not one branch of which will be held by the American people, by civilized people of the world, or, in my judgment, by the people of Cuba to be onerous or unjust to them.

Mr. CARMACK. The gentleman says "an ultimatum."

Mr. GROSVENOR. Yes; I used the word "ultimatum" with absolute accuracy of understanding and meaning. The people of this country understand what it is. The people of this country will be proud of the party that will uphold the dignity and authority of the American people in the island of Cuba until the conditions are reached which will justify us, in the light of our pledges and in the light of the deliberate judgment of mankind, to withdraw our military operations and occupation and turn over to the people of Cuba their own island to their own government.

I used the word "ultimatum" as referring to the present. It is the ultimatum of the American people to-day. It is what we are willing to adjourn with having enacted. We are willing to turn over the question now to the action of the people of Cuba, and the future will take care of itself. No act of injustice has been done to the people of Cuba; no act of wrong or seizure of their rights; no intervention as against the best interests of Cuba, and everybody in the world knows it. We have fortified their harbors, we have subjected and eliminated their most fatal disease, we have put in motion the wheels of commerce, we have stimulated enterprise, we have suppressed insurrection, we have eradicated the evil conditions that have existed in that island for so long, and the success that we have had has been wonderful in view of the fact that we have a party in this country willing to block the wheels and impede the onward progress of the country.

Mr. CARMACK. Will the gentleman permit me?

Mr. GROSVENOR. Now, about the Filipinos.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I will leave the Filipino question to somebody else. [Laughter.]

Mr. HULL. Mr. Speaker, I now yield five minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Speaker, I fully appreciate the importance of these amendments and would not trespass upon the time of the House if I were in full accord with the spirit and letter of both amendments. I am in hearty accord with the amendment with reference to the Philippine Islands, because it assures to the people of those islands the rights, protection, and liberty that always go with the American flag. We can safely trust the President with the government of these islands until they have become entirely pacified and their people taught to recognize and appreciate the blessings of American sovereignty.

I am constrained to vote for the amendment with reference to the island of Cuba, because I believe that the adoption thereof will insure the continuance of our sovereignty. I am unalterably opposed to the surrender of the sovereignty of the United States over the island of Cuba. We intervened in the cause of humanity, and humanity, in my judgment, demands the maintenance of our flag in order to insure to the people of Cuba future peace, prosperity, and happiness. Their future depends upon our action. Remove from the island of Cuba the protection of the Stars and Stripes, and riots, civil strife, and revolution will follow. General Gomez expressed the dangers in store for the Cuban people when he declared that in the present condition of the island, should our flag be removed, he would go with it.

I hold in my hand public resolution No. 21 (Teller resolution), in which we declared that the people of Cuba are, and by right ought to be, free and independent. I voted for that resolution, and intended thereby to extend to them the same liberty, freedom, and independence enjoyed by the citizens of our own territory.

What greater liberty and independence can be obtained than that enjoyed under the protection of our flag? All fair-minded men, familiar with the conditions of Cuba, recognize their inability to maintain peace and independence without the protection of our country. We should guard and protect not only the people of Cuba but our own citizens and their interests on the island. I hope and expect that the adoption of the present amendment may continue our sovereignty and induce the people of Cuba to voluntarily ask for the annexation of Cuba, and thereby extend the blessings of humanity for which our country intervened.

I do not forget the humiliation of the American people when a Democratic President hauled down our flag in the islands of Hawaii. Our citizens universally condemned that act, and I rejoice that with the cooperation of the people of those islands our flag has again been raised and our sovereignty perpetually established for the future glory of the Pacific. I would not again humiliate our people, endanger the peace and happiness of the Cubans, disturb our peaceful relations, or render it possible for a second intervention, which would certainly be necessary to insure peace, happiness, and prosperity to the people of Cuba with the removal of our flag.

Mr. HULL. I suggest now that my friends on the other side use a part of their time.

Mr. SULZER. I yield to the gentleman from Illinois [Mr. JAMES R. WILLIAMS].

Mr. JAMES R. WILLIAMS. Mr. Speaker, if the distinguished gentleman from Ohio [Mr. GROSVENOR] would consume as much time in defending Republicans who need defense as he wastes on Democrats, his remarks would be far more interesting and he would come more nearly earning his salary as a member of this House. [Applause on the Democratic side.] He seldom takes the floor that he does not have something to say as to what Jefferson did. Now, if he would only devote a little of his time to defending the great national boss of his own party, who seems to have control of this Administration, or the worst part of it, at least, his remarks would receive the greatest attention.

No one regrets more than myself that this very dangerous proposition for the government of the Philippines should come before this House in the closing hours of its session and at a time when it is impossible for it to receive that consideration which its importance demands. And I can not accept the apology for its being sent here at this late hour, that the President is already exercising in the Philippines the power granted in the proposed amendment. I deny it. The power now used by the President in the Philippines is executive and military power, while the power given him by this amendment is legislative and judicial power. Here is the language of the amendment:

All military, civil, and judicial powers necessary to govern the Philippine Islands acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

By this amendment the President is given absolute power in the Philippines; not only executive, but legislative and judicial as well. This is one-man power, pure and simple. The President is made the complete master of the Filipinos unrestrained by Congress, the Constitution, or anything else. This is imperialism run mad. The Constitution provides that all legislative power under our Government shall be vested in Congress. Then what right have we to turn this power over to the President?

But then we are no longer proceeding under the Constitution. Every gentleman on the other side who has attempted to defend the despotism in this amendment has cited as a precedent for this action the law under which Jefferson governed the Louisiana Territory. In order that the repeated misrepresentations of these gentlemen may be understood by the House and the country I here give the law under which Jefferson then acted, and so often referred to by members on the other side of the Chamber.

Until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

You will observe that this law was intended for temporary government only, and by its own terms was to expire with that session of Congress. You will further notice that the officers appointed by Jefferson were to exercise the same powers as was then being exercised by the officers of the existing (French) government in the territory; while under the pending amendment Mr. McKinley's appointees are authorized to enact new laws and establish a new government, and not to merely carry on the one already existing.

Besides, the treaty under Jefferson provided the inhabitants of the new territory should be citizens of the United States, and Jefferson governed them as citizens and in accordance with the Constitution, while McKinley is authorized to govern the Filipinos as subjects and in violation of the Constitution. The legislative council under Jefferson were required to be inhabitants of the territory and could pass no law in violation of the Constitution of the United States, while under this amendment for the Philippines the legislative assembly are not required to be inhabitants of the island and are not bound by the Constitution. In fact an amendment offered in the Senate requiring these new officers to take an oath to support the Constitution was voted down by the Republicans, Senator HOAR being the only Republican who supported it. Mr. Speaker, it seems to me no just President could desire such despotic power over any people, and the man who would seek it is a dangerous person to be intrusted with it.

Think what a wretched and helpless condition you place those Filipinos in when you authorize the President to establish over them, without restraint, a carpet-bag government, composed, in part, at least, of Neelys and other plunderers who will go there to enrich themselves and rob the people whom they are sent to govern. It will not only result in corruption there as in Cuba, but will breed corruption at home also.

No, Mr. Speaker, Mr. Jefferson never attempted to exercise any such despotism as this. What king wields a greater power over his subjects than that given to the President by this amendment? How fast is the President of the United States becoming the Government of the United States. What member of this House would rise in his place and say that the President of the United States does not to-day control both branches of Congress on all important political legislation?

By the shrewd use of his great patronage he is able to influence not only his own party in both branches of Congress, but often a good per cent of his opponents, and so successful has been the present Executive in his assumed legislative functions that it is now intimated that he is even venturing upon the Supreme Court of the United States. Surely the time has come when the people should take warning at this increasing power of the President.

I care not how able or honest he may be, no one man is safe to intrust with all the rights and liberties of a people. As I said on a former occasion, I am opposed to retaining the Philippines under any form of government, but so long as we do attempt to control them we should endeavor to govern them in accordance with our Constitution and form of government. I repeat that no one man is good enough to govern another just as he pleases and without any restraint whatever; and yet this is just what the President is authorized to do by this amendment.

Is it possible that Congress can have so little regard for its own acts as to pass a measure of this importance without any consideration either in committee or by the House? If so, it only shows what a revolution is going on in our form of government, and apparently with the approval of the people. Indeed this is the day of imperialism in America, but I hope late in the evening. I trust the morning of liberty will again soon dawn upon the American people, and they will return to the ways of the Constitution our fathers gave us.

A few words only with reference to the Cuban amendment, which attempts to give the United States control over the domestic as well as the foreign affairs of the island. If we adopt this amendment we openly violate our sacred pledge to Cuba, in which we declared the Cubans were, and of right ought to be, free; that we were intervening for the independence of Cuba, and would withdraw from the island whenever peace was established. If we pass this amendment against Cuba we advertise to the rest of the world what supreme hypocrites are in control at Washington. I would rejoice to see Cuba peacefully annexed to the United States, but I am not willing to steal it.

If this Administration had treated Porto Rico with that justice and fairness to which she was entitled, Cuba to-day would have been standing with outstretched hands appealing to the United States for annexation. But is it strange that our cruel and selfish treatment of Porto Rico should cause Cuba to look with some suspicion upon our pretended friendship? The gentleman from Ohio [Mr. GROSVENOR] said at one time some Democratic Administration had attempted to buy Cuba. If he is correct in that statement it only shows the difference between that Democratic Administration and the present one is the Democrats attempted to buy Cuba while the Republicans are attempting to steal it. [Applause on the Democratic side.]

I believe the parties in control of this Administration are just as anxious for the good things in Cuba as in the Philippines, and every effort will be made to provoke Cuba into war in order that the Administration may have an excuse to take possession of the island for these greedy beneficiaries.

Mr. Speaker, before concluding my remarks I wish to submit a few observations on the subject of appropriations. This bill now under consideration appropriates for the Army for the next fiscal year $115,735,644.10, while the amount appropriated for our Army for the fiscal year ending June 30, 1898, was only $23,129,844.30.

This is the swift and bitter fruit of imperialism. It costs the

people five times as much to maintain our army now as it did three years ago. At this rate it will cost a county of 25,000 people about $40,000 per year to help maintain our standing army. And all this increase not for the benefit of the taxpayers, but to enrich those greedy speculators who want to hold on to those foreign islands. And this new policy of imperialism has greatly increased our expenses in other directions.

The appropriations for the Navy this year are over $78,000,000, an increase of forty-five millions over 1898. The total appropriations for the next fiscal year just completed by this Congress are over $729,000,000, which does not include anything for rivers and harbors or public buildings, while the total appropriations for 1898 were less than five hundred and twenty-nine millions. That is, it will cost the people over $200,000,000 more to run the Government next year than it did in 1898.

To conduct this Government with its present extravagance one year costs every man, woman, and child about $10 apiece, or a family of five $50, or a county of 25,000 $250,000. If the people quietly submit to this increasing extravagance in the use of public money it will not be long until every laboring man must pay one-half his earnings to maintain a large standing army and navy and other increasing expenses of the Government.

How can the people hope for any substantial reduction in taxes unless they call a halt on Congress in these extravagant expenditures? This rapid increase in the expenses of our Government is due almost entirely to this new policy of foreign conquest and imperialism. And in order that the President may have plenty of money to spend away from home on these vicious schemes, the people at home are deprived of the necessary public funds to repair their rivers and harbors, erect public buildings, and for other purposes. In fact, the old soldier, who fought for liberty and Union, is often denied his just pension in order that the money may be used on a large standing army to carry on a war of conquest in a foreign land.

It is to be hoped that our people will soon grow tired of wasting so much blood and treasure in foreign islands in which they have no interest and from which no good to them can ever come. Why not spend our lives and our money in trying to make our own people prosperous and happy, instead of wasting them on foreign races? Why should not America be satisfied with America, where, with good government and proper conditions, every citizen may become prosperous and happy under his own vine and fig tree? [Applause on the Democratic side.]

Mr. SULZER. I yield to the gentleman from Tennessee [Mr. PIERCE.]

[Mr. PIERCE of Tennessee addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SULZER. I yield one minute to the gentleman from Tennessee [Mr. COX].

Mr. COX. Mr. Speaker, I have no disposition, if I was able physically to do it, to make a speech. The speaking ought to take place at the other end of the Capitol. I think they ought to have spoken there until December had rolled around again before this thing should have ever been passed. Just one suggestion. I have voted from the commencement of this Philippine question against what is going on. I voted against the war, without saying to those people what you were shooting them for and giving them an opportunity to adopt for themselves a government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COX. Let me complete this sentence.

Mr. SULZER. I will yield to the gentleman for a moment.

Mr. COX. You have got in this legislation a declaration that the United States owns territory where the Constitution can not extend. You have got in this legislation another proposition, and that is that the power of one man can take the life of a man or he can take his liberty from him without trial by jury. You have got another thing. Against every rule of policy, against the genius of our Government, and against every true principle that has ever been taught of respect and honor for the law of legislation, you insert it at the end of an appropriation bill.

Mr. SULZER. I yield one minute to the gentleman from New Jersey.

[Mr. MCDERMOTT addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCDERMOTT. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD.

Mr. HULL. In connection with that, I ask that all others who speak on this bill, at least, shall have the same privilege for a period of five days.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that all gentlemen speaking on this bill may have leave to extend their remarks in the RECORD for five days. Is there objection?

Mr. MAHON. If they are confined to the bill, I will not object.

The SPEAKER pro tempore. With the condition requiring them to be confined to the bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. SULZER. In connection with what the gentleman from Iowa has said, there are a number of gentlemen on this side of the House who have asked me to make the request for unanimous consent for general leave to print on this bill for five days. I trust there will be no objection to that.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that there be general leave to print on this bill for five days.

Mr. WILLIAMS of Mississippi. I object.

Mr. SULZER. I yield two minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, in the name of the American people—in the name of consistency and justice and truth—I want to protest against the resolutions in reference to Cuba inserted by the Senate as an amendment to this Army bill, and which we are called upon now to concur in. I protest against them because they violate our expressed promise, and because they are inconsistent with our national honor. Before we went to war with Spain, and as a preliminary thereto, we openly, frankly, and plainly declared our purpose. That purpose we fully and unequivocally stated in the following solemn resolution:

[PUBLIC RESOLUTION—No. 21.]

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore

Resolved, etc., First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States, the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved April 20, 1898.

No one will contend that there is any ambiguity in the language of this declaration. No one will undertake to point out a single word of doubtful meaning. When we said "that the people of the island of Cuba are, and of right ought to be, free and independent," we but quoted from our own blessed Declaration of Independence the words that have thrilled the hearts of freemen for more than a hundred years.

The fathers who framed that immortal Declaration said "that these United Colonies are, and of right ought to be, free and independent States." And so when Congress, on the 20th of April, 1898, wanted to express the full and complete idea in reference to Cuba's struggle to rid herself of the galling yoke of Spanish tyranny, we employed the words so well known and so dear to every American heart. Following these resolutions, and to carry out the spirit and purpose there set forth, we declared war against Spain. Columbia's sons from North and South and East and West rallied to arms in the cause of liberty.

Our victories were speedy, startling, and complete. Castile was vanquished and Cuba was "free"—so we proclaimed. Before taking up arms we solemnly declared "that the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or contol over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

An archipelago in the Orient and islands in the Atlantic were ceded to us in the treaty of peace, but not Cuba. Spain agreed to quit that island, as we had demanded she should, and we made no pretense of right to occupy it with our Army except for the "pacification" of its people and to see that "a stable government" was formed. More than two years have passed since then, and during all the weeks and months that have intervened the Cuban people have been submissive and peaceful.

No riotous disposition has been manifested and no disturbances

have occurred. So soon as we gave them opportunity, their delegates assembled in peaceful convention to frame their organic law. That instrument is now, I believe, here in Washington. It ought to be submitted to Congress before we adjourn.

We know that it provides for a republic and contains all the essentials of a government by and for the people. But though that constitution is now probably in the hands of the Administration it will not be submitted to us, and now in the closing days of this Congress, while we are rushing through this Army bill, the managers for the dominant party offer, as a rider upon the bill, the resolutions against which I am protesting. They are engrafted upon it as it comes back to us from the Senate. That they will be accepted in this House no one who is familiar with the spirit of the times can for a moment doubt. Here they are, and in the name of justice, I protest against them:

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Mr. Speaker, we are complacently told by gentlemen who favor these resolutions that they are exceedingly mild and are merely "suggestive" to the Cuban people of a few things we have the right to expect from them. Let us see. We are about to say to them that they will not be permitted to make treaties with other countries which will impair or tend to impair their independence, and we are to be the judges of the tendency of all proposed treaties.

We are about to say to them that they can not go into debt beyond such limit as we may regard as safe for them. We are about to prescribe a restriction for them which the Federal Government has never yet undertaken to prescribe for any one of the States of the American Union. Let me read again:

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

We are about to say to them that their health laws must be made to suit us before we will remove our soldiers from their midst. And yet here at home we regard the right to make laws for the preservation of the public health as one of the reserved rights of the States. We would not think of sending an armed force into one of the States of this Union because, forsooth, its health laws or its sanitary condition might not be up to an approved standard. "That is all true," said a gentleman in discussing this matter with me the other day, "but circumstances alter cases; it is different, you know, when it comes to Cuba."

Mr. Speaker, it is not different "when it comes to Cuba." Principle should control us, and not expediency. We should give the people of that devoted but hapless isle at least a fair opportunity to voluntarily and gracefully show their gratitude to us. I believe the true and real Cuban is grateful to us. I doubt much whether that class of so-called "business men" on the island who sympathized with Spain during the Cuban war and who sympathize with Spain to this good day are grateful to us.

I doubt whether the money-making classes of Habana and Santiago—those gentlemen who meet at city clubs to discuss political ethics and who offer us much voluntary advice with many insinuating suggestions to the effect that the native Cuban is not capacitated for self-government—I doubt, I say, whether we should give much heed to them. They are not the class for whom we struck the blow at Spain; they are not the patriots we had in mind when we declared war; they care nothing for liberty; they care alone for the almighty dollar.

"The people of the island of Cuba are, and of right ought to be, free and independent." We have said it, and let us stand to it. Let us not be persuaded by the advice of those who now argue that we ought never to have made these promises. Let us be just, as we have been generous; as noble as we are brave. Addressing this House the other day on the subject of our treaty obligations, I said what I now wish to repeat in this connection.

Are obligations resting upon the people in their collective capacity as binding as when entered into by the individual? For one, I believe they are. For one, I am anxious to see my country as prompt and scrupulous in keeping its obligations as I should expect an honest man to be in keeping his.

There on the wall of this Chamber, standing side by side with Washington, is the portrait of Lafayette. Facing the Executive Mansion in this city is a bronze statue of this illustrious friend of our Republic, and I feel like raising my hat whenever I pass it. He came to aid our struggling colonies in the darkening days of the American Revolution, when hope had almost ceased to lighten the pathway of our patriotic fathers. By his aid and the aid of his countrymen defeat was turned into victory and our independence was established. I point to his example and to the example of his country.

France did not assume, because she had been our benefactor, to become our dictator, nor did she presume to prescribe conditions upon which she would recall her soldiers from our soil. I commend now that shining example to this House, to the Executive of this Government, and to my countrymen. If Cuba, by reason of turbulence or bad sanitary laws or improper treaties, shall ever hereafter menace this country, we can deal with her in some proper and timely way. Let us at least wait for some such justification.

Mr. SULZER. I now yield to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, I am not vain enough to suppose for a moment that anything I can say will have any influence whatever upon the vote we are soon to take upon the pending measure. Indeed, if that were the only consideration I should not trespass upon the time of the House at all, but representing on this floor, as I do, a district, and in part a State, which extends nearer to the island of Cuba than any other, whose people are more deeply interested in the relations which we are to sustain to that island and to the Cuban people than those of any other section of the country, I feel that I would be derelict in my duty should I not enter my feeble protest against the action we are to take here to-day.

We are about to perpetrate, in my judgment, a great wrong, not only upon the Cubans but upon our own people as well. We are about to cast a blot and a stain upon our fair name and do a wrong to civilization which all the centuries will not wipe out or efface.

A little less than three years ago, beneath the Dome of this Capitol, and on a memorable occasion, we solemnly declared that Cuba ought to be free and independent. We were then about to engage in a war with Spain, ostensibly for the benefit of the Cubans. They had not asked us to take this action or to intervene in their behalf at the risk of war. Indeed, through their leaders they had made it known to the President and the members of Congress here that they did not desire us to assist them in that way. They did wish the powerful influence of the United States in their behalf. They desired only, however, that we should recognize their belligerent rights.

For two years war bloody and cruel had been going on between Spain and the Cubans, the latter fighting for freedom, the former that she might hold her sway over an unwilling people. This struggle has attracted the attention of the entire civilized world. In this country the sympathies of the people went out to those struggling patriots, and the demand came from every village and hamlet, from every section, North, South, East, and West, that Cuba should be free. To these sentiments the Administration for a time turned a deaf ear; it was not even willing to accord to the Cubans the only recognition they had ever asked—that of belligerent rights.

They asked no more than this because they considered themselves capable, if belligerent rights were accorded them, of coping with the Spaniards in this war for liberty. But that was not all. They had other reasons for not desiring such a war. They were afraid of the result to them of a war between this country and Spain. They knew full well that war meant the occupation of Cuba by us, and the fear was natural that even this Government, though founded upon the principles of liberty, might not be able to resist the temptation to remain once the Stars and Stripes should float over the island. Examples such as this were not wanting in history. Other nations during the centuries that have gone had undertaken to do similar acts of benevolence and had not been able to resist the temptation, and why, thought the Cubans, should not this Government be liable to the same temptation.

Finally the President concluded that war, ostensibly at least, for the liberation of Cuba should be waged, and on the 11th day of April, 1898, sent a message to Congress, breathing the very spirit of freedom and philanthropy as well as of defiance to the power of Spain, practically recommending a declaration of war.

Meanwhile the American people began to doubt and fear the motives, not perhaps of the President, but those who surrounded and advised him, and the demand was made that if war were declared some guaranty of good faith on our part should be given. In obedience to this sentiment the instrument by which war was declared proclaimed that the people of the island of Cuba were and of a right ought to be free and independent.

But that was not all this remarkable document, which will ever live in history as the grandest triumph of our Christian civilization or the blackest exhibition of national perfidy the world has ever seen, contained; for it further declared that the United States had no disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserted the determination of the American Government that when this should have been accomplished to leave the government and control of the island of Cuba to its people.

Upon this declaration we unsheathed the sword, broke the Spanish power almost in a day, and liberated the Cubans from the Spanish yoke.

But how have we kept faith with them? For nearly three years the Spaniard has been gone, the island has been absolutely quiet, and peace has reigned from one end of the island to the other. The Cubans have been ready to establish a stable government, and have been capable of so doing. Yet our Army is still there. The island is still under military control, while we come now with the proposition to hold on to Cuba forever. True, the resolution makes no such claim. Oh, no! It is too artfully drawn for that. Why, it actually starts out with the statement "that in fulfillment of the declaration contained in the resolution approved April 20, 1898, entitled 'For the recognition of the independence of the people of Cuba,' etc., the President is hereby authorized to leave the government and control of the island of Cuba to its people' so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:"

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Now, these provisions are in absolute violation of the compact under which we undertook to aid the Cubans. We agreed that we had no intention to exercise sovereignty, jurisdiction, or control over the island except for its pacification, and asserted our determination when that had been accomplished to leave the government and control of the island to its people; while our proposition now is to create a condition of things by which we are to hold on to the island indefinitely. The proposition to leave the island to the control of the Cubans is absolutely inconsistent with that to restrict the power of the Cuban government in the matter of contracting debts, with the right to "intervene for the preservation of Cuban independence," with that restricting the right of immigration to the island, as also with that reserving to the United States coaling stations on the island.

Why, Mr. Speaker, what nation can be free with all these restrictions upon its freedom of action? No Commonwealth in this Union of indissoluble States but has more freedom of action than Cuba will have under the plan for her control by the United States as embodied in these eight provisions. What State but has the power, so far as the Constitution and laws of the United States are concerned, to contract debts to any amount, even to the verge of bankruptcy if it so desires?

Into what State is immigration restricted? Why, sir, no State in the Union but that throws open wide its doors to immigrants from all civilized lands. It is by that means largely that this country has grown great and strong. Yet we say to the Cubans that colonization, which means immigration, shall not be allowed into that country. Of course, this right of emigrating to Cuba from the United States is not denied, for it is no doubt the intention, as well as the hope, that Cuba shall be colonized from our own country; but the emigrant from every other nation is debarred from the island and the Cuban government can not invite them without the risk of rendering such action obnoxious to the provisions just cited, and of incurring our displeasure, for we are to be the judges at all times as to whether any given act is an infringement of this or any other provision in the proposed amendments. And thus the sword of Damocles is to be forever suspended over the Cuban people and their government.

Now, Mr. Speaker, all this is rank injustice and ought not to be done by a great and magnanimous nation to a weaker one, and of whose people when we thrust ourselves between them and those who would coerce them we declared were, and of a right ought to be, free and independent. Yet we should have some concessions, I grant you, but these should be sought along the line of proper trade relations.

Now, what are the reasons assigned for this continued control of Cuba, in violation of our solemn pledge?

First it is said that in some way we have obligations growing out of the treaty of Paris which necessitate a constant and perpetual supervision of Cuban affairs, but I undertake to say that we owe no such duty. What was this undertaking? It is to be found in Article I of that treaty, and is as follows:

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

Thus we are to assume and discharge the obligations that may under international law result from the fact of our occupation of Cuba for the protection of life and property. But how long was the occupancy to last? Only until the island should be pacified; and I assert that it has been in that condition for more than two years. No people have ever been less turbulent; no country more peaceable. Hence the occupancy should end, and with it our obligations under the Paris treaty.

Again, it is said that the Cubans are not capable of self-government, but this, too, is a mistake. The Cubans, or those of them belonging to the white race, are the descendants of a proud and once powerful people who for more than a century dominated the globe. They have fallen into adversity, it is true, and have lost their political prestige, but they have retained their intellectual power and self-respect. The Cuban census, taken under the auspices of the War Department of the American Government, shows that the native whites constitute 58 per cent of the total population and the foreign whites 9 per cent, making a total of 67 per cent in all belonging to the white race, while of the entire population above the age of 10 years three-fourths can read and write.

Can we boast of a degree of education and literary advancement much higher than that? I think not, at least in many sections of the country. So, too, in the matter of industrial pursuits they will compare favorably with the people in our own country. In the United States 58 per cent of the population are at work or engaged

in occupations for gain. In Cuba 68 per cent are similarly employed, and thus again the comparison between the Cuban people and our own is in favor of the former. We have, Mr. Speaker, anarchists and turbulent spirits everywhere, but they are not found among the laboring classes or breadwinners in any country.

Certainly such people are capable of self-government, and as a matter of fact they have shown themselves to be thus capable. In June of last year municipal elections were held everywhere throughout the island. These elections were peaceable and attended without a single disturbance, although the United States soldiers were not present, so it is said.

And what of the constitution they have prepared? It provides for a republican form of government, founded upon the true principles of liberty, and is modeled after our own Government. If left to themselves, their government will be what it should be—a government of the Cubans, by the Cubans, and for the Cubans. I have not seen the constitution, it is true, for we are called upon to act before that instrument has been submitted to this country; but if newspaper reports are to be believed the constitution recently framed by the Cuban convention leaves little to be desired in addition to the work already done by that convention.

Now, Mr. Speaker, there are those, and they constitute a respectable minority, who claim to believe that we should create a protectorate or suzerainty over that island, and the amendments to the Army bill which we are now discussing are designed to bring about that condition. But, sir, this, too, is unnecessary, for the Monroe doctrine, established three-quarters of a century ago and recognized and acquiesced in by all the great powers of the earth, affords sufficient protection to Cuba and her republican form of government. In the face of that doctrine no foreign nation could interfere with Cuba so as to change her form of government or to take permanent possession of the island.

Indeed, Mr. Speaker, each of the amendments is in violation of our pledges contained in the declaration of war between this country and Spain. They furnish such a violation of a solemn compact as would not be tolerated in the case of any individual, and the same moral code by which individuals are to be governed should likewise govern that aggregation of individuals called the United States.

Now, I know that our Republican friends claim that in all this there is no intention to annex Cuba to the United States; but, sir, the tendency is in that direction, and while it may not take place this year or next, or even for a decade, the danger is imminent. Should it come, and free trade exist between this country and that island, the American people, as I have shown on other occasions, will receive no benefit from such a condition. Cuba can and will in that event supply this country with all the smoking tobacco, cigars, and sugar our people can consume, and thus destroy these industries in every State in the Union where they exist. My own State would be one of the chief sufferers, but she would not suffer alone, for perhaps 30 others would sustain irreparable injury, so far as some of these industries are concerned.

Mr. Speaker, I shall not enter into any exhaustive argument as to our power under the Constitution to do what we are trying to do by these amendments to the appropriation bill, but I believe the whole principle contended for by the leaders on the other side is outside of the Constitution of the United States. I can find no warrant whatever therein for the creation of a condition of things such as these amendments, even if accepted by the Cubans, will create. The Constitution does not provide for the establishment by this country of a protectorate or a suzerainty over any other country. I can find in the Constitution no warrant for the owning or controlling by this Government of foreign lands or countries except for the purpose of eventually bringing them into the Union as States. Indeed, such a condition is not consonant with our theory of government, which is founded upon the idea that all just powers of government must come from the consent of the governed.

Mr. Speaker, we have done many things during the past two and one-half years that we ought not to have done, many things which have caused a dangerous and unnecessary strain upon our form of government and upon our institutions. From these and their resultant conditions we may not now be able to turn away; but we yet have time to retrace our steps and to do justice to the Cubans and incidentally to ourselves. Of us much is expected. To us have been given more than ten talents. Let us, therefore, improve them in the interest of freedom and humanity. The opportunities for good, such as have not in all the years of the past come to any other nation or people, have come to us in our present relations with the Cuban people; opportunities which, if improved, as they may be improved, will shed luster upon our national life, both past and future.

Let us, then, keep faith with our neighbors across the Gulf, and in our treatment of them erect one more monument to liberty and civilization among those already builded by us along our national pathway during the century which has just taken its place among the ages which are gone.

Mr. SULZER. I yield two minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, the Senate has ingrafted upon this bill—a measure appropriating the enormous sum of $120,000,000 for the support of our military establishment—two amendments embodying propositions so obnoxious to my sense of justice and fair dealing, and so utterly at variance with my conception of the powers vested by the Constitution in Congress, and the views which I entertain as to the policy which the United States should pursue toward the inhabitants of Cuba and the Philippine Islands, that I desire to enter my earnest protest against their adoption.

But, before I enter upon the discussion of this most important subject, let me call attention to a statement just made by the gentleman from Ohio [Mr. GROSVENOR]. That gentleman made an assertion which I can not permit to go unchallenged. In concluding his remarks upon the resolution now before the House he declared that when the Porto Rican act was under consideration here the Democrats denounced in unmeasured terms the provision which imposed tariff duties on all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States, but that so well pleased were the people of Porto Rico with this tariff tax of 15 per cent of the duties imposed by the Dingley act that their legislative assembly, although it was perfectly competent for it to do so by the passage of a simple resolution, had adjourned without removing this customs duty. In other words, that the people of Porto Rico had, after an experience of nearly two years in paying this, as I believe, unconstitutional tax, deliberately, and of their own free choice, elected to continue paying it.

Mr. Speaker, there was never a more misleading and unfounded statement made upon this floor. The act of Congress of April 12, 1900, entitled "An act to provide revenues and a civil government for Porto Rico, and for other purposes," contains these words:

> Whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty.

This is the provision, and the only provision, of the Porto Rican act to which the gentleman from Ohio could have referred as enabling the legislature of Porto Rico to rid the people of that island of this tariff tax. By it the legislative assembly of Porto Rico is empowered "to enact and put into operation a system of local taxation to meet the necessities of the government of Porto Rico," and that has been done. I hold in my hand an act passed by the legislative assembly of Porto Rico at its recent session, approved by Governor Charles H. Allen on the 31st day of January last, entitled "An act to provide revenue for the people of Porto Rico, and for other purposes." It covers 33 closely printed pages, and provides a complete system of taxation for the people of Porto Rico, and the President of the United States has been duly notified thereof, as is required in the act from which I have quoted. So it seems that instead of being well satisfied to pay this unjust, discriminating, and, as I believe, unconsitutional tax, the Cuban people have done all in their power to rid themselves of it forever, and their action is a complete and absolute refutation of the unwarranted statement made by the gentleman from Ohio.

Mr. Speaker, more than two years have elapsed since the establishment of peace between the United States and Spain. The pacification of the island of Cuba has been accomplished, and its people have called a convention and framed for themselves a constitution. By an act of Congress approved by President McKinley on the 20th day of April, 1898, it was declared:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled:*
>
> First. That the people of the island of Cuba are, and of right ought to be, free and independent.
>
> Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
>
> Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.
>
> Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

There can be no mistaking the language of these resolutions. They were carefully drawn and clearly worded. They were written to be read of all men. They declare, in language dear to every citizen of this American Republic, that the people of Cuba "are, and of right ought to be, free and independent." We not only declared to Spain that the people of Cuba, then struggling to free

themselves from Spanish tyranny, were free and independent, but we proclaimed to the wide world that they were, and that they were entitled to enjoy their freedom and independence. We went even further. We disclaimed both the disposition and the intention to exercise sovereignty, jurisdiction, or control over the islands save only for the purpose of pacification.

When law and order were established our troops were to be withdrawn and the island left to the control of its people. How have these pledges been redeemed? Thus far, what single step has been taken in the direction of their redemption? Is it seriously maintained that the fulfillment of this solemn pledge is to be found in the Platt amendment, placed by the Senate upon the Army bill, and placed there in violation of every rule of parliamentary procedure? I can not believe it. The pledge which we gave to the people of Cuba was unqualified; was accompanied with no conditions, no limitations and no restrictions. And yet we say to this people in this amendment that, as a condition precedent to the withdrawal of the troops of the United States, you shall engage "never" to "enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, or in manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island."

We say they shall agree, before we will give them the freedom we promised, that they shall "not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of the government, shall be inadequate." We insist upon reserving "the right to intervene for the preservation of Cuban independence." We arrogate unto ourselves the right to require that the Cubans shall execute certain plans and devise others "for the sanitation of the cities of the island;" we demand "that the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba," and, lastly, we stipulate that "the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specific points, to be agreed upon with the President of the United States." Gentlemen tell us these stipulations are all reasonable, and most of them are necessary to safeguard the interests and protect the health of the people of the United States.

My reply is that they are inconsistent with the full and complete enjoyment by the people of Cuba of sovereign rights which we are in honor bound to respect, and therefore violative of a most solemn pledge given the people of the whole world as well as those of Cuba. I do not believe this great, enlightened, and Christian nation can afford to commit an act of such palpable injustice and such glaring bad faith. There is no immediate necessity for any Congressional action, and certainly no earthly excuse for this hasty, ill-advised, and perfidious legislation, likely at any moment to provoke hostilities between the United States and the very people for the establishment of whose freedom and independence we waged a costly and a bloody war with the Kingdom of Spain.

That this bill, as it has been amended, will be enacted into law, thus carrying out to the uttermost the programme of President McKinley and his advisers, I do not for one moment doubt. If it be the desire and the purpose of those who are directing the affairs of our Government and who are responsible for this vicious proposition—to drive the Cuban people into open revolt, I can conceive of no surer means for the accomplishment of that end. Is it to be expected that a high-spirited people like the Cubans will be content with an American protectorate when they were promised freedom and absolute independence? I do not believe that the framers of this faith-breaking amendment even hope that they will. Their desire and evident purpose is to arouse in the Cubans a spirit of resistance.

Mr. Speaker, bad as is the legislation proposed in the amendment which relates to Cuba, it does not compare in atrocity to the Spooner amendment, which is intended to place in the hands of one man all legislative, executive, and judicial power over the lives, liberties, and fortunes of the ten or twelve million of human beings who inhabit the Philippine Islands. Such legislation as this is not only unparalleled in the history of legislative enactments, but it is absolutely subversive of those principles of free government upon which the American Republic is founded.

For two years President McKinley, as Commander in Chief of the Army, has been attempting to establish, at the point of the bayonet, a military despotism in the Philippine Islands.

Now he asks for, and is to be given by a subservient Congress, authority to establish a civil government with undefined and absolute powers, to be supported, of course, by a powerful military establishment. The amendment, or that part of it which clothes the President with autocratic power for an indefinite period, is in these words:

> All military, civil, and judicial powers necessary to govern the Philippine Islands acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Mr. Speaker, I do not believe that such absolute and unrestricted power as is contained in this amendment was ever before conferred upon any ruler, in any age, by any people, in any quarter of the civilized globe. That it is within the constitutional power of Congress to confer upon any man, or any set of men, such absolute undefined and unlimited power, I can not believe. The Constitution declares that:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The power to legislate for territory belonging to the United States is expressly conferred upon the legislative branch of our Government, and it must be that Congress can not delegate that power to the Chief Executive, to be by him in turn delegated to an irresponsible commission. There is no excuse for this ill-advised and unprecedented action. We are now within three days of the closing hour of this Congress. If this pernicious legislation is necessary now, it was necessary when the Fifty-sixth Congress assembled more than a year ago. It comes now coupled with the threat that unless the power demanded is given the President he will call the Fifty-seventh Congress together in extraordinary session, and cause to be enacted legislation affecting the Filipinos even more vicious than that which is now proposed.

This Congress is arrogantly told that unless it accedes to the demands of the President another Congress, more largely Republican, and therefore more subservient, will be immediately convened and legislation enacted more objectionable even than this. Speaking for myself, an extra session, under circumstances such as these, could have no possible terrors for me. Thus, Mr. Speaker, is to be extorted from Congress the most shameful and pernicious enactment that ever blotted the legislative history of the American Republic—legislation which the wisest and most patriotic of all the Presidents of these United States would have shrunk from executing if required to do so. It has been said upon this floor and elsewhere—and a Republican press has published it abroad over the land—that this Spooner amendment was an exact reproduction of the language of the act of 1803.

It is true that a portion of the language of the act of 1803, authorizing President Jefferson and his appointees to establish temporarily a civil government in the Louisiana Territory, has been incorporated in the Spooner amendment; but an examination and comparison of the one with the other will, I think, demonstrate very clearly that the two are in no wise analogous. The distinction between the two acts is as broad as the different purposes to be served could make them. They are totally and radically dissimilar in most essential particulars. The Louisiana act is in these words:

> Until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

The treaty under which the Louisiana Territory was acquired provided in terms that its inhabitants should become citizens of the United States, and as such be entitled to enjoy all the rights and privileges attaching under our Constitution to that citizenship. The Paris treaty, under which we are attempting to subjugate and hold the Philippine Islands, contains no such provision. On the contrary, it was solemnly declared not to be our purpose to confer upon the Filipinos the rights and privileges of American citizens at the very time of the ratification of the Spanish treaty. The act of 1803 conferred no legislative authority upon the President and his agents. It recognized the existence of a civil government and authorized the President to administer laws then in existence. It was intended to be temporary and provisional, and was in effect for less than five months.

The Spooner amendment, as I have already said, confers legislative and judicial as well as executive powers upon the persons appointed by the President as the instruments to carry into effect his autocratic and unlimited powers, and there is no limitation placed upon the period during which they may be exercised. The same persons who are to make the laws for the Filipinos may construe and execute those laws. The property, liberty, and lives of millions of human beings are placed absolutely at the mercy of one man and his irresponsible satraps. It is not true, as has been said, that the President, as Commander in Chief of the Army, has this absolute power now. If that were true we would not be called upon to enact the legislation embodied in this Spooner amendment. As Commander in Chief of the Army the President would not dare exercise such vast and unlimited powers as are now to be conferred upon him by Congress. It is difficult to realize the extent and tremendous scope of these powers.

A carbetbag government is to be established and numberless fat offices created. Thousands of civil officers are to be appointed and millions of dollars expended by one individual, without accountability therefor. No such absolute, autocratic, despotic, imperialistic, and monstrous power was ever exercised by the Czar of all the Russias. The very contemplation of what is in store for the downtrodden Filipino is appalling to one who believes in the principles of free self-government and is not dead to every sense of justice. When the people grow weary of the task of self-government and turn it over to any man, be he the best and greatest of men, it must inevitably prove the commencement of that fatal descent which in the history of nations has been so rarely checked.

Mr. Speaker, I realize to-day as never before during my whole service in this House, that that "eternal vigilance" which is the "price of freedom" has been lulled to sleep, and that if it is ever to be awakened again the liberty-loving people of this great Republic must shake off the fatal lethargy by which they now seem oppressed and once more assert their right to govern themselves and to direct and control their own affairs. [Applause on the Democratic side.]

Mr. SULZER. I now yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, the resolutions known as the Spooner resolutions, placed on this bill as a rider in the Senate, raise two very important questions. First, what steps, if any, should now be taken to define our future attitude toward the republic of Cuba; and, second, shall the Congress definitively sanction the establishment of arbitrary government in the Philippine Islands, ignoring the Constitution, and invest the President with the powers of all?

Concerning the proposal to lay down, at this time, ironclad instructions for the guidance of the constitutional convention now in session at Habana and the government it is about to establish, I desire to make a few observations. I concur in the views of many of my colleagues, who have declared in my presence that in respect to several matters of the utmost importance it is the duty of this Government, and its right, to have something to say as to the affairs of Cuba.

I am of opinion that the question should not be broached by this Government until the Cuban constitutional convention shall have finished its work. It has agreed upon a constitution for the republic. The Cubans know what we desire, and their representatives have under consideration at this time the very matters to which the pending resolution refers.

News comes from Cuba that no objection will be interposed to a stipulation guarding this country against the danger of treaties with foreign countries inimical to the interests of the United States. I am glad to know this, for I unhesitatingly declare that it is not only the right but the duty of this country to supervise the foreign power relations of the island in such a way and to such an extent as will save Cuba from embroilment with foreign powers. I think we should see to it also that Cuba shall contract no debts or obligations of a nature or in quarters which might in the future imperil her safety.

Mr. Speaker, not long ago the German Emperor sent a man-of-war to the island of Santo Domingo as the bearer of a sight draft against the Government of that island. Bombardment and invasion were threatened, and the poor islanders were compelled to pay the claim. Five or six years ago Nicaragua was invaded by the English and a similar outrage was perpetrated there. Are these cases to be regarded as precedents?

Our Government made no protest, and so the proceeding was at least tacitly approved at Washington. It may be said the claims were just, but who knows they were just? The little Republics thus assailed demanded arbitration, and the fact that it was refused is some evidence that they were robbed.

The United States is bound by the highest considerations to safeguard Cuba against similar complications; for, Mr. Speaker, any attempt of a foreign power to repeat in Cuba the proceedings in Santo Domingo and Nicaragua, to which I have referred, would not be tolerated by the United States. To put it plainly, whatever would endanger Cuba in the future is of interest to the people of the United States, and it is only reasonable that we should seek to throw about the island such safeguards as are manifestly necessary to her safety.

I do not believe we have any right to demand the cession of coaling stations in Cuba, or that we have any right to lay claim to the Isle of Pines or any other appanage of the island. I deplore the fact that any such demand is to be made, for I firmly believe it will lead to friction and probably to disaster.

I deplore the fact that any demands whatever should be made upon the island while the representatives of its people are in session considering the very questions dealt with in this resolution. Under such circumstances any action whatever on our part is an insult. We have no right to suspend over the heads of the delegates to the Habana convention as a menace the sword of a dictator.

I firmly believe that as to all matters concerning which we have reasonably a right to be consulted the people of Cuba stand ready to make most ample concessions. To project into the deliberations of the constitutional convention this brutal threat of intervention in the affairs of the islands if this or that be done or omitted is to endanger the peace of the island and may lead to a tragedy. Sir, we are not unfamiliar with conditions existing in Cuba.

We know that in the island are numerous factions, each anxious to gain ascendency in public affairs. We know that naturally the inhabitants are intensely jealous of any interference of Americans in the affairs of their country. We know that the designing demagogue is sure to call in question any concessions made by the constitutional convention. We know that as a result of a decade of civil war the island has suffered pitiable demoralization, and that its chief danger arises from the presence of a large class, debased by evil environments, ready for the resumption of the life of the guerrilla soldier, because they would rather fight than work.

Mr. Speaker, to this debased element and to over-zealous patriots who will be angered by this unjustifiable proceeding, the demagogues and the disturbers of the peace who make no concealment of their hostility to Americans will appeal. By these classes the patriotic men of the Cuban constitutional convention must expect to be assailed. No matter how well the work intrusted to them may be performed—no matter if the concessions made to the United States be plainly for the best interests of Cuba, still there is small hope that the members of the convention will escape bitter denunciation and unwarranted criticism. By passing this resolution we multiply the difficulties with which they are dealing.

We put a club into the hands of their enemies. Sir, the ink will not be dry upon the Presidential sanction of this measure before Cuba will be ringing with denunciations of those responsible for its passage and any Cubans who favor compliance with its requirements. And may Heaven decree that nothing worse than verbal warfare may result from it. Deplorable indeed is the fact that the party in power feels constrained to take a step which will unmistakably tend to prevent the growth of affection for the great Republic in the hearts of the people of the island, for of all the Spanish-American states of whom Columbia is the mother, Cuba should be her favorite daughter.

Sir, from the beginning I have looked forward to the time when, amid joyous acclamation of her people, Cuba will seek political union with the United States, and I condemn not only as unwise, but as criminal, a measure which assuredly will postpone, if it does not wholly prevent, this consummation so devoutly to be wished. [Applause on the Democratic side.]

Mr. Speaker, the resolution providing for what has been misnamed civil government in the Philippine Islands marks the passage of the line which separates the republic from the empire. Its passage will accomplish the revolution foreshadowed soon after the occupation of Manila by American troops.

The first step in the direction of this revolution in our form of government was taken when we bought from Spain a country of which Spain did not have possession, and to which, under old-fashioned American ideas, she had no shadow of a title—a country which had cast off by force of arms a government of force endured for centuries, and which, when we purchased it, was in the hands of its inhabitants, its only legitimate owners.

The next step was taken when our army in the Philippines was ordered to overthrow the domestic institutions of the islands and forcibly subject them to American rule. Upon the assumption that the end has been reached or is near at hand, this, the final step, is about to establish over there a government essentially arbitrary, possessing unlimited power over the inhabitants, who henceforth are to have no voice in choosing their officers, or in devising laws for the imposition of taxes, or in controlling public expenditures, or in the enactment of the laws under which they are to live.

Mr. Speaker, if the fundamental precepts of liberty professed by the founders of this Government, inscribed in its Constitution and the amendments thereto, and heretofore proclaimed by Americans of all parties as the very formula of freedom, applicable to all classes and all lands—if government by force is violation of republican principles and despotic invasion of the rights of men—then certainly the departure we are making accomplishes a complete revolution in our institutions.

It vests in the President, as ruler of the Philippine Islands, executive, legislative, and judicial powers. What is the difference between the republic and the empire? Why, in the republic the executive possesses only executive powers. The people, through their representatives, make the laws, and courts chosen by the people construe them.

In the empire the emperor—one man—personally or through agencies of his own choosing, exercises all these powers. Tell me, then, when this law shall be placed on the statute books, will the Philippine Islands enjoy the blessings of the Republic, or be

compelled to endure the hardship of living under an absolute government? Our Chief Executive will continue to be the President of the United States, presumably restrained by its limitations.

He will become the ruler of the Philippine Islands, exercising all governmental powers, with no limitations whatever upon his exercise of power, and may deal arbitrarily with the laws, fortunes, happiness, and destiny of 12,000,000 people who are to be brought by force under his dominion and control. Deny it as you will, but as sure as God reigns, henceforth the President of the United States will be the emperor of the Philippine Islands. [Loud applause on the Democratic side.]

Mr. SULZER. I now yield two minutes to the gentleman from Tennessee [Mr. CARMACK].

Mr. CARMACK. Mr. Speaker, it is a criminal farce to force to a vote a question of such gravity as this without debate, for the few minutes yielded to its discussion can not be dignified with the name of debate. There is hardly time to protest against this outrage upon the right of free speech in this House of the people, much less to debate the merits of the question upon which we are to vote.

The majority have no respect, even for the appearance of decency, in their headlong haste to perpetrate this crowning act of a shameful and iniquitous programme. An act which attacks the very fundamental principles of our free Government and disgraces forever the fair name of our country is to be hurried to completion with such swiftness that there is hardly an opportunity for honesty to utter its indignant protest against the crime.

This is no time, Mr. Speaker, to mince words. The passage of the so-called Spooner and Platt amendments will be an act of infamy, and every man who votes for them willfully, deliberately, and premeditatedly becomes a party to the crime. This, sir, is but one more chapter in this Administration's monotonous and unbroken record of perfidy, falsehood, and dishonor. I believe it will be the deliberate judgment of history that no Administration in this country, or in any other civilized land, has ever shown such brazen and cynical contempt for the nation's honor or for its own.

When the future historian comes to write the story of this Administration, he will search in vain for a single promise which it has not violated or a single trust which it has not betrayed. Sir, the sickening laudation which craven politicians in this House or in the other lavish upon the President and his Administration may be rewarded with official favors, and thereby answer the only purpose they were intended to serve, but courtiers and flunkies do not write history. They can not change the historical facts of this controversy, and these facts rise up in judgment against this Administration.

The President of the United States in a solemn message to Congress declared that the forcible annexation of a country without the consent of its people would be a crime. He is now using all the military and naval power of the United States and wasting without stint the blood and treasure of his country to commit the very crime he then denounced. This Congress passed a resolution declaring that the people of Cuba were, and of right ought to be, free and independent. Not content with that, it expressly disavowed, by solemn resolution, any intention to exercise authority over the people of Cuba, but declared that as soon as peace should be restored the people of that island should be left free and independent. The President of the United States, in a message to Congress, declared that this was a pledge, an obligation binding upon the honor and the conscience of the country, and that it must be sacredly kept.

Mr. Speaker, when the President made that declaration in his message, I, for one, dismissed as groundless and unworthy the suspicion that the Administration harbored a secret design to violate its promise and to overthrow by force the liberties of the people of Cuba. But who can say now that the President has a right to be trusted when he has given his word? That there should be close political and commercial relations between this country and Cuba I fully agree; that by dealing with these people in a frank and friendly spirit we could have obtained everything we had any right or reason to ask for, I have no doubt whatever. What, sir, is the meaning of these conditions which we seek to impose on the people of Cuba?

I put to the gentleman from Ohio [Mr. GROSVENOR] the question as to what the Government proposes to do in the event the people of Cuba should refuse to accept these limitations upon their independence. He sought to evade the question, but finally answered that this proposition was our ultimatum to Cuba. An ultimatum, Mr. Speaker, presents an alternative of war. "Submit to these terms or I come upon you with fire and sword"—that, sir, is an ultimatum, and that is what the gentleman from Ohio tells us is the intent and purpose of this Administration.

Mr. Speaker, I am amazed at some of the arguments that have been made by some of the gentlemen on the other side of the Chamber. Some of them, carried to their logical conclusion, go to the extent of justifying human slavery as it once existed in this country, and some of the very precedents now cited to justify this Administration were damned by the Republican party in the first breath of its existence.

The gentleman from Ohio [Mr. GROSVENOR] shakes in our face the Ostend manifesto, which the Republican party denounced in unmeasured terms in its first platform, and which many people had come to believe was buried beneath a weight of obloquy beyond all hope of resurrection. Other gentlemen cast into our teeth the laws of many Southern States, which they charge are intended to disfranchise the negro. Mr. Speaker, we have heard these accusations in the past, but they come to us now with a different meaning. They were once uttered to bring shame and reproach upon the Democratic party. They are now cited to justify the course and policy of the Republican party.

At one time the Republican party and Mr. McKinley himself used to denounce us for violating the principles of the Declaration of Independence by our restrictive legislation against the negroes; but now we are given to understand that they propose to follow our example. Mr. Speaker, I wish that I had the time and the opportunity to deal with the attempt to show a parallel between some of the laws of the Southern States and the policy of the Administration in the Philippine Islands. But let me say this, Mr. Speaker, that if it be true that we have any people under our flag with respect to whom we can not act in the spirit of the Declaration of Independence, it is unfortunate that it should be so, and if that condition did not already exist I would not go 10,000 miles away to wage a bloody and costly and destructive war in order to create it.

Let me say, further, that it is one thing to leave a people of an inferior race to govern themselves in their own country and according to their own laws and customs and state of civilization, and it is quite another thing to let such a people make and administer laws for you. I would never consent that the people of the Philippine Islands should share in the government of this country, for while I think they can govern themselves I do not believe they are fit to govern us.

But all these things, Mr. Speaker, do not touch the fact that we have bound ourselves by a most solemn pledge not to do the very thing we are doing now. The Republican party and this Administration proposes to violate that pledge upon the cold-blooded plea that there is profit in dishonor and money in crime.

Mr. SULZER. I now yield to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I yield to the gentleman from Missouri [Mr. BENTON].

Mr. BENTON. Mr. Speaker, I am in favor of the soldiers in the Army of the United States being paid. In opposing this bill I am not striking at our soldiers. I am opposed to the whole miserable policy which forces upon the American freeman and taxpayer an Army so large as to make it cost five times as much as it did four years ago; but the American soldier should bear no part of the blame. It is his part to obey orders; it is his to do, to suffer, even to die in obedience to orders, and we honor him for his sturdy courage and patience. Bad as was this bill when it left the House in enormous expenditure, it was unobjectionable compared to the bill as it is returned to us with its infamous amendments. To the amendments, Mr. Speaker, I address my remarks. Out in Missouri in 1900, when I declared in public speeches that "the Republican party did not intend to live up to our honorable declarations regarding Cuba," that it was the intention of the Administration to violate our pledged faith and steal Cuba, I was denounced as a partisan falsifier. I wish I had been mistaken in my statements, but these amendments bear me out.

Mr. Speaker, I call the attention of the House to amendments concerning Cuba. I think it proper just here to see what we said when we were about to go to war with Spain. Let honest Americans who have some regard for national honor read:

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited; Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

THOMAS B. REED,
Speaker of the House of Representatives.
GARRET A. HOBART,
Vice-President of the United States and President of the Senate.

Approved, April 20, 1898.

WILLIAM McKINLEY.

Mr. Speaker, before this proposed legislation is enacted into law there ought to be a resolution pass the American Congress absolutely and unqualifiedly repudiating the resolutions of Congress approved April 20, 1898. Men ought at least to be brave when they determine to enact villainous legislation; legislators should not enact villainies under shadow or cover. The Congress should boldly say: We fooled the world when we made it believe that we went into war with Spain to avenge our honor or in the interest of humanity; Congress ought not to hide any further: the Administration and its Congress ought now to mean what they say, and to do that, should repudiate all declarations of the past.

I have just quoted the action of Congress on April 20, 1898; now, what is proposed in this bill?

The text of the Cuban amendment is as follows:

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to leave the government and control of the island of Cuba to its people so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I. That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II. That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking fund provision for the ultimate discharge of which the ordinary revenues of the island after defraying the current expenses of government shall be inadequate.

THE RIGHT OF INTERVENTION.

III. That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States now to be assumed and undertaken by the government of Cuba.

IV. That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V. That the government of Cuba will execute and as far as necessary extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba as well as to the commerce of the Southern ports of the United States and the people residing therein.

VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future judgment by treaty.

VII. That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII. That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

Here is notice served on the people of Cuba:

Put the substance of these declarations into your constitution or the United States will maintain its military control of your territory.

The United States shall be suzerain over Cuba, we here boldly say by an amendment to an appropriation bill, or we will not remove the military forces of this Government from Cuban territory. We demand of the convention now preparing a constitution for the government of Cuba that it shall solemnly agree that the United States shall be permitted to assume a protectorate and become suzerain over Cuba or we will hold and exercise authority with the mailed hand of military power.

By the amendments to this bill we assert our right to stand in the same relation to Cuba that Great Britain did to the Boer republics, which she has recently destroyed and for which she is denounced by the great majority of Americans.

That is a shrewdly constructed clause which demands that the United States may "exercise the right to intervene for the protection of life, property, and individual liberty." Under this clause our Government may on the slightest pretext pour into Cuba soldiers to suppress outbreaks of internal troubles.

Section 4 proposes to validate all acts of the United States while in the island, and particularly to validate rights acquired while we were in possession. It is meant here to fasten on the constitution of Cuba all franchises procured while we held military possession. It is meant to force the Cubans to indorse all unconscionable contracts made for the benefit of corporations. In this clause the Republican party proposes to keep faith with the plunderers who have furnished the funds to keep it in power.

Mr. Speaker, these declarations which come to us from the other end, and which this majority will soon fasten on this bill, and which by the signature of the Executive will soon become an act of Congress, show the inconsistency, the lack of good faith of the party that said in their national platform of June, 1900:

To Cuba, independence and self-government were assured in the same voice by which war was declared, and to the letter this pledge shall be performed.

And this bill will doubtless be signed by the same Execucutive who said: "Forcible annexation would be criminal aggression." Within the week the American Congress will spit on, repudiate the promise we made to the people of Cuba, to ourselves, and to the world in the declaration:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

When it is done this Government will be dishonored, because a government is dishonored when it breaks faith, and we will be doing it for the meanest of reasons—material advantage. It is said we have a right to supervise Cuba in her treaties and other obligations because of our assertion and maintenance of the Monroe doctrine. I deny it. As an American and Democrat I deny it.

The doctrine that takes the name of the patriot and democrat who left his blood on Revolutionary battlefields and who gave us a wise, brave, patriotic Administration, goes to no such lengths. The true, honest American doctrine is to permit the people of Cuba to establish a government of their own, under our solemn pledges made to them and to the world, demanding no cession of territory as our right; no demand of military, naval, or coaling stations; no demand that dishonest bargains be validated; no suggestion that the military of our Government will continue to control. When Cuba has a government, when she is sovereign, then if a foreign power shall endeavor to encompass her sovereignty in any way, or make demands detrimental to our rights as we declare them under the Monroe doctrine, we can say, we must say, no. We shall then declare the United States stands by to see the liberties of Cubans preserved and our own rights on this hemisphere observed. This is not only the honest American doctrine, but is the true democratic doctrine. We have no right to put Cuba into "leading strings." These amendments are not put on this Army appropriation bill for Cuba's good, but to make excuse for keeping soldiers of this country in Cuba and to validate franchises procured by scoundrels while our Army was in control there. The Republican party ought to stand out in the open.

Mr. Speaker, your party is in full and complete control of every branch of this Government. The Cubans, who have longed for liberty and fought for freedom so faithfully, are at the mercy of this Goverment, which is in control of the Republican party, and your party is owned, body and soul, by a conscienceless lot of looters and plunderers. Sir, the great Republican party, that is just about to begin a new lease of power, should not shuffle in this matter. Be brave enough to say that you have made these dishonorable demands on the people of Cuba, expecting them to refuse, and that it is then your intention to maintain military supremacy. Say boldly that you intend to back up the buzzards that are preying on the prostrate Cubans by driving hard bargains and procuring by intrigue special privileges.

Sir, your leaders boast of Republican courage; now exhibit it. Announce to the world that you intend, though Cuba is now pacified, to repudiate section 4 of the joint resolution of April 20, 1898. Say you intend to make the United States an Ananias. Tell the world that the United States is in Republican control, and that means the control of plutocrats, who have no regard for the honor and pledged faith of the great Republic. This bill lacks one amendment to complete your real meaning. You should add: "Resolved, that Cuba contains good stealing for more Neelys and Rathbones; that her people can not help themselves, and we intend by these amendments to drive the Cubans into desperation and then to boldly take the island and make of it what we propose to make of the Philippines—a plundering ground for trusts and syndicates."

Men trained in the real faith of the Democratic fathers believe that our Government ought always to encourage liberty; to see that "equal and exact justice" is dealt to all men; to use all our power as the favored people of the earth to see that free government is encouraged everywhere, and especially in the Western Hemisphere; that when any people in North or South America, or the islands adjacent, declare and maintain a government of their own, that foreign people shall be told that no interference will be tolerated by the United States which affects the integrity of such governments. And the true American, the faithful American Democrat, believes that such base repudiation of our pledges to the Cuban people as is meant by the amendments to this bill is perfidy; that the President, who signed the Teller resolution, was right in declaring that the "highest honorable obligation rests on this Government to carry out the provisions of our pledge."

And we believe that no excuse can be offered for refusal to stand by that pledge that will not emphasize our national disgrace. In that resolution we affirmed that the people of the island of Cuba were and of right ought to be free and independent, and I voice the belief of Democrats when I denounce the intention of the Administration to repudiate that solemn pledge. The people of Cuba, by their constitutional convention, have adopted a constitution for their government, republican in form, and should be permitted to decide for themselves, as did the Republic of Texas, as to whether they want to become a part of the American Republic, and then it will be time for us to decide whether we will admit Cuba into these United States. Sir, let us be honest with each other. No political student can deny that these amendments destroy the sovereignty of Cuba; no government can be sovereign that is denied the right to make any treaty. We herein demand that she covenant with us for all time not to become sovereign. Mr. Speaker, on this Army appropriation bill, carrying a larger amount of money than is expended by any foreign nation for its army, we have tacked this amendment:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th of November, 1900, shall, until otherwise provided by Congress, be vested in such a manner as the President of the United States shall direct for the establishment of civil government, and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Here we see proposed power unlimited to be given the President. Never before has any Executive of these United States had such power. The curb is to be taken off and free rein given the President.

The President of the United States is a creature of the Federal Constitution. In the States comprising the Federal Union he can have no such authority given him, yet ten millions of people over whom our Government claims dominion, a constitutional Executive of a free republican government is to be given the right to make and judicially construe laws. The advocates of this amendment insist that they have a Democratic precedent during Mr. Jefferson's Administration, in the Louisiana territory. I challenge the assertion. This amendment is not on all fours with authority given Mr. Jefferson. Article 3 of the treaty by which we acquired the Louisiana purchase is as follows:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Here we see that Mr. Jefferson was hedged in by a treaty which has the force of law—to see that this territory be formed into States as soon as practicable. Meanwhile he was compelled to see that the people be protected in their liberties and religion. No such guaranty is given the Filipinos; no promise is made that they shall ever have the proud boast of American citizenship. The reading of Article IX of the Spanish-American treaty, ratified by the United States in February, 1899, says: "The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress." No treaty rights protect the Filipinos. And now Congress is to surrender its power to legislate, here you are to give the President power to legislate, and he is under no treaty obligation to give to these people at any time the blessings of free government. Mr. Jefferson was bound by treaty, as was the Congress, to carve the territory of Louisiana into sovereign States as soon as practicable. But the majority here insist that the proposed amendment confers the same power that was by act of Congress given to President Jefferson. I deny it. Here is the act of 1803:

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Approved October 31, 1803.

By its terms the authority for the President to act was limited to the expiration of the session of Congress. Besides, Mr. Jefferson was only authorized to appoint persons to exercise the same powers as were already "exercised by the officers of the existing government of the same." In other words, they were authorized by the President, through Congress, to execute and enforce power existing when the United States made the Louisiana purchase. Another statute was passed in 1804 vesting the power of governing the Louisiana Territory in "a governor and thirteen of the most fit and discreet residents of the territory."

The act of October 31, 1803, was temporary, to continue until Congress could act. We have had such title as Spain could give by quitclaim deed of the Philippine Islands for more than two years. Ample time has been had for organizing a Territorial government, as was done for Louisiana within a year of its purchase, yet the Congress is to turn over the control of the archipelago to the President. And more, the views of Mr. Jefferson, well known to Congress as being in favor of government by the people, made it clear that he would shrink from exercising imperial power. In the Louisiana case the few people then in the territory were protected by treaty, while in the Philippine case the people depend upon the whims of an Executive who can not be depended on to have the same mind on any question very long. Mr. Jefferson believed and taught the blessed doctrine of government by the people, while Mr. McKinley believes in government by force and by manipulation of trusts. Mr. Jefferson fostered liberty. Mr. McKinley fosters commercialism at the expense of liberty.

Mr. Speaker, from the day of our landing at Manila we have fooled the Filipinos. They were our allies before the power of Spain was broken. They were bullied into fighting our soldiers and then pronounced rebels and traitors, though they never did acknowledge allegiance to this Government. You take a people against their will and then proceed to govern them as if these United States had the power of a monarchy. I denounce the whole miserable business as being un-American, undemocratic, unrepublican. The Republican party is drunk with a renewed lease of power and is determined to exploit Cuba and the Philippines for the benefit of the trusts, no matter how much blood is vomited, no matter how much liberty is destroyed. I expect to see the time come when your crimes will overtake you. [Loud applause.]

Mr. HAY. I now yield to the gentleman from Missouri [Mr. VANDIVER].

Mr. VANDIVER. Mr. Speaker, the infamy which this amendment seeks now to legalize is a monstrous outrage upon the Filipino people. It is well illustrated in this modern fable of the eagle and the fish. The eagle having rescued the fish from the hawk, then seeing what a dainty meal he would make, pounced on the fish himself; and as he sails away with his prey the fish makes appeal for liberty and freedom; and the eagle makes this response—the same that McKinley now makes to the plaintivecry of the Filipino:

How ungrateful you are
Since I've traveled so far
To emancipate you from
The tyrannous hawk,
Thus of freedom to talk,
And imagine you've a claim
To the home whence you came.

Indeed, I've designed
And had only in mind,
As distinctly I said in my late proclamation,
To secure for your race
A superior place
By means of benevolent assimilation.

[Applause.]

Thus into the air,
'Spite of protest and prayer,
The fish goes aloft to the bird's habitation;
And the bird is so filled
With the fish that he killed
That he too dies of benevolent assimilation.

[Laughter and applause.]

Now, Mr. Speaker, what does the Republican party propose? Observe, it says "all military and civil and judicial power" is to be vested in the President. His appointees are to be the only legislators also. Is anything lacking to make up imperialism? During the last campaign your party denied the charge that you were seeking to change the character of this Government. You denied that you were imperialists. Everywhere throughout the length and breadth of the continent you proclaimed your love for the Constitution. You professed still to cherish the doctrines of the Declaration of Independence. You laughed to scorn our charge that your party was not faithful to the ideals of this Republic. You succeeded in carrying the election. Now, you openly and boldly repudiate the plain provisions of the Constitution. With unblushing effrontery you even go a step farther and do the very thing we prophesied you would. Here is an amendment that was offered to your proposition in the Senate day before yesterday, and it was defeated by a strict party vote; Senator HOAR was the only Republican Senator who still had courage enough to show his fondness for the Republic and dread of the empire:

And provided further, That no judgment, order, nor act by any of said officials so appointed shall conflict with the Constitution and laws of the United States.

Every Republican voted against this amendment except Senator HOAR.

Your party has even refused to make these officers whom you appoint in the Philippines take the ordinary oath required of officers in this country to support the Constitution of the United States. They are merely to be the satraps of His Majesty William of Canton, who is to be enthroned on next Monday.

I realize, Mr. Speaker, that nothing I may say, nothing that any man can say on this floor, will change the result. It has been predetermined. Your "boss" has drawn the party lash, and like slaves you will do his bidding. "Base, ignoble slaves," "you crouch and cower like belabored hounds," and do your master's

bidding. It is a shame and disgrace—a foul infamy. The vocabulary of condemnation is too weak to express the profound contempt which your conduct merits. Words are feeble instruments. I would to God I could command some more powerful means of expressing my horror and condemnation of this infamous proceeding.

Men calling themselves gentlemen, and representatives of a Christian country, professing faith in Democratic form of government, now propose to legalize and authorize robbery, murder, and spoliation of weak and helpless people, merely because you want possession of their lands, and the patronage and profitable business of governing them, and you are not even willing to govern them under the limitations and safeguards of that Constitution which has been the bulwark of liberty on this continent. You propose to go into the business of government purely for profit. Your war of "benevolent assimilation" has degenerated into a war of conquest and extermination. The mines, the forests, the fields, and all franchises in the Philippines have tempted you, and the devil of tyranny which has so long slumbered in your bosoms now asserts itself. I speak advisedly and prudently when I speak of these selfish motives which lie back of this cruel war.

As early as August 13, 1898, a Cabinet official cabled to Admiral Dewey that the President desired to know what were the most desirable possessions for us to make in those islands. Here is his cablegram, addressed to Admiral Dewey, Manila:

WASHINGTON, *August 13, 1898.*

The President desires to receive from you any information you may have of the Philippines; desirability of the several islands; character of the people; coal mines; other mineral deposits; harbors; commercial advantages, in a naval and commercial sense; which would be the most advantageous.

SECRETARY OF THE NAVY.

In reply to this Dewey mentioned the "undeveloped coal mines, mineral deposits, and other advantages" of the island of Luzon, and also called attention to other islands, after which McKinley decided to take them all.

Do you find in that cablegram or its reply anything about the good of the governed? Anything about humanity or civilization? Anything about the spread of constitutional liberty? No! It is a cold proposition of greedy and damnable conquest. More than this, all the shameless proceedings are well illustrated here in this House to-day. The chairman of the committee having this bill in charge, which now increases the Army of the United States to an hundred thousand men at an expense of $150,000,000 a year to carry on this infamous business of conquering the Philippines, openly confesses that he is himself interested in the business—financially interested; that he is the president of a great land and lumber company lately organized for extensive buinesss in the island of Luzon. Without meaning any disrespect or personal offense to the gentleman from Iowa, who is the president of this Philippine land and lumber company, I mention it only because it illustrates the low standard to which we have fallen.

Here is one leading member of this House operating in the timber lands of Luzon; another prominent member operating in sugar lands in Cuba; another company is now being organized to control the street-car lines in Manila; another one to secure railroad franchises; another one the electric franchises, while the great monopoly, which includes the whole Republican party here, is now seeking to get control of the entire business of government. A monopoly of government means a thousand or more fat salaries for civil officers in addition to the immense list of the Army and the Navy.

Who is it crying out for the blood of the Filipinos because they refuse to submit to these outrages? Is it the ordinary American citizen, wanting a place to build a home for himself and family? No, he would never think of going to the Philippines, where the climate is hostile to the white race, and where the country already has a population of 65 to the square mile, while our country has only 23. Who is it that urges on this campaign of slaughter and extermination? It is the speculator, the franchise grabber, the land grabber, the gambler in other men's rights, the trafficker and trader, who is willing to slaughter a thousand helpless victims in order to build up his own private fortune. Aye, willing to exterminate whole tribes and races of people in order to exploit their lands and resources. Oh, sir, this is a crime against humanity; a curse which future generations will hold you responsible for. A day of retribution is not far distant. Your hypocritical pretenses of patriotism have carried you along so far, but the time of awakening will come.

You say you are giving these people the same privileges and safeguards that Jefferson gave to the people of the Louisiana territory. You know it is a falsehood. You know it is an outrageous falsification of the facts of history. Turn to the third article of the treaty of 1803, by which we acquired possession of the Louisiana territory from France; read those words in that treaty. How do they compare with your absolute refusal—by a party vote—to be governed by the Constitution. You say that Jefferson did not wait for the consent of the Government. You know very well that the people of the Louisiana territory preferred to be under American government instead of French government. You know that that sentiment was so nearly unanimous that it was taken for granted, without a formal declaration. Furthermore, you know that, with the exception of the Indian tribes, the settlers in that territory belonged to our own race of people and had come mostly from our own States. They were the children of our own Commonwealths.

You know, too, that the colony of New Orleans under French rule was a source of danger, and our country needed possession of it in order to avoid a foreign war, while McKinley purchases distant islands and brings on a foreign war. You also know that the promise of statehood was held out to the inhabitants of the territory, and that now we have fifteen States carved out of it and three more ready to be, while nobody here is willing to admit the Philippines to the privilege of statehood. You know all of these things, and still, with falsehood on your lips and hypocrisy in your hearts, you plead the peaceful acquisition of contiguous territory, settled and to be settled by an homogeneous race for the spread of constitutional liberty and the permanent establishment of peace and happiness on this continent as a sufficient excuse for the war of foreign conquest and the establishment of arbitrary and imperial government over millions of people of an alien race 7,000 miles beyond the sea.

Your hypocrisy will not go unmasked. The thin veil of patriotic pretense will be torn away; the truth must be known. The sacred name of religion can not always be used to shelter the devil's purpose. Thank God, there are still some Christian people in this land—some people who still preserve the essence of Christian teachings. The political freebooters who masquerade as Christian civilizers will some day pave the streets of hell with their sordid souls, and God will raise up a generation of honest men, who will see the truth and be willing to deal justly with their fellow-men, of whatever race.

It may be that we shall first have to learn the unprofitableness of the dangerous business in which we are engaged. We may have to learn that an Army of an hundred thousand men and a Navy of 40,000 can not be supported on nothing; that they can not even be supported on the proceeds of plunder and spoliation of the helpless people we are slaughtering. We may have to learn by hard experience that $750,000,000 a year—the amount appropriated this year by this Congress—has to be wrung from our own people year after year by the hand of the taxgatherer. We may have to learn that this amount is equal to a tax of $50 on each family of five people in the United States, or that it is equal to the entire volume of the wheat crop of the United States, or, to put it in a different way, we may have to learn, as the people of Italy and some other parts of Europe have learned, that a blue-coat with a frowning musket on every street corner, with all the other accompaniments and privileges of a governing class, will mean that taxation from 10 to 20 per cent of the valuation of all property must sooner or later eat up every dollar of surplus earnings and drive out of existence the great middle class and leave no career open to our children but that of the soldier or the tenant of the soil of a landed aristocracy. Militarism and landlordism—the plague and the curse of Europe and Asia—stare us in the face.

I say we may have all these things to learn, but I am confident that sooner or later impartial history will render a juster verdict than that which this day registers on this, the most vital question that has confronted this Congress.

In conclusion, Mr. Speaker, I shall submit as a part of my remarks portions of a letter now in my possession, written by a gentleman of eminent position and remarkable ability, who has spent many months in the Philippines and made a more careful investigation of conditions there, and reported them with more independence and accuracy than any writer whose observations have been printed. That he is a close observer and able writer the letter itself bears proof; that he is a man of unimpeachable veracity and integrity I can testify from personal knowledge. The whole letter is in my possession and in the author's own handwriting.

His name is withheld because the letter is written only as a personal letter from one friend to another, and not for publication; and his position, as well as the privacy of the communication, makes it improper for me to make it public.

It is dated "Philippine Islands, December 12, 1900," and after the introductory sentence is as follows:

DEAR JUDGE: * * * I notice by your letter, even the intelligent man that you are, that you are yet talking about our "looking after them (the Filipinos) until they are fitted either to be admitted into the Union or given self-government;" and, of course, you are not to blame for this condition of mind; you are entirely dependent upon the papers and magazines, etc., for material to form your opinions. But let me say to you, Judge, honestly and candidly, if you were dependent on the same sources for your knowledge of the people of the old circuit you reside in you would say the same about them. The class of people that are coming out here and running hurriedly around among these people and writing them up and passing judgment on them would be dead sure to pass the same kind of judgment on the people of J——, W——, I——, and W—— counties if they were to find those counties, with the same people they now have, situated in some other country of the world, and a large majority of them would decide that they are incapable of

self-government if they were to go and visit them where they are and without ability to speak their language.

We, of course, have savages and semisavages here—several millions of them—but even a large majority of them are much more capable of casting an intelligent vote than are more than that many cotton-field negroes in the South to-day. But the savages and semisavages live to themselves away off in the forests, and in "frontier regions," and maintain their own governments (as our Indians always did). And besides them there are the people over here—the people of the country—the Tagalos and Visayans; and I should say the Tagalos and Visayans include people called, locally, by other names, just as some of our people are called Alabamians and some Virginians and some Vermonters; and there is not any more difference between those of the different names in the Visayan class and the Tagalo class, respectively, here than there is between those I have mentioned there in the United States, either in language or anything else. The Tagalos and Visayans have different languages, but they are very similar; something like high Dutch and "low Dutch," for instance, I imagine. All Tagalos coming in contact with Visayans learn their language almost at once, and vice versa. And you probably think their languages are languages of savages, or, at most, semicivilized people. You probably do not know that each has its history, literature, poetry, etc., and hundreds, in fact, thousands of schools (if we include private schools and classes, etc.).

At the Visayan College, at Cebu, over 400 young men are being educated, and when I visited there last spring four of them were studying Spanish as one of the modern languages they thought it profitable to learn. The rest, of course, were studying in Visayan just as people in our schools study in the English language. Cebu is the city in which the Spanish Catholics established their first church and school over here—in about 1521, about three hundred and seventy-nine years ago—and they have had churches and schools there ever since, and still have them. But the "savages" still stick to their own schools and language and literature, etc., that they had when the Spanish found them here in 1521. And practically the same thing can be said of the Tagalos, but probably a greater per cent of the Tagalos learned Spanish. * * *

Now, of the Tagalos and Visayans there are about 6,000,000, and they are lawyers, doctors, druggists, merchants, artists, artisans, farmers, bankers etc., just the same as the people called Virginians are, and they live at home in families just the same as Virginians do.

Now, Judge, I am not afraid that you will misunderstand me, but a casual reader of the nonthinking class would come to the conclusion from what I have written above that I claim that these people are just like Virginians, and the equal of Virginians; and would "pitch into" me at once and contradict me, up and down, and call me a fool, and if I were to answer their assertions and contentions, etc., I would have to admit that these people are not white, and that they (at least a great many of them) "go barefooted," and that they dress so as to look to me and you and my critic like "guys," and that they can't talk so as to express an intelligent thought to an American of ordinary education, who does not know their language, and that their principal diet is rice, and that it is very common for them to sit on the floor in a circle when eating their meals, instead of on chairs at tables, as we do; and that if you meet one in the street riding in his buggy or other vehicle he will turn to the left instead of to the right, and if one of them motions with his hand to another to indicate to him that he wants him to come to him he will do it with the ends of his fingers pointing down, etc.

* * * That is, they belong to a different civilization, and thousands of years of character building and civilization, construction on lines essentially different from the lines of our civilization, have made them a different people from us: but that is not saying that they are better than we are, or as good; but most fools think that it is a conclusive proof that they are not as good as we are and that God has made us His agent—"humble instrument" they hypocritically express it—to make them perfect by making them just like us.

The long and short of the whole matter is that they are to-day as capable of self-government as we are. I do not mean by that that they have the capacity to "give" us a good government. (And if they were admitted to be a thousand times as capable to govern us as we are to govern ourselves, we would say that they had no right to "give" us a good government or any other kind.) They could not "give" us as good a government as we can make and maintain ourselves, and quite likely they could not "give" us as good a government as we could "give" them, and I do not think that they can govern themselves as well as we can govern ourselves; that is, their government (if they governed themselves) would probably not be equal to what our government of ourselves at home is; at least it would not be as good in our estimation according to our views of such things. But none of these things touch the matter of self-government.

There is no question at all in the mind of any intelligent person who has had an opportunity to study things here on the ground and has done so, but that these people are capable of self-government, and a thousand times more capable to govern themselves than we are to govern them. We are simply not capable of governing them at all. We can not understand them nor they us. We can govern the people of Canada, or of England, or Germany, or Denmark, or Norway, or Sweden, or we could cut off the States of New York, Kentucky, and California and make provinces of them and govern them. We could do these things because it is possible for us to understand all these peoples. They belong to the same civilization with us. We know that we could cut off States this way and govern them, because we have done it. You remember the reconstruction days. The South was governed that way then, and a great many people who think that God has appointed McKinley as His agent to kill off a portion of these people over here and govern the rest, think (and say) that the Southern States ought to be governed that way yet. I have heard it said a number of times within the last year.

A good many officers over here have concluded that these people are not capable of being governed by Americans—which, as above indicated, I also think is true—and, having come to this conclusion, these officers think that we should change the war into a war of extermination, and wipe them clear off of the face of the earth. You would be surprised at the number of officers in the islands who think the Americans should show no quarter, but should kill men, women, and children, and burn houses without limit, and that the sooner we wipe out the whole race the better. And you would also be surprised to know of the amount of the work of that character that has really been done and is yet being done. * * *

* * * We know that these people can govern themselves, because they have done so. The Aguinaldo governments stood for a year and a half in a majority of the provinces, cities, pueblos, etc., and for two years in some of them, before they were destroyed by the advance of our army; and they were entirely successful, whenever I have been able to learn the facts. Under the Aguinaldo government they had, or rather that government included, governments corresponding in a sense to our State, county, and city governments, etc.; and those, or at least the most of them, have been destroyed by our people; and in only a very few cases have we replaced them with anything.

Along the northern and eastern coast of the island of Mindanao they had three provinces, where they had in successful operation all the machinery of government, courts, administrative offices, and ministerial officers—everything to meet the wants of a civilized people or community. And this state of things continued for two years. At the end of that time we got possession there, and at once shut everything down tight, and so it stands, and has stood for nine months, with no visible indication whatever that it will ever be different. Nobody is authorized to make a conveyance; there is no way to protest a note; no possibility of trying any kind of a civil case whatever; no sort of means of administering an estate—nothing, absolutely nothing, to enable the people to attend to the affairs of ordinary civilized life.

And that is not the worst of it. In nearly all cases in these islands the Americans in charge do not know that these things are lacking. It is astounding to see the ignorance of such things among Americans. They do not know that these things are lacking, because they do not know of the things themselves and their uses. Nearly all the Army officers think if you sweep the streets of the towns and make people keep the pigpens away from their houses the people are well governed. The only thing they know of government is bossing, or at best, commanding them. Not one in a thousand has any just conception of government.

* * * No, Judge, these people are now ready for self-government, but will never be capable of being satisfactorily governed by people of the Western civilization. And for the same reason there will never be a time when it would be safe to admit them as States into our Union. * * * And it is also true that we can not govern them as a foreign and subject people without so stultifying ourselves in the matter of our professions of principles of all true government as to endanger our own Government in the course of time. And we can not govern them as well as they can govern themselves. And why do we want to govern them at all? * * * It has always been the policy and practice of the English to represent to the world that the people it is profitable to rob and destroy are ignorant and vicious savages who amount to national nuisances, and a curse to the world, etc., and our nation have evidently made up their minds to adopt that policy and practice—or at least those who "run things" and "do things" have—and therefore it would not be popular to tell the truth about the Filipinos. I could write a book that would be interesting, and that would possibly sell, if I could get my own consent to join the procession, and write about the odd and curious things over here, and so exaggerate these as to make the whole work amount to a tissue of lies. I have not seen anything in print that was other than this, in the form of books, speeches, etc. * * * And official reports have lied for purposes had in view.

Future generations will read in the school histories that we, at this day and time, were either vicious or criminally ignorant. * * * And after all, Judge, what do we want these islands for? Hypocritical cant among a certain class says we want to Christianize and properly civilize these people—they say we want to elevate them without using a halter. But that, of course, is the veriest bosh. A few religious cranks, who are entirely ignorant of the situation, may really think this, but of course no one pays any attention to them, because all sensible people know that that is not it. And then again others have been made to believe that God forced them onto us—that circumstances that our people could not control placed them in our hands, * * * etc. * * * We got them on our hands because we wanted them, and worked to get them there; and it took lots of hard work and scheming, too. And it was not all honest or creditable. * * * Of course, some investors of capital will probably make money out of it. In fact, Army contractors and shipowners have already done so.

But for the common run of American people there is absolutely nothing in it. * * * Nor will the islands serve as an outlet for Americans; furnish homes for people. In the first place, the islands already have more people to the square mile than the United States has, and, besides, they are more mountainous than the Rocky Mountain region of the United States is. That is, not a greater per cent of them is inhabitable by man than there is of the Rocky Mountain region of the United States. In short, they (the habitable portions of them) are much worse overcrowded now by the people that are here than the worst overcrowded State of the Union is by the people there. And white people simply will not live in this latitude. They never have done so in any age of the world, and why will people persist in such nonsense as to suppose that they will do so now or hereafter. I know a great many think that Hongkong is a community of white people, and that there are white people at Shanghai and Singapore, and Penang and Molucca and Java and Sumatra and Sandockan, but they think this because they have not read the authorities.

They only have to read the books of the English to see that the English and Dutch colonies in the Tropics are not colonies at all; they are simply Governments by English and Dutch people of tropical peoples. None of these so-called colonies have white people permanently settled in them, or in them at all, except such as are connected with the army or the government, or acting as agents for commercial companies at home.

In short, the English and Dutch have not migrated to these "colonies" here in the Tropics, notwithstanding they (the colonies) have been maintained for centuries, some of them three centuries. And there are to-day almost no Spanish people at all in the Philippines, and there never have been any except what were connected with the army or the government. Spaniards have never migrated here.

And Americans who produce things could not come here and enter into competition with these people as producers. It is conceded by all that these people can do everything here (except govern their country) better and cheaper than Americans can.

But it is poorly worth while for me to try to give you, in a letter, any idea of the "Philippine situation." It involves too much, and as you say "the Philippine problem will not be settled for a long time." It could be. We could settle it in a year, if we should say to the people to-day "we will treat you as we promised to treat the Cubans." No Filipino asks more; and mighty few of them will ever accept less, either willingly or unwillingly. They talk about the war being over. There is more fighting going on to-day than there has been at any time since the first part, or what may be termed the beginning, of the war; and we have fewer real friends in the islands than we ever had before, and each day sees the number diminish.

Our great misfortune has been in the "caliber" of the men that have been in charge over here, Otis and his outfit of incompetents. There has never been a time when they, in the slightest degree, comprehended any part of the situation here. One thing was that they thought that all they had to do was to whip a Filipino army. It never occurred to them that in doing so they would stir up a Filipino people that would have to be conquered; and they are a people that are practically unconquerable. The main reason that they are practically unconquerable is that their conditions of life are such, and their view of death and small regard for it so peculiar, that the things that would unquestionably conquer any people of the civilization that we understand have practically no effect on them at all. In fact, what would conquer an American people (such as what caused the surrender of the South, for example) only renders them desperate, and sets them to fighting in cold earnest, and without parading themselves and their feats, etc.—only settles them down to the real purpose of hurting their enemy. I have no doubt that we will suppress them some day, and will probably do it three or four times within the next dozen years or so, but we will finally give up the islands. They will show themselves to be unprofitable to our people, and become burdensome to our Government, and we will give them up.

There are three classes of people here—the Mohammedan Malays, called

Moros, the pagan Malays, and the Christian Malays. They are all Malays. It's all folderol to blow around about our having an unknown kind of people to deal with—I mean a people that the world never knew of before. They are simply Malays—a people that have always been known, and always been known to belong to the Oriental civilization, and to be incapable of adopting or accepting and adapting themselves to the Western civilization. The European nations have been controlling more or less of the Malay race right here in this immediate vicinity ever since they (the European nations) became powerful enough to come here and rob them and live off of them. And with them it has long been known and settled that there is no use to try to make "white people" out of them, and that the less they are governed the better off both they and their masters are, and therefore the European nations content themselves with just as little government of them as will enable them to tax them and otherwise get money out of them. They are like a certain distinguished American. They claim to be an instrument of God appointed to do that much.

* * * It is, as I said before, simply astounding to see the density, and volume, and weight, and height, and breadth, and depth, and force of the ignorance of civil-government affairs that fills the hide of the average Army officer. And it is not confined to officers of low rank. In fact, Otis is a shining example. For instance, he issued general provisions for establishing provincial, and city, and town governments, and all the governments established by the Americans have been established under them. His provisions describe in detail what the governments shall consist of, and how they shall be established, and in the whole scheme courts are not mentioned or referred to, nor is any other sort of judicial body provided for. There is no provision made for any means of trying cases, except, of course, that the Army has a provost court, and it has criminal jurisdiction only. Nor is any provision made for the execution of deeds or wills, or other instruments that need to be proved by official certificate of acknowledgment, etc. Yet the Spanish law is declared (by Otis) to be the law of the land, and it prescribes that deeds and wills and all other instruments shall be executed in a particular manner; and the scheme of government does not provide for the officer—a notary—that can perform the necessary acts, or give power to any other officer to do so. Some notaries have been appointed in Manila, but it was done in response to urgent petitioning of the localities that needed them; and a few courts have been established in the same way.

The point that I am making is that so little is known about civil government among the authorities that they do not know that a judiciary is absolutely necessary to complete any system. Nothing but executive and ministerial officers ever occurs to them—somebody to boss and command, as in the army. * * * The Aguinaldo governments of provinces and towns, etc., torn down by us were a great improvement in form and constituent parts, etc., over the Spanish governments that I do describe. In fact, they are an excellent form of municipal government for a country where the Spanish laws are in force; and it was a disgrace for them to be destroyed by Americans, a liberty-loving (?) people. In my opinion it will be many a day before these people have as good a government over them again—one that will be as satisfactory to them and do them as much good. This was one framed and established by themselves, and they were pleased with it and thought it a good one. And it was a good one. It was effective, and furnished a means for the people to attend to all affairs among themselves that governments are established and maintained for among civilized peoples. And there was actually a state of peace and order in each and every one of their provinces so established from the time they got rid of the Spanish till the day our troops would enter the province; and this was, in some cases, quite a good deal over two years.

* * * The American people have evidently made up their minds to ignore all our old-time principles of, or in regard to, the honest and moral and true doctrine of governments among men and human rights in general. They want to rob these people over here now. That is, they think that these people have money and lands, and other things of value, and will produce more wealth in the future, and we want what they have and will have, or as much of it as we can get; and as these old principles and doctrines are in our way to prevent us from taking it at will, we have made up our minds to set them aside and shut our eyes to them. * * * Not one man in a thousand in the United States wants to know the truth about things over here. If they were told the truth, and they knew what they were told was true, they would not allow themselves to believe it. They have made up their minds as to what they are going to do, and they are going to do it; and what is more, they are not going to allow themselves to believe anything that would make it very wrong for them to do it. * * * In my opinion, there is a day coming when this whole scheme and the policy back of it will be condemned by the whole world, and especially by the American people; and the time will begin to approach rapidly as soon as the people become convinced that there is no money in it for them, and that it is expensive to them besides. * * *

Mr. HAY. I yield to the gentleman from Missouri [Mr. COONEY].

Mr. COONEY. Mr. Speaker, Congress, composed practically of the same men now sitting in its two branches, did on the 18th day of April, 1898, pass the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved April 20, 1898.

After three years the Republican party now presents its scheme for entering upon the fulfillment of our promise to depart from Cuba, and "leave the government and control of the island to its people." Here is the scheme, attached to the Army bill, and to be forced to passage this afternoon.

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

No one knows better than Republicans that this is a scheme to remain and not to depart from Cuba; no one knows better that the demands now made on Cuba is a shallow scheme by which the solemn vow made by the American people over the sacred relics of the ill-fated *Maine* is to be broken, and the most infamous national perfidy is to be committed. Let it be known that these demands upon Cuba's liberty are not made at this time by Congress voluntarily. It has ceased to have a voluntary action. It has sunk to that state of pusillanimity that it now strikes Cuba at the behest of McKinley and a promise of a long vacation.

The story of Cuba is told. No power can save her from the thieves that now hold her by the throat. Spain is dead, but her spirit and her religion, which were her greed and her despotism, have survived and conquered. Her blood in spilling was diffused through Anglo-Saxon veins; the ghosts of her Cortez and Pizzaro are reanimated and walk these halls, and the spirit of her Philip dwells in the White House. For years to come we shall boast our honor and glory through press and pulpit, but we shall wait in vain for a single act of the Administration that will distinguish us from the most sordid of nations.

THE PHILIPPINES.

At the last session of Congress the Spooner bill was introduced in the Senate. Its object was to complete the colonial scheme of the Republican party in the Philippines by turning over the future government and control of the islands to the President. It is now attached to this bill, and adds its weight to a measure already burdened with infamy. Knowing it to be unconstitutional, the most conscienceless Republicans are put forward to claim for it a paternity from Thomas Jefferson.

On the 20th of February the gentleman from Ohio [Mr. GROSVENOR] in referring to the manner in which President Jefferson undertook the administration of the Louisiana Territory, said:

And the very language of the law under which Mr. Jefferson took possession of that Territory is to-day embodied almost verbatim in the Spooner bill.

The advocates of the Spooner bill for some time past, both in Congress and through the public print, have been attempting to impress the public mind with the belief that it had good authority and precedent for its passage at this time in the action of the Democratic party in the past; that in its language and the powers conferred the Spooner bill is identical with the law passed by a Democratic Congress in 1803 for the administration of the affairs of the Louisiana territory. Nothing can be further from the truth. I will read both the law of 1803 and the Spooner bill, that they may go into the RECORD together and be judged as to their identity and difference.

LOUISIANA BILL OF 1803.

Until the expiration of the present session of Congress, or unless provision be sooner made for the temporary government of the said territories, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the full enjoyment of their liberty, property, and religion.

PHILIPPINE BILL OF 1901.

When all insurrection * * * shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

The law and the bill are as far apart as the poles. But, clearer than any party platform can make it, they mark and illustrate the difference in action and principle of the two parties. The Louisiana purchase and its inhabitants were never cursed with the badge of servitude and plunder that is promised the Philippines by the Spooner bill.

The Jefferson law was for temporary government; this Spooner bill is for permanent government. The powers conferred by the Jefferson law were to absolutely terminate with the end of the session of Congress that passed the law; those proposed to be conferred by the Spooner bill are to continue without any limitations as to time. The Jefferson law contemplated immediate legislation for the government of the Louisiana territory by Congress itself; this Spooner bill contemplates that there shall be no legislation for the government of the Philippines by Congress.

The Jefferson law gave authority to the President only to administer such government as he found already existing; this Spooner bill gives authority to the President to overthrow any government existing in the Philippines and to establish any government he pleases. If Republicans believe that the Spooner bill is identical with the Jefferson law, let them substitute the latter for the former, and every Democrat will vote for it as cheerfully as Democrats voted for it one hundred years ago.

The Constitution ordained:

All legislative power herein granted shall be vested in a Congress of the United States, and shall consist of a Senate and House of Representatives.

I thought that this was that Congress; but the President has set up a commission in the Philippines, and has made of it his ideal of what a Congress should be. Through that congress he has been legislating and experimenting in civil government for the past two years.

He has claimed this power as Executive of the nation, and he has repeatedly declared that by the exercise of that power he was fast bringing the islands to a condition of peace, protecting life and property, and extending municipal and civil government as fast and as far as the Army extended the sphere of its subjugation. If that is a fact, why not let the President continue his good work under powers that he has declared to be ample and sufficient for the purpose? Why should he now for the first time appeal from his rump congress in Manila to his possum policy Congress here in Washington for a further grant of power? The reasons and inducements for that appeal are to be found in the recent report of the Taft commission made to the President. I will read some of them from that report. A dispatch from the commission to the Administration:

If you approve, ask transmission to proper Senators and Representatives of following: Passage of Spooner bill at present session greatly needed to secure best result from improving conditions. Until its passage no purely central civil government can be established, no public franchises of any kind granted, and no substantial investment of private capital in internal improvements possible. * * *

Sale of public lands and allowance of mining claims impossible until Spooner bill. Hundreds of American miners on ground waiting law to protect claim. More coming. Good element in pacification. Urgently recommend amendment of Spooner bill so that its operation be not postponed until complete suppression of all insurrection.

This report further shows that there are 73,000,000 acres of land in the islands; that scarcely 5,000,000 of them are held in private ownership, and the balance, which is practically all of the islands, are public lands to be disposed of; that these lands are very fertile and most of them naturally irrigated; that there are large forests of the finest timbers, extensive deposits of gold, copper, high-grade iron, and excellent coal, and that there are over a thousand foreign capitalists, promoters, prospectors, and their agents on the ground anxiously waiting for the passage of the Spooner bill that they may make a rush and secure titles to those lands, forests, and minerals. The Spooner bill was misnomered; it should be called "the Sooner bill."

Within the covers of this report there is not another single reason given for the passage of the Spooner bill. That bill does not add one iota to the power that the President now has and exercises that will aid him in the prosecution of the war nor in the establishment of such government as will bring peace and tranquillity to the islands. The bill is nothing more and nothing less than a patent deed conveying to President McKinley the title to the islands and their inhabitants.

I do not care how good a man he is, the islands are not his. He is not the lawful owner of them. They belong to the people. I shall never place the seal of my vote to that conveyance. I am for holding on to the islands. You know, for you have said it repeatedly, that these islands came to us through the hazards of war; that Providence placed them in our hands as a sacred trust; and I am opposed to conveying or transferring them to any prince, power, or potentate, either foreign or domestic.

If the President will return to us the $20,000,000 we paid for them, and the $300,000,000 we have spent upon them, and the 10,000 American lives we have sacrificed in them, then I will be in favor of the Spooner bill and willing to transfer the whole archipelago over to President McKinley, washing our hands of the whole business.

It is remarkable that a President of the United States should ask the passage of any law like the Spooner bill; that he should seek to clothe himself with power so great and responsibility so small. Here are franchises and rights and lands and minerals to be given away by the Spooner bill. The commission in this report says there is just enough peace for the President to dispose of all of them and just a little too much war for Congress to exercise its powers of legislation on the subject. And the evidence is that the commission is ready, willing, and able to maintain just that condition of affairs in the islands as long as the President desires it and as long as there is anything left worth giving away.

A remarkable thing contained in this report is the demand of the commission and the greedy vultures assembled in the islands that the Spooner bill be passed now, and not to wait until the war is over. They recognize that if they are compelled to wait until the war is over their chance for plunder will be diminished.

Sir, this is one part of this Philippine business the settlement of which Congress can not pass to the President or other hands without dishonoring itself and subjecting its members to the charge of having shared in the wild orgies of plunder that would inevitably follow. The title to the lands in those islands should be preserved for their own people, to be by them obtained under happier conditions than now exist there, and under laws and rules that are clearly defined and justly made by Congress.

Neither under American nor Spanish rule have these people ever had the opportunity to acquire peaceable and permanent titles to anything in their own country, and it will be inhuman and monstrous to undertake to dispose of everything of value in the islands in the very midst of war, when even those who are friendly to our Government will be prevented by the prevailing excitement, fear, and lack of information from taking advantage of such an opportunity.

It is true that the Spooner bill as amended and attached to this bill in the Senate is shorn of the power to dispose of the lands in the Philippines, but everyone knows that another Congress will restore that power. That is the power McKinley has asked and demanded, and he will have it. We are now passing a law which absolutely transfers to him the sole government and legislation of the Philippines. It can only be taken away from him by the enactment of another law, and as he has the vetoing of any such a measure, it will be absolutely impossible for this or subsequent Congresses to take that power away from him.

Legislation on the lands, mines, rights, and franchises will in the meantime become necessary for the progress of the islands. Who is to do that legislation? We can yet answer, "Congress;" but when an hour shall have passed, and the roll shall have been called, and the last Republican shall have come forward, mean spirited, guilty looking, and abdicates the proud position of an American Representative, while he hangs on to its emoluments, then there will be no power left to wrench that prerogative from McKinley nor to prevent him from giving the islands over to be sacked by his personal friends.

> Nor all that heralds rake from coffin'd clay,
> Nor florid prose, nor honied lies of rhyme,
> Can blazon evil deeds, or consecrate this crime.

Mr. HAY. Mr. Speaker, of course in the time which has been allowed us by the majority of this House it is impossible for any member to discuss this measure on its merits. We can only enter our protest, and that I solemnly do. It seems that gentlemen on the other side of the Chamber can only defend this measure by citing Democratic precedents which they themselves say they do not believe in. They are not willing even to accept the precedents which they cite.

Mr. Speaker, the time will come when these gentlemen will regret that they have muzzled the representatives of the people upon this floor on questions which are the most important which have been debated in this House for many, many years; and they will repent the haste with which they are hurrying through this House a bill dealing with policies which involve the future fortunes of the Republic. [Applause.]

Mr. SULZER. I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from Michigan

[Mr. CORLISS], with unusual frankness, has helped to clear the atmosphere of this debate. He says that under the stress of excitement in the early days of the Spanish war he voted to give to the people of Cuba the right to govern themselves. But now that his mind has recovered its usual calm—and now, being inspired, no doubt, by a knowledge of the fact that the lands of Cuba are fertile and opportunities to exploit the island abundant—he repents that decent and honest vote and hopes that the troops of the United States will not be withdrawn and that our sacred pledge will not be kept. He frankly speaks what is in the minds of the majority of his political associates.

The language of that resolution is so plain that the wayfarer, though a fool, can not fail to understand it. There are two very conspicuous features of the resolution to which, for a moment, I wish to invite your attention. The opening sentence declares that "the people of the island of Cuba are, and of right ought to be, free and independent."

It does not say that they shall be semi-independent or in a state of vassalage, but that they shall be independent. Now what does that mean, Mr. Speaker? It does not mean that Cuba shall be to the United States what India is to England or Java to the Netherlands. To be a free and independent nation is to occupy, in respect to other nations, the same relative position that Russia has to Germany or France to England.

In some countries the hand of tyranny presses less harshly than in others. But there are no gradations in liberty. Either the people of a country are free or they are not free.

We declared that the people of Cuba were free, unconditionally free. That resolution was an honor to the Congress which passed it, and God forbid that we should now dishonor it as these new resolutions propose to do, and as I fear we are about to do. We wrote one chapter of shame into the history of our country when we betrayed a trusting people and repudiated an ally. We are now about to repeat in Cuba the shameful and despotic thing which we did in the Philippines. And what did those resolutions say about our duty and our programme in Cuba?

It declared—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Do you remember how the nations of Europe sneered when we passed that resolution?

Do you not remember that they, with a frankness which bordered on rudeness, said that we were lying, and that behind our high-sounding phrases there lurked a lust for land and gold which would keep the American soldier in the Philippines and the West Indies? And the pity of it is that their sneers were founded in a knowledge of the situation.

Is it not preposterous to say that we are living up to either the spirit or the letter of those resolutions?

We specifically disclaimed any disposition or intention to exercise sovereignty, jurisdiction, or control in Cuba.

Now, among the inherent rights of sovereignty is that of making treaties. By the resolution attached to this Army appropriation bill we deny that right to Cuba. Another of the attributes of sovereignty is the right of any people to control their own schemes of taxation and expenditures. Here again we propose to cheat the Cubans of the essence of independence. These new resolutions, only a degree less infamous than our behavior in the Philippines, set up a new territorial claim, Mr. Speaker.

There is not a schoolboy in the country who has studied the geography of the West Indies who does not know that the Isle of Pines is as much a part of Cuba as the island of Galveston is a part of the State of Texas. And yet we seek now, with dishonest cunning which is a disgrace to the country, to set up a claim to the Isle of Pines. Step by step in this career of despotism and dishonesty we are justifying the sneers of Europe. It seems that no promise is so sacred, no pledge so solemn, that it may not be broken.

Why is this, Mr. Speaker? Have the American people lost all sympathy with liberty? Do they no longer revere the precepts of the Revolutionary days? Alas! sir, it is due to greed. The love of money, which is the root of all evil, has chilled the blood of our people and dulled their sense of honor. Commercialism has taken the place of patriotism, and when any new scheme is proposed, no one asks, "Is it right; will it reflect credit upon our country; will it promote human liberty and human happiness?" but, "Will it pay?"

We denied an alliance and destroyed a republic in the Philippines because the forests of those unhappy islands contain valuable timbers and their mountains are reputed to hide gold. We now repudiate a solemn covenant with God and the world and will take and retain Cuba because in her pleasant valleys our capitalists can grow the most fragrant tobacco in the world and secure the extravagant returns from sugar plantations. Quite recently the Taft Commission gave as one of the reasons why civil government should be promptly established in the Philippines the desire to gratify the demand for franchises.

With the Republican party the opportunity to grant a franchise is esteemed a higher privilege than the chance to set up a free government or to promote liberty.

Should it ever be called upon to write a new Bill of Rights that party will, I do not doubt, forget the existence of men as men, and devote itself to the guardianship of the rights of corporations. Unless it may be considered already to have a de facto corporate existence, it should, by all means, go to New Jersey and have its syndicated, dividend-hunting, liberty-crushing nature formally recognized.

The Army has ever been the instrument of despotism. It is fitting, then, that this assault upon the rights of the Cubans should come as it has in the way of an amendment to the Army appropriation bill. The association is suggestive. I print now the Teller resolution.

[Public resolution—No. 21.]

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Approved, April 20, 1898.

Mr. SULZER. I yield to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Speaker, let the country take notice that the Republican majority here in Congress has deprived the Democracy of the opportunity of properly discussing this question, which is attracting public attention all over the country.

Being deprived of the privilege of showing how at variance this bill is with our promise to the Cubans, I content myself with placing before the House and the country the advance sentiment of Republicanism in a Republican legislature in a Republican State, as embodied in the following resolutions, which I clipped from the North American, a Republican paper in another Republican State. These resolutions show the trend of public sentiment even in Republican circles. I hope no Democrat on this side will take offense to my reading these resolutions:

TOPEKA, KANS., *February 24*.

Senator Thomas Noftseger and F. Dumont Smith, Republican floor leaders, have drafted the concurrent resolution providing for final adjournment of the legislature. The resolution will be introduced to-morrow.

It is very unique, and doubtless its wording will be strongly objected to by the Democrats and Populists in the legislature. However, the Republican majority in both branches is very large, and it will be adopted. The resolution follows:

"Whereas William I, formerly William McKinley, is to be crowned as emperor of the United States of America, Porto Rico, and Hawaii, king of the Philippine Islands and Alaska, protector of the Ladrones, and prince of Guam on Monday, March 4, 1901; and

"Whereas this nation will cease to be a republic on said date, and will become a military despotism; and

"Whereas a legislature elected by the people has no part, place, function, or office under said empire: Therefore, be it

"*Resolved by the senate (the house concurring therein)*, That this legislature shall conclude its business, wind up its affairs, and adjourn sine die before noon of said March 4, 1901; and be it further

"*Resolved*, That we assure His Most Gracious Majesty hereby that all acts and resolutions of this legislature are subject to his royal will to approve or set aside, as to him seemeth best, and we, his loyal subjects, do hereby desire to testify our loyalty to His Most Gracious Majesty William I."

[Here the hammer fell.]

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY, after addressing the Chair, stood silent for several moments and looking at his watch, and then said: My time has expired. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired. [Renewed laughter.]

Mr. SULZER. I yield to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, destructive though this measure may be to Philippine freedom, threatening though

the hour of its passage may be to Cuban independence, menacing though it be to the constitutional rights and liberties of the free men of the United States, a bright lining appears on the ominous dark cloud, for the enactment of these amendments so hurriedly grafted upon this appropriation measure marks the rejuvination of a united, aggressive, and a triumphant Democratic party.

Within its organization will be welcomed all our citizens who believe in maintaining in its integrity the Government which came down to us from the fathers of the Republic, and under which we have reached the high-water mark of progress, reputation, and material development.

Mr. SULZER. I yield to the gentleman from Illinois [Mr. WILLIAM E. WILLIAMS].

Mr. WILLIAM E. WILLIAMS. Mr. Speaker, I feel duly grateful for the courtesy shown me by the House in according me a portion of the brief time allotted for the discussion of this bill, and will avail myself of this final opportunity to pay my respects to the Administration and the political issues it has engendered. This is the closing day of the Fifty-sixth Congress, which will go into history famous for the good it has avoided and the evil it has accomplished. It has been my fortune, good or bad, to participate in a negative way in all that has been done, and after resumming my part I can truthfully say that I have cast no vote which I feel ashamed of or for which I have been called upon to apologize. I have protested by speech and vote against the objectionable legislation which has been enacted, but I have found the majority at all times merciless in their intolerance, heedless of our warnings, and deaf to our protests.

Responsibility is largely measured by opportunity, and with its limited opportunities and the utter helplessness of the minority under the arbitrary rules of the House more could not be expected of this side of the Chamber or of a new member, and in taking my leave of this body after so brief a service I am reminded of the inscription on the gravestone of the 6-weeks-old infant:

> I was so quickly done for,
> I wonder what I was begun for.

It seems to me that this would be an opportune time to review some of the issues of the late campaign and see whether or not all that we predicted has not been confirmed. Three great issues were presented representing cardinal principles of the Democratic party. We denounced the single gold standard and proclaimed our allegiance to the ancient and righteous principle of bimetallism. We arraigned the trusts and charged the Republican party with being in league with them, pledged to afford the people no remedy against their rapacity.

We warned the public against the dangers of imperialism, so manifest in the policy of the Administration relative to Cuba and the Philippines and lurking in the very shadow of the Republican platform. These questions have not been settled, but are living issues, and, like Banquo's ghost, will come up to haunt the Republican party in the future. The country, basking in the sunshine of general prosperity, which came inevitably in the course of things, not by reason of the Republican Administration, but in spite of it, was loth to disturb existing conditions, was content to let well enough alone, and assumed the risk of arresting in the future the tendency toward imperialism rather than run the risk of unsettling business conditions, which always attends as an incident to the change of Administrations.

Do not deceive yourselves, my friends, the people have not approved your policy of imperialism, and when that question shall be fairly presented, unhampered and uncomplicated by individual necessity and temporary expediency, the voice of the American people will be heard in one triumphant acclaim against the infamous policy which you have so assiduously endeavored to fasten upon the country. The theory of bimetallism has been vindicated by events, which may be misleading now, but which will be fully understood and appreciated in the future. Bimetallism means more standard, more basic money, the necessity of which was admitted prior to the phenomenal increase in the production of gold in Alaska, which, in the light of history, can be only temporary. This increase in the output of gold has supplied the place of silver for the time being and brought relief and prosperity to the country.

The production of gold last year was more than double that of both gold and silver in 1896, when the money question so intensely challenged the attention of the world. Let us hope that this enormous output will indefinitely continue, but if not, beware of silver's demand for restoration as standard money. Good times and bad times alternate as day and night, as sunshine and shadow, as the hill and the valley. We are now enjoying the high tide of day, the sunshine upon the hill crest; but as we scan the horizon we see the ominous gathering of financial clouds and hear the awful rumbling of a commercial storm. I have often heard it predicted of late that the strenuous commercial conditions prevailing throughout this country at no late day will reach a climax and culminate in the most distressing and far-reaching panic the world has ever known. I pray that this cup may pass, but unless something is done soon to curb the avarice and the rapacity of commercial greed we will awake some day to find our worst hopes realized and our country in the throes of chaos and anarchy.

I am no pessimist; I am an optimist; and trusting and believing in the wisdom, the intelligence, and the infallibility of the American people, I know a remedy will be found ere it is too late. No hope can be indulged during the incoming Administration. President McKinley and his party are wedded to the commercial interests; are controlled and dominated by those influences, and will continue to foster and encourage them in the future as they have in the past. The trusts will continue to feed and fatten upon the vitals of the people; monopoly will continue to absorb the resources of the country, and commercial cupidity and greed will continue to hold high carnival, enforcing extension, exacting tribute, and demanding subsidy at the hands of a puny Administration and a servile Congress.

What has become of your boasted promises to suppress the trust evil? You have full power—you have the Executive and both branches of Congress—why does not the Senate pass the anti-trust bill which passed this House last session for campaign purposes, as we then charged and you now confess? In a speech upon this floor last May I said the Republican party did not intend to pass any measure designed to suppress the trust evil. I then used this language:

> The only excuse and justification claimed for the Philippine war is that it will extend American trade and commerce, all at the instance of the great trusts and monopolies which are sapping the life-blood of our nation—and right here permit me to digress long enough to inquire why no anti-trust legislation has been enacted by this Congress. Why has every bill introduced for the suppression of these gigantic and monstrous evils been suppressed by the majority? I understand you have introduced a constitutional amendment of some kind; but that was done, I venture to say, for the purpose of tiding the question over the Presidential election. You do not intend to legislate against the trusts, and your amendment is only an excuse and a makeshift. You intend to rely upon platform promises rather than performance, when you have the present power and opportunity.

Tell me, has not the prediction I then made been fulfilled? Answer me, was that bill passed for the purposes of the campaign only? Were you in good faith, or were you merely exploiting your pretenses for the purpose of hoodwinking and cajoling the people into voting to continue your reign of plunder and robbery?

Let me call your attention to the fact that both the Democratic and the Republican platforms last campaign declared against the trusts. The Republican platform proposed some vague, uncertain, and indefinite remedy against this evil. I would invite you, gentlemen of both the Democratic and Republican parties, to read the Republican platform and its friendly allusion to the trusts. It does not pain me to say that the Republican platform against trusts is insincere and was not adopted with a view to its enforcement in the case of Mr. McKinley's reelection, and was not intended to commit the leaders in the Republican party to the enforcement of existing anti-trust laws or the enactment of new laws to suppress the trust evil.

Recently when standing upon the platform of a car, the porter came to me and gently tapped me upon the shoulder and said, "Mister, you must not stand upon this platform." I said, "Sir, what is this platform for?" and he replied, "This platform, Mister, is to get in on, sir." I never fully understood the full purport and meaning of that definition of a platform or what a platform was really intended for until I reread the declaration or plank in the Republican platform against trusts, and then I discovered for the first time the full purport and meaning of a political platform, especially a Republican platform, that they are not made to stand on, but made to "get in on."

When Republican spellbinders during the campaign went about the country telling the people they undertook to provide a remedy against the trust evil last session of Congress by a constitutional amendment, and that they were defeated in their project by the Democratic minority, they no doubt deceived many and left the impression that the proposed amendment was necessary, and that the Democratic minority in Congress was hostile to all legislation against the trust evil.

Let me read that amendment, and then point out the objections to it which induced almost the whole of the Democratic minority in Congress to vote against it. Here it is:

> Congress shall have power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise. The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

I assume that Congress already has ample power and authority to suppress all trusts doing an interstate business and that a constitutional amendment is wholly unnecessary. Trusts are foreign or domestic; that is, those which do a business wholly within the bounds of a single State—the State of their origin—and trusts which do an interstate business. Every State legislature has ample and full power to suppress every local or domestic trust doing business wholly in the State of its origin, and the Federal Congress has no power to interfere with any such trust, monopoly, or combination, and should have none. We desire that the several

States of the Union shall continue to exercise that power; that they shall not be limited or prescribed in the power which they may exercise toward the suppression of all local and domestic trusts, monopolies, and combinations; that no restriction of Congress, that no definition of a trust, that no regulation or control of trusts which Congress may see fit to adopt shall abridge or interfere with the right of the State of Illinois or any other State to protect itself against any local or domestic concern of that character.

I assert that Congress already has ample and sufficient power to protect the several States of the Union against a trust, monopoly, or combination existing or incorporated in another State and to prevent it from doing business outside of the State of its origin, and that a constitutional amendment is wholly unnecessary to afford Federal interference and relief against this evil.

Let me call your attention to the wording of the proposed amendment. It provided that "Congress shall have power to define trusts, monopolies, or combinations." Now, if Congress should have the power to define a trust, it could place upon these combinations in restraint of trade a very liberal or a very strict definition, and, influenced by trust agents and lobbyists, could so define the trust that even the Standard Oil Company would not come within its definition, and every State legislature would be prescribed, limited, and bound by the definition, for by the very terms of the amendment the States could act only in harmony and not in conflict with the law of Congress, thereby depriving the people of any and all remedy by means of State legislation against a most iniquitous evil.

It provides that the States shall not exercise such power—that is, the power to define, to regulate, to control, to prohibit, or to dissolve trusts—except that they do so in compliance with the laws prescribed by Congress. And hence if the Congress should so define a trust as to permit all combinations of capital organized for the purpose of limiting production and arbitrarily fixing prices to continue to do business, the States would be powerless to exercise a remedy against that character of combinations, whether they are domestic or foreign, and would be wholly without a remedy, because the States would be limited to the remedy afforded the people by the definition placed upon trusts by this body. The result would be to abridge the power of the States, to make State legislatures wholly subservient to the will of Congress and subject to the definition placed upon trusts by the Congress, and to deny the people any other remedy than that which Congress would see fit to afford against the trust evil. The only remedy heretofore afforded against trusts has been through the several State legislatures, and we insist that the power to enact and enforce anti-trust laws shall not be abridged or denied to the States, but that the States shall continue to exercise unrestricted power concurrent with Federal authority and not be subject to any limitations or restrictions of Congress.

The Republican party are under obligations to the trusts. They receive contributions for campaign purposes from these unlawful combinations. The Republican party is said to be always true to its friends; true to its obligations. I must confess the Republican party was never known to betray a trust. And they will not be so ungrateful in the next four years to come as to prosecute their best friends, the men who furnish them the money by which they hope to corrupt the ballot box; they will not be so ungrateful to MARK HANNA and his friends as to put a straw in the way of the trusts.

I want to go a step further. I would impress upon your minds that we are involved in complications growing out of the acquisition of the Philippine Islands by reason of the demand made by the trusts, by monopoly, and by commercial greed. The negotiations for the Philippine Islands and their acquisition was demanded by the trusts that they might have a new field to exploit, and insist that the whole people of the United States shall maintain a standing Army; shall be compelled to support the Government in its policy of imperialism and militarism that commercial greed may reap a harvest. By reason of this demand upon the part of the trusts, the Administration, controlled and dominated by MARK HANNA, and men of his character, negotiated for the Philippine Islands and paid $20,000,000 for their cession to the United States.

I have often been asked the difference between Thomas Jefferson expansion and McKinley imperialism. Let me define the difference. When Thomas Jefferson negotiated for the Louisiana Territory, it embraced the mouth and the whole western bank of the Mississippi River. Mr. Jefferson knew it was safer to acquire the Louisiana Territory that we might avoid foreign complications and future wars. He negotiated for the Louisiana Territory that we might control the Mississippi River, its tributaries, and its mouth. Remember that when we secured all that vast domain known as the Louisiana Territory it was vacant, unoccupied, and practically uninhabited territory. It lay at our very door, inviting the footsteps and the ax of civilization. When we acquired that territory, Mr. Jefferson required that there should be incorporated in the treaty ceding it to the United States this declaration: "That the future inhabitants of the Louisiana Territory should be citizens of the United States." That was not imperialism. That was not creating colonies. That was not profaning the Constitution, defiling the Declaration of Independence, or prostituting the American flag, but was a wise provision for the extension of the Constitution and the blessings of free government and free institutions to all that vast expanse of vacant territory to be occupied by our own people and to be erected into States of the American Union, extending the blessings of free government from the Mississippi River to the Pacific Ocean.

Contrast that, if you please, with McKinley imperialism. When we acquired the Philippine Islands they were not necessary to avoid foreign complications or future wars, but were calculated, as results have shown, to involve us in the very character of wars and complications which we sought to avoid, and in fact have avoided, by the Louisiana purchase. They were not contiguous territory, but lay 8,000 miles across the sea. They were not vacant, unoccupied, and uninhabited territory, but were populated more densely than any rural portion of the United States. Populated by a people alien in race, alien in color, alien in religion, alien in tongue, alien in customs and education, alien in all that ought to be common between the citizens of the same republic. But that is not all. Let me impress upon the minds of my Republican friends that the treaty ceding the Philippine Islands to the United States does not provide that the inhabitants shall be citizens of the United States, but it does provide "that the civil rights and political status of the inhabitants of the Philippine Islands shall be determined by Congress."

If we keep the Philippine Islands, we must determine in what capacity we will retain them. When Congress determines their civil rights and their political status, it will determine whether they shall be citizens of the United States or whether they shall be subjects. If you make them citizens, you will confer upon them all the constitutional privileges, all the rights and all the blessings of free government which you yourselves enjoy. There can be no distinction between American citizens, whatever their race, color, or previous condition of servitude. Every American citizen is entitled to the same privileges, the same rights, the same immunities under the American flag the world over. You can not discriminate between them. If you make the people of the Philippine Islands citizens, you give to them all the privileges which you and your children possess and enjoy. You must admit the products of those islands free of duty to our markets in competition with the products of the American farm and factory. You must give them representation in the Congress of the United States, that there shall be no taxation without representation. You must give them a voice in the government, that we may not impose upon them a government against their consent, in violation of the plain letter of the Declaration of Independence. You must erect them into States of the American Union. You must admit the brown men of the Philippine Islands into your home, into your political society, into your business affairs with the same rights that you yourselves possess and enjoy. You must tear down the Chinese-exclusion act and admit the pauper labor of the Philippine Islands in competition with the free labor of the United States. Are you now ready—are you prepared—are you willing to make the brown men of the Philippine Islands citizens of the United States?

If you do not make them citizens you must make them subjects. Subjects of a free Republic; denying them the Constitution of the United States; imposing upon them a government without their consent; enforcing the payment of taxes without representation. To make them subjects you must maintain a standing army, that you may enforce your government without consent and taxation without representation at the point of the bayonet.

There are but two kinds of government—government by consent and government by force. Government by force is imperialism. Government against will and sustained by military authority is foreign to the institutions of the United States and in violation of constitutional rights. When Mr. McKinley was first elected President our standing army was but 25,000 men. After the Spanish war had closed, after victory upon sea and land, adding renown and luster to the American Army and Navy; after the volunteer soldier had returned to his peaceful pursuits and when no war was imminent in the Philippine Islands, Mr. McKinley asked Congress to give him authority to increase the standing Army to 100,000 men. Why? That the Republican policy of government by brute force might be extended to the Philippine Islands. That an army might be in readiness to hold these people in subjection. That they might be governed as England sought to govern the thirteen American colonies prior to the American Revolution. Not only that, the trusts and the combinations in the United States demanded an increase in our standing Army that they might feel more secure in the possession and enjoyment of their ill-gotten gains; that a standing army might be stationed at

every industrial center to enforce government by injunction, and to awe and deter and bulldoze union labor and the American workman.

To make them citizens of the United States is to endanger our civilization. To make them subjects endangers our form of government, because it is a departure from the principles which have guided us to prosperity in the years that have passed. Let me call your attention to what ex-President Harrison has said. At the time of the Porto Rico tariff bill discussion in this House, when it was proposed to tax the Porto Ricans without representation, in violation of the Constitution, which requires that taxation shall be uniform throughout the United States, Mr. Harrison said: "I regard it a serious departure from right principles."

I do not stand here appealing in behalf of the brown men of the Philippine Islands. They are a matter of small consequence to you and to me as compared with the future of our country and of posterity. All humanity sympathizes with them, but my heart bleeds for my own country and for my own fellow-citizens. Extend to them a policy such as proposed by Mr. McKinley, a colonial policy after the style of England; impose upon other people a government by force, sustained by the military power; create colonies; recognize government by brute force, and you have taken not only the first but an irretrievable step in the direction of imperialism; not only threatening the liberties of other people, not only depriving the brown men of the Philippine Islands of their rights and of their liberty, but in the end jeopardizing and threatening the liberty, the institutions of our own country. You can not extend despotic power to other people without in the near future the seed you plant returning to curse you at home, and it is for and on behalf of our own country and our own people that I plead against that departure from our form of government under which we have grown prosperous and great.

I am opposed to a large standing army because it begets a spirit of intolerance and of tyranny at home and abroad. I am opposed to maintaining an army of 70,000 men in the Philippines to crush the spirit of liberty and the germs of free government there. The volunteer soldier is a republic's best defender. The mercenary soldier is a machine, while the volunteer soldier fights for a principle and dies for a just cause. I am opposed to a large standing army, not only because it tends to subvert free institutions, but because of the enormous expense entailed. Our Republican friends, drunk upon the lust of empire and imbued with the spirit of conquest and commercial aggrandizement, propose by this bill to maintain an army of 100,000 men at an expense of $170,000,000 a year. During the last year of Mr. Cleveland's Administration the total cost of our Army was but $23,000,000 a year, and now it is proposed to appropriate seven times that amount for the ensuing year. We were told during the campaign that Mr. McKinley's election would witness immediate cessation of hostilities in the Philippine Islands. If the war is over, why the necessity of increasing the Army? Why this immense expenditure of money?

I submit the following estimate of the costs of our Army and Navy, including pensions, for the year 1891 as compared with that of Great Britain, France, Germany, and Russia:

	Army.	Navy.	Pensions.	Total.
United States, 1901	$170,000,000	$78,000,000	$144,000,000	$392,000,000
Great Britain	115,000,000	135,000,000	15,000,000	265,000,000
France	127,000,000	57,000,000	26,000,000	210,000,000
Germany	127,000,000	15,500,000	15,000,000	157,500,000
Russia	147,000,000	34,000,000	19,000,000	200,000,000
United States, 1895	23,000,000	25,000,000	151,000,000	199,000,000

Let me warn our Republican friends against the extravagance in public expenditures which has characterized the McKinley Administration. Whatever may be the fundamental issues in the next general election, whether it be bimetallism, trusts, or imperialism, one you must meet will be willful extravagance and corruption. The watchword of 1904 will be "retrenchment and reform."

Let me contrast the expenditures of the Cleveland Administration with that of the McKinley Administration. I would invite your attention to these figures:

Year.	Amount.	Per cent.
1893	$383,477,954.49	5.78
1894	367,525,279.83	5.43
1895	356,195,298.29	5.16
1896	352,179,446.08	5.01
1897	365,774,159.57	5.11
1898	443,368,582.80	6.97
1899	605,072,179.85	8.14
1900	487,713,791.71	6.39
1900-1902 (estimated)	1,500,000,000.00	20

For the purpose of avoiding an extra session the Senate has seen fit to extend certain powers to the President in relation to the Cuban situation which are greater than that exercised by any sovereign upon the earth, and yet we are told that imperialism is a myth and a fraud.

I am opposed to this bill not only because it begets a spirit of intolerance and tyranny; not only because of enormous expense of maintaining a large standing army; not only because it may and will be used as an engine of oppression in the Philippine Islands, but because it is a violation of the solemn pledge given Cuba and the world in the following resolution of Congress when war was declared against Spain. I will read it:

That the people of the island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the republic of Cuba as the true and lawful government of that island, * * * hereby disclaiming any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

By this bill the United States seeks to exercise sovereignty and jurisdiction over the island of Cuba and absolute control of its foreign relations. The sacred words of that resolution, borrowed from the Declaration of Independence, are no guaranty against its violation by the Republican party, and the country is about to witness another act of perfidy on the part of Congress by the passage of this bill that will go far to convince the world that our boasted love of freedom and independence is but a sham and a fraud.

Mr. SULZER. I yield to the gentleman from Pennsylvania [Mr. BARBER].

Mr. BARBER. Mr. Speaker, I simply desire an opportunity to incorporate in the RECORD a statement showing the balance sheet of our account with the Philippine Islands during the two years since their acquisition, taken from an editorial in the Evening Post (New York):

To-day marks the completion of two years since the ratification of the treaty of Paris enabled President McKinley to add certain "gems and glories of the tropic seas," as he proudly called them, to the national domain. Americans are a thrifty and prudent people, unless all proverbs lie, and should be ready to strike a balance of our Philippine business up to date. The first account would relate purely to the money investment and the return thus far had, and would stand as follows:

William McKinley in account with the United States.

Dr.		Cr.	
To 1 archipelago	$20,000,000	By 2 years' exports to Philippines, say $5,200,000, profit on which, at 12 per cent, is	$384,000
To benevolently assimilating the same, 730 days, at $750,000 a day	547,000,000		
To expenses able negotiators Paris treaty	222,000		
To 2 islands which able negotiators thought they had bought	100,000		
	567,322,000		
	384,000		
Profit and loss	566,938,000		

Evidently "there are millions in" the islands; but they are so far "in" that it may be doubted if we ever get them out.

Charles Sumner said that President Grant's scheme to annex San Domingo was but a plan to "buy a bloody lawsuit." President McKinley bought of Spain a still bloodier insurrection. The cost of the islands in terms of flesh and blood and misery should furnish the next page of our Philippine account. But here it is hard to be exact. We know, it is true, that 711 American soldiers have been killed outright in the Philippines; that 446 have died of wounds and 2,184 of disease; but no figures can set forth the story of ruined health, crippled bodies, and maimed lives which always lies behind the official returns of casualties.

Then where are we to reckon in the 30,000 Filipinos whose lives have been taken? Are they a set-off to our own losses? But they are subjects of the United States, and the Supreme Court may decide that they are our fellow-citizens. However, we will be generous and allow the imperialists to put the slaughtered Filipinos on the credit side of the account. We will also give them the slain or starved women and children, the looted homes, the smoking towns, the waste fields. It is hard to see just where the pecuniary or moral profit of all this comes in, but, such as it is, the imperialists are entitled to it.

A correct Philippine balance sheet would also show the respective profit and loss in the moral and political sphere. Figures and values can not, in this part of the statement, be sharply defined; but the two sides of the account would stand something like this:

LOSS.	GAIN.
Confidence and admiration of oppressed peoples.	Applause of arbitrary and oppressive rulers.
Gratitude of struggling republics.	Thanks of republic destroyers.
Watchwords of liberty.	Shibboleths of Empire.
Peaceful expansion.	Criminal aggression.
Ideals of the fathers.	Toys of the nursery.
Reverence for the Constitution.	Trust in force.
The party of moral ideas.	The party of the pocketbook.

Again we leave it to the imperialists to say on which side the balance is From what we know of them we are sure, however, that, as Thomas Fuller always made the praise and glory of God come out in the conclusion, no matter what his premises, so they can infer glory and greatness and goodness where others are able to see only shame and contempt.

Any prudent business concern "writes off for depreciation," or wear and tear of plant, from time to time. We are bound to do the same in looking into the actual status of our Philippine investment. One of our most valuable pieces of machinery, for example, "the consent of the governed," is hopelessly rusted and broken down. We can never use it again and should strike it from our list of assets.

It is obvious, too, that we shall have to get something to put in the place of the old Constitution, which is plainly obsolete. "No taxation without representation" has served us long; but the really up-to-date Government plants

have now introduced "Tax according to your own sweet will" in its place, and we shall have to adopt that style. Our stock of national consistency and good faith is clearly so much depreciated that it would not be honest bookkeeping to carry it any longer at par. On the other hand, our stock of false pretenses, hypocrital professions, and silly boasting has been enormously increased by our two years in the Philippines, and if we can only get the world to take it at its nominal value, we may yet be able to lift our eyes from the ground and look the nations in the face again.

Mr. SULZER. Mr. Speaker, I ask the gentleman on the other side of the House to use some of his time now.

Mr. HULL. How much time have I remaining?

The SPEAKER. Thirty minutes.

Mr. HULL. How much time is there on the other side?

The SPEAKER. Twenty minutes.

Mr. HULL. I suggest that the gentleman on the other side use a little more of his time. Of course, we reserve the right on this side to close. I ask the gentleman from New York to go ahead for a few minutes longer.

Mr. SULZER. I yield to the gentleman from Ohio [Mr. LENTZ].

Mr. LENTZ. I yield to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, with but one beggarly hour upon a side for "debate"—God save the mark!—not the least attention can be given to the great appropriation bill upon which have been ingrafted in the Senate, in brazen disregard of the rules of that body, the amendment to lend the sanction of a degraded Congress to indefinite imperial rule, with the American President as the acting emperor of the Philippines, and that other amendment shamelessly proclaiming the repudiation of our pledge of honor to Cuba and to the world and to all the to-morrows in the history of mankind. In this House, where free speech is stifled and the gag law prevails, where the most that is accorded the representatives of the people, with these tremendous issues pending for the moment and so soon and so slavishly to be settled against liberty and honor and in favor of tyranny and shame, is "leave to print," I avail myself of this poor privilege—all that the enslaved will grant to those whose rights and the rights of whose constituents they wantonly violate—to put into the RECORD a few words, hastily penned, to express, however feebly, my protest and the protest of the liberty-loving people whom I represent (or would represent if my lord, the usurping despot, and his groveling vassals here would permit) against the deep damnation of the foul deed and of the meek servility which attends its execution.

First, a word concerning the thin gauze behind which some may fancy shelter can be found. The bugaboo of an extra session seems to be appalling to certain persons. Why, is it not a fact that all of us are paid by the year, and that our country and our respective constituents are entitled to our legislative services at all times? What right have we to what some gentlemen are pleased to call "our vacation" if there be occasion for the sitting of Congress during a portion of that "vacation" season? And where in the Constitution (if the fathers who made it, after gloriously making it possible by their heroism in battling for liberty upon a thousand bloody fields—if the fathers, bending in pity and shame upon the brink of the shining heights above and looking upon the littleness and recreancy of this hour here below—if they will pardon the reference here to that almost sacred instrument which they gave to their countrymen and to hope and aspiration universal—if they will pardon the reference to their work here among the cringing, shriveled misrepresentatives of a mighty nation)—where in the Constitution is the "vacation" exalted above duty and liberty and honor? There could be no extra session unless the President, against whose election we upon this side of the Chamber worked and voted, should see proper to call it, and why should we shrink from the contemplation of such a call? For one, I believe Congress should assemble regularly when the Congressional term begins.

Might a river and harbor bill fail to become a law, unless sacred principles be surrendered, and incalculable harm be done, and the stain of ineffaceable dishonor be put upon the flag, and perfidy be written, in unfading characters, upon the once shining record book of the Republic? Better that the rivers be choked by the shifting sands, better that the ships cease to find anchorage in the harbors, than that the wellsprings of constitutional liberty be polluted with the garbage of blind greed.

And as for the Louisiana Purchase Celebration, and the Pan-American Exhibition at Buffalo, and the exposition at Charleston, the most delicately adjusted scales can not find the smallest fraction of calculable weight in all of them combined when they are cast into the balances against the Constitution, the Declaration of Independence, national honor, and human rights. Better, far better, to let all these celebrations and exhibitions go over, to be managed by other men, in another century, than to do, or to make possible the doing of, or condone, this double abomination. Better far that Buffalo wait, and wait, and wait for an appropriation until atom by atom the walls of rock over which the Niagara plunges shall have worn away and the mighty cataract shall be numbered with the things that were and are not; better far that a cycle of centuries shall roll by before the Louisiana purchase shall be celebrated; better far that Charleston, vainly reaching out for an appropriation, shall wax in age and her brave men and devoted women cease to dwell in memory even; better all this than that the plighted faith of the American Republic to Cuba and to the world shall be broken in greedy wantonness, and liberty and life be the perpetual sacrifice to imperialism in the Philippines, with formal Congressional approval.

Our nation was dedicated to liberty, and some of us, come weal or come woe, will continue to strive as best we may against the swelling hosts of greed and timidity and servility to hold fast to the faith of the sages of the Revolution. How far we have wandered from the simplicity and glory of the earlier day! One hundred years ago Thomas Jefferson, the immortal author of the immortal Declaration of Independence, having been elected President of the infant Republic without the aid of privilege or the contributions of corruption or the coercion of plutocracy, came quietly to the Capitol, walking from his boarding place in Washington, now the hotel named the Varnum, and in republican simplicity took the official oath and entered upon the duties of his great office. But that was a century ago, and such things are done differently now, with an increased cost of a quarter of a million of dollars as one of the minor incidents of the change that has been wrought.

Then, too, we were not in the work of imposing our government—no; not our government, but the government of empire, by the agency of the carpetbagger, at the point of the bayonet and the mouth of the cannon, with the nasal twang of hypocritical cant between the puffs of smoke—upon an unwilling people on the other side of the globe. Then, too, every resource of constitutional resistance against such outrages upon the rights of man as declared in the Declaration, and upon the principles of our Government as embodied in the Constitution, would have been employed if any party could then have been found base enough to attempt what is to be perpetrated now. Yes, changes have taken place since the days of Jefferson.

When we entered into the war with Spain we declared—

That the people of the island of Cuba are, and of right ought to be, free and independent.

Did we mean what we said? Were we hypocrites then? Or are we unblushingly rushing into the embrace of dishonor now?

Then we also solemnly declared—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

Now, what candid man can say that the amendment with reference to Cuban affairs, so complacently lodged in this appropriation bill, can be harmonized, or is intended to be harmonized, with our lofty pretensions, expressed in the words which I have quoted? How could hypocrisy go further, or shamelessness be more transparent, than in the pretense upon pretense embodied in this amendment? What profligate irony—repeating the words of a pledge with sanctimonious unction, while breaking it, letter and spirit, with brutal indifference!

Let us get what comfort we may out of the hope that the wisdom and virtue and patriotism of the Cubans (until the pride of the American people—their sense of honor, their sense of shame—shall come to the rescue) may avert the calamities which our perfidy invites. Cubans, be patient under the wrongs which we are inflicting upon you! Rest upon the hope that American honor will yet assert itself—that dishonor can not rule here forever! Do not, in righteous indignation, do anything which may be seized upon by those who, having dishonored themselves, await with eager greed and pretext, however flimsy, to despoil "said island." And American sons of freedom, remember the lesson of all the ages: Honor is priceless, and perfidy is death. Stand by your solemn pledge to Cuba; cling to the letter and the spirit of your noble proclamation to the world. Not all the wealth of all the islands of all the seas could recompense you for the loss of honor; and your honor is gone unless you right the wrong done the Cubans, and the still greater wrong done yourselves, and retire to the pitying embrace of charitable obscurity the men who are working this monster iniquity.

As an incident in the war with Spain our fleet destroyed a Spanish fleet in the harbor of Manila, in the Philippine Islands. Later, we entered upon operations for the capture of the city of Manila, and the destruction of the Spanish power in those islands. We found willing and efficient allies in this warfare in the Filipino forces, under the command of Aguinaldo. Success crowned the united efforts of our army and their army, the Spanish flag came down from the walls of Manila, nevermore to be raised, and the glorious stars and stripes and the Filipino flag waved in triumph. The land was redeemed, as then it was thought, from the blight, the curse, the measureless wrong of alien rule, imposed and maintained by force.

Commissioners met in the city of Paris to negotiate a treaty of peace, but there was no room in the council chamber for any representative of Filipino land. One imbued with the principles of

free government and familiar with the noble declaration of our independence from Great Britain might take it for granted that we would look out for the Filipino, our friend and ally. And it is evident that we did look out for him—as our prey. For many weary, bloody months hundreds of millions of dollars of our treasure have been spent, and thousands of our young men have been sacrificed, in the tyrant attempt to impose our rule upon the Filipinos against their will, with fire and sword.

Whatever of law has attended our march and marked our slaughter and devastation has been the unrestrained will of the President. Hitherto a subservient Congress sat with folded hands while the work of the empire progressed or retrogressed under the untrammeled sway of the President. Now "Congress is to share the responsibility of the Executive." Thank God, it is not in the power of all the minions of the empire to force upon the minority in this House any sharing of that awful responsibility! We are powerless to prevent the action which you, in doing the bidding of your masters, are about to take, just as we were powerless to prevent these amendments from coming into the House upon this appropriation bill, with the days of this Congress almost numbered. If henceforth, until even you shall sicken of the slaughter and the waste, or until the American people shall assert themselves, and as the first and indispensable stroke for the recovery of their honor, which you turn into dishonor, and the protection of their free institutions, which you devote to the deeds of despotism, hurl you from power, imperialism in the Philippines is to have Congressional sanction, none of the infamy can attach to the minority, whom your denial of free speech renders voiceless now in this Chamber.

The Spaniards had but a poor foothold in the Philippines when Dewey sailed into Manila Bay. Outside of the few towns garrisoned by them, the power of the Filipino, even then, was omnipotent. When Spanish dominion was terminated by the triumph of the joint forces of the Americans and the Filipinos, Aguinaldo completed the structure of the temporary government which, with our concurrence and approval, he had proclaimed promptly upon his return from exile, whence he had been summoned by Dewey to our aid; and his followers were armed and equipped in part by Dewey for the work which he and they gladly undertook and efficiently performed for us and themselves and their countrymen. This Aguinaldo government, even in embryo, was adapted to the wants of the Filipinos, who gave cheerful allegiance to it. Aguinaldo builded his government upon our model, and we have builded our Government in the Philippines upon the Spanish model.

Under Aguinaldo's rule peace and contentment prevailed generally among the Filipinos; and there is little room for doubt that if we had not shot the Aguinaldo government to pieces, it, a good government for the Filipinos, would now be protecting them and guarding efficiently all the rights of foreign subjects domiciled in the islands. Instead of that we have carried desolation to our late allies—death to many, misery to more, vice and drunkenness to a multitude, and despair and desperation to all. As I have already stated, this was done as the President willed and as his irresponsible emissaries executed. Congress being negatively responsible. Now Congress, with the minority gagged, registers the decrees of imperialism and strives in indecent haste to make more pretentious the absolute reign which before it tolerated.

Whatever of woes shall come, whatever of fresh disgrace shall attend, however deep our degradation may be before conscience resumes its wonted sway, whatever penalty Providence shall impose upon our nation for being Spanish instead of American in its administration, however severely our own governmental fabric shall be wrenched, however measureless may be the wrongs which we are perpetrating, however long greed may shove patriotism aside, however long a dollar may seem larger than a man, a franchise greater than a myriad of human lives, temporary loot more valuable than a multitude of immortal souls—whatever may come, we of the minority in this House, rendered powerless here now, will stand in the brighter day behind the impregnable walls of the Constitution, unconquered and unconquerable, and with no stain of this dishonor upon us, with no stench of this perfidy about us. You silence us now, but we shall yet be heard when you will be silent, not because of the denial of free speech, but because you shall be busy praying in voiceless penitence for the rocks and the mountains to fall upon you and hide from the wrath of the aroused American spirit of justice, equality, and rational liberty, which to-day you crucify.

Mr. LENTZ. I yield to the gentleman from New York [Mr. RYAN].

[Mr. RYAN of New York addressed the House. See Appendix].

Mr. LENTZ. I yield to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the House. See Appendix].

Mr. LENTZ. Mr. Speaker, to be or not to be free is the question Cuba is asking in the beginning of 1901, just as she was asking this question about three years ago. But when she was asking it in 1898 she had in mind the question of freedom from a hereditary despot. To-day asking it she has in mind the tyranny of a majority, and that majority having been secured by bribery and falsehood and other means of corrupting the voters of the land. To lie or not to lie is the question before the American people. We told Cuba and the world that our war against Spain was neither for conquest nor for the acquisition of territory, but purely in the cause of liberty and humanity. In that declaration we gave the Filipinos, just as much as the Cubans, a bond that we would use our strong arm to secure for them the right of self-government. Why is it that those who are now fattening in the land because this Government keeps its bond to pay principal and interest on Government debts express no concern or solicitude whatever that this solemn bond should be kept, as we pledged ourselves to do on that night when we declared that the people of Cuba "are, and of right ought to be, free."

I am not alone concerned about the sacrifice of our own character and reputation in this betrayal of the people of Cuba and of the Philippine Islands, but I am much more concerned about the gradual dry rot that is taking place in the American conscience. We could afford to be guilty of sacrificing unnecessarily some of our young manhood, but we can not afford to violate practically all of the ten commandments in this brutal and murderous warfare which we are making in the Philippine Islands. The lack of moral growth and the absolute hardening and degrading of American conscience that is manifest to-day is the greatest menace to American liberty and American progress that this Republic has ever seen. The encroachment made upon liberty by Nicholas Biddle and his greedy associates in the days of Andrew Jackson and the threatened destruction of the Union by the slavocracy in the day of Abraham Lincoln are diseases of minor importance when compared with the tyranny and criminal aggression now manifest in every act and every word of those who favor the present policy of the Federal Government.

For some time I have been accustomed to liken our wickedness in the Philippine Islands to that of England in South Africa. But, speaking of the matter a day or two ago to a gentleman and his wife, placing the conduct of the two nations on the same level, the good wife of my friend interrupted me to suggest that the conduct of England in South Africa was far more honorable than our conduct in the Philippine Islands. She suggested, and I think with entire justification, that England had the advantage over us, in that she is honest enough and frank enough to admit to the world that she is making war to the death on the two South African Republics not because of any purpose of benevolent assimilation, but purely and simply because it is her habit to go about the face of the earth seeking whom she may devour. England admits that her purpose is to secure possession of the rich gold fields and other property which the Boers, in their search for liberty, had discovered.

We, the good wife argued, are making war on the Filipinos for the benefit of a few of our speculators and governmental jobbers, and have our highest officials in the National Government prating to the world that we are doing it for the purpose of Christian civilization and for benevolent assimilation. The difference between the policy of England and the policy of America is as wide as the difference between frankness and hypocrisy. In that conversation I had commented on the shamefulness and the barbarous brutality manifested by Great Britain in the last battle in which the lion-hearted Cronje participated. I had made comparison between what took place in Cronje's last fight and some of the pictures of Rome in her pagan days, when she threw the Christians, men and women, into the arena to be torn and fed upon by lions, tigers, dogs, and other brutes. In that conversation I read and here submit a description given in the Washington Evening Times of the 27th of February, 1900, which is as follows:

Cronje surrendered, saying he wished to save the women and children. Throughout that week the grim old African lion Cronje, with 3,000 men, held out against the persistent assaults of Roberts's 45,000 men. The Boer laager was on fire most of the time after the third day's battle from British lyddite shells. Shot and shell were poured into the laager by the British, and the condition of affairs in the camp of the Boers was something frightful. They had run entirely out of food, their ammunition had given out, and the laager was strewn with the corpses of the dead, lying in the broad light, unburied and festering. The wounded were in an awful plight. The hospital corps was insufficient to attend to them, and they lay about the laager in heaps, some crying piteously, others shrieking in their pain, many silently enduring their agonies.

Is it possible for anyone claiming membership in any one of the Christian churches to gaze on this picture of fifteen Britons murdering one Boer, and say that this picture is not far more disgraceful and savage than anything ever perpetrated upon any human being by even the vilest or most brutal of the pagan Romans? Is there not much in this to justify Buckle's deduction when he says that civilization had developed intellectuality, but not morality; and if it be true, as my friend argued, that England has the advantage over America in being frank instead of hypocritical, then

what language can be found strong enough to describe the crimes which we are perpetrating in the Philippine Islands? Evidences are coming thick and fast that we are perpetrating outrages in many forms against the Filipinos, and that in those outrages we are violating individually and collectively the commandments, "Thou shalt not steal; thou shalt not kill; thou shalt not lie; thou shalt not commit adultery." What a legacy will be coming home to America in the spiritual and physical wrecks that are to return to us as American soldiers. Comment need not be enlarged on this subject. I insert here a statement from the issue of date February 23, 1901, of the Bulletin of the American Iron and Steel Association, of Philadelphia, which is as follows:

Three soldiers from Johnstown and vicinity, who enlisted a year or so ago to go to the Philippines, are back at their homes, having been returned as invalids on the transport *Sherman*. They were not much more than shadows when they arrived. All declare the climate in which they served to be something horrible, and that white men can not serve in it over a few months and keep their health. The *Sherman* carried 800 souls, of which 297 were invalid volunteers, including 16 insane.

John W. Kissel, of Edenville, Franklin County, Pa., who was a member of the Thirty-ninth Regiment United States Infantry, in the Philippines, has returned to his home on account of bad health. On the steamer in which he returned to this country there were 400 soldiers, the majority of them being ill, and 200 bodies of soldiers who had died on the islands or on the way over. Kissel says he has had enough of war in the Philippines.

A dispatch from Washington, dated February 18, says: General MacArthur has informed the War Department that the transports *Hancock* and *Kilpatrick* left Manila yesterday for the United States. The *Hancock* has the Thirtieth Volunteer Infantry on board, and the *Kilpatrick* carries 400 sick soldiers.

It may assist some to understand the real conditions in the Philippine Islands if I quote from a letter recently received from a soldier who has been there long enough to speak with authority and whose language is sufficient evidence of his intelligence.

One extract is as follows:

I wish I could tell you in person my impressions of this country and its people. You would be astonished and pleasantly surprised at some things. The people are constantly misrepresented by men who have their own interests to subserve and by men also who can see no good in anyone here.

In the communities below the mountain sections the people are law-abiding, industrious, temperate, moral, and religious. It is true they are in arms, shooting and being shot, but when one considers they are fighting us as invaders and despoilers one can not blame them for continuing to hope for what is theirs, or should be, if justice prevailed.

Concerning their aptitude for self-government, no sane man will doubt it, for they are, in fact, governing themselves at the present time, except in the untutored savage portion of the archipelago. The least government is the best for this people. To change or force a change to the American plan would be folly. These people are satisfied to be let alone and to live as they have been living. Give them proof that we are not here to despoil them, and peace is assured.

The morality of the people has suffered through the soldiers. The soldiers look upon the women as common property. Even some of the officers appropriate women to their lust; yet the people stand it, for they fear to offend by complaining. The Americans have brought the drink habit to these islands. They have promoted immorality, and their conduct has brought shame to many, but they say, "That's the way with the invaders of every country," and there is no recourse for those who come under their control. The commission is the whole thing in Manila. Everything is done in the name of the President of the United States. Great is the President! Great sums of money are spent here. Some day great scandals will grow out of the whole business; it is inevitable.

What American can read such a letter as this, bearing such evidence of fairness and keen observation, without feeling that Hannaism and McKinleyism in the Philippines are blood cousins to Weylerism in Cuba?

What American can read this and feel like voting for hundreds of millions of the people's money to be expended in criminal aggression and murder in the Philippines?

Less than a year ago I warned the country that when you cut down the military appropriation from $128,000,000 to $112,000,000 it was done to deceive the taxpayers. I then asserted that $128,000,000 would not cover the war expenditures. A few days ago, when we passed the deficiency bill, after tedious interrogatories I succeeded in forcing the chairman of the Committee on Appropriations to admit that it was necessary to make an additional deficiency appropriation of $21,000,000, which, added to the $112,000,000, makes the appropriation for this fiscal year ending July 1, 1901, $133,000,000, or, in round figures, $110,000,000 more than was appropriated for war purposes four years ago. In other words, we have entered upon a policy which in one Department alone will require more than $100,000,000 of additional expenditure from year to year for many years to come, to say nothing of the additional expenditures of scores of millions that will be required in the naval establishment.

It would have been far better could we within this Congress just closing have spent our time discussing and developing the post-check system, which would have facilitated and simplified the sending of money by mail—an urgent necessity, as every business man well knows. But we have been so extremely mad with this business of taking on the title of "world power" that we have gone abroad minding everybody's business and neglecting our own. I introduced in the House the post-check bill, and Senator McMillan introduced it in the Senate, which was a measure indorsed by the business men throughout the country and indorsed by the leading newspapers throughout the country, yet we could not get for it even a moment's consideration. Many other bills have been pigeonholed and our homes and our families have been neglected while we have gone to the other side of the earth imitating the monarchs of Europe, and with them pretending that in some way we have received a divine commission to attend to the business of governing the other nationalities of the earth.

While our "plain duty" to the Filipinos should insure our granting them self-government, our duty to ourselves would still more strongly point to that course. It is almost unnecessary to state that the Philippine Islands can never be of any material benefit to the masses of the American people, however much the lands and franchises may enrich a few exploiters. On the other hand, we have spent, and are spending, and must perforce continue to spend, hundreds of millions of dollars to guard them from within and without. It will be remembered that they are surrounded by nations which may at any moment become hostile to us, and without an immense navy and enormous incessant expense we are forever to be at the mercy of any combination of these nations.

To-day we are humiliatingly subservient to Great Britain on that account. Already we have permitted her to take our territory and our citizens in Alaska. She harbors the Filipino junta at Hongkong, openly plotting against us, and we dare not say her nay. She built the Canadian Pacific Railroad as a military base immediately on our northern borders, and now she is about to build a parallel line in case the Canadian Pacific should at any time be blocked. She has sent Sir Edward Warren, her greatest military engineer, to Canada, and has arbitrarily seized the island of Anticosti for the purpose of fortifying it. She is delaying the building of the Nicaraguan Canal to keep closed that means of connection with the Pacific Ocean, and is attempting, with our acquiescence and virtual assistance, the subjugation of two sister republics in South Africa. If she succeeds, she will have practical control of South Africa. She controls the Straits of Gibraltar and Suez Canal, and we are thus completely at her mercy for peaceable transit to the Philippines by that route. When we were confined to our own illimitable and inexhaustible continent, the surface of which has only been scratched, and the resources of which have barely been touched, we were masters of the situation. We were truly a "world power."

To-day we are a world mendicant, seeking whom we may placate. We have been befogged, befooled, and betrayed by England. It was said, "Beware of the Greeks, even when bearing gifts." The same is true of England. With the honeyed phrases about the Anglo-Saxon race, and blood being thicker than water, she has cajoled a few pin-head politicians and sycophantic plutocrats in the United States. She told the Paris peace commission that 5,000 soldiers would be sufficient to hold the Philippines. Instead, it takes 75,000. Who pays? We. Who is weakened? We.

But her prime object in all the diplomacy by which she has fooled us so completely is to take our minds off Canada. She knew that the war fever had only been whetted by our brush with Spain, and she succeeded only too well in drawing a herring across the track leading to our northern neighbor.

Hence the betrayal of our ideals. In our present humiliating predicament we find hostile territory in Cuba and the Philippines, the South American Republics rendered uneasy and suspicious, perfidious Albion surrounding us on every side and constantly strengthening her position, the faith of millions of our own people in our Constitution shaken. Our condition is truly lamentable. Had we granted Cuba and the Philippines self-government asking only such naval and coaling stations as we deemed necessary, and which would have been freely given, we would not only have been a world power, but a world master. We could have insisted on Canada being given autonomy or annexed to the United States. The spirit of the Monroe doctrine has been violated by her sending troops to fight in South Africa, by her territory being made a recruiting ground for Great Britain.

Suppose we are in difficulty with England, as is inevitable, for the present "era of good feeling" will only last till England succeeds in South Africa. Would not England import troops from South Africa and Australia to fight us? Would the Dutch of South Africa not be justified in coming over to avenge themselves for the mules and horses, aye, and men, we have sent to help to destroy them forever? Would the Irish and the Germans who helped to save the Union which England sought to destroy be so willing to fight the English legions as they were before this unwarrantable and unwise understanding with the infamous and mendacious Chamberlain? What we should have done, if we desired expansion, was to take Canada. She has illimitable acres of public lands. She has millions of square miles of forests. We need the Great Lakes and the St. Lawrence as an outlet to the Atlantic as much as we needed the Mississippi as an outlet to the Gulf of Mexico. Jefferson, that man of peace, was willing, if necessary, to go to war to secure Louisiana and Florida. The great Seward took Alaska as an entering wedge to the annexation of Canada.

We need her to complete our continental Republic. Her people

are congenial, and the vast majority of them willing for the change. It would benefit them even more than it would us. We could, without danger of interference, develop our domestic institutions on national lines, as the people of New Zealand and Australia are doing. Large armies and huge navies, with ever recurring and ever increasing cost, would be unnecessary. The best and bravest of our sons would not be condemned to death or a living hell by reason of residence in torrid climes. Our free institutions would not be turned into autocratic despotism. In the play of Quo Vadis, the courtly and learned Petronius is told by the miserable Cæsar that he has "lived too long." McKinley, in effect, says the same thing day after day when he removes men from office. Everything depends on the whim of one man, and arbitrary power will make even a good man bad and a bad man a demon. Our institutions need development in accordance with principles of justice and equity. Instead of concentration of power, we need a balance which conserves the principles of individual liberty without weakening the state. To do this, the power of patronage must be taken away from the President as far as possible.

In this way the popularity of Executive action can be effectually passed upon at least every two years. As a matter of fact, a state of anarchy has existed in the United States and Territories for the past four years. No one knows what may be done next. The programme foreshadowed one week is departed from the next. Even judicial decisions are reversed to order. Murder is constantly on the increase in the United States, and wholesale murder, under the guise of war, is chronic in the Philippines, while bribery and corruption are wholesale at home and abroad. To compensate for this there is a plethora of wealth in the hands of a few, and the flittering baubles of empire held up to dazzle the unthinking masses.

The statesmanlike solution, if we are to go into the expansion business, is to annex Canada, and to do it now while England is in difficulty. Turn the Philippines over to her own people, who have shown themselves amply able to take care of themselves, and protect them till they are on sure foundation, securing coaling and naval stations. In this way we will have the friendship of a nation of ten millions in the Orient, guarding the security of our interests in that quarter; we will have disarmed the suspicions of our southern neighbors; we will have our great Republic strengthened from the Arctic to the Equator, impregnable in its solidarity, and probably peacefully acquiring the country to the Isthmus of Panama at no distant day, and thus we can go on and on in paths of peace, which is vouchsafed to men of good will on earth.

We have undertaken to legislate for the Filipinos, ignoring their own desires, and giving no heed to their aspirations, but for my part I believe it is only fair and just that they should be allowed to speak, even through the columns of the CONGRESSIONAL RECORD. I therefore offer as a part of my remarks the address of Apacible, one of their representatives, as contained in his appeal to the American people, dated June, 1900.

To the American people:

God Almighty knows how unjust is the war which the imperial arms have provoked and are maintaining against our unfortunate country. If the honest American patriots could understand the sad truth of this declaration, we are sure they would, without the least delay, stop this unspeakable horror. And that they may have a just understanding of it, we entreat them to hear our voice, to meditate on our exhortations, and to weigh our statements against the misrepresentations under which imperialism seeks to conceal its designs. Turn not away from our prayer, Americans, but listen and give judgment according to reason and conscience.

We, the Filipinos, are a civilized, progressive, and peace-loving people. Many impartial writers and speakers have testified that we are advanced in civilization, that we are capable of improvement, that many of our people for two centuries have enjoyed the advantages of university education, that the number of illiterates among our people is small, and that as artists, scientists, magistrates, generals, and dignitaries of the church, the sons of the Philippines, have distinguished themselves greatly and have achieved many positions of eminence, especially so in Spain. That we are progressive was well shown by the conduct of our whole country when, at the time of the capitulation of the city of Manila, the inhabitants of our islands, supposing themselves to have entered upon a career of national independence that was to be assured to them by the United States Government, instead of abandoning themselves to any revolutionary fever and excess, established with careful thought and scrupulous regard for justice a prudent government which respected all rights created legitimately; they convoked a congress whose legislative work has not been justly criticised by anybody; they reorganized the administrative machinery which had been disturbed by recent struggles; telegraphs, railroads, and means of communication began to work regularly; we had adopted the electric light in some of our towns; and we had established a new university, four high and several primary schools. In brief, the new nation had entered upon a path of progress which already promised a bright future. All this progress the imperialists have disturbed; all this progress have they destroyed.

For proof that we love peace, we ask you to remember the story of our relations with Spain. For three hundred years our country has been at the mercy of Spanish domination; we were the subjects of that monarchy; the Government of that nation denied us any voice in the enactment of remedial legislation; they denied us representation in the Spanish Cortes. They allowed themselves to be directed by the most reactionary elements, and took counsel chiefly from the friars who sought to estrange the mother country from us and to deny us the blessings of liberty, so that they might the more completely exploit us at their will. They denied us freedom of the press, restricted the right of peaceable assembly, and violated the security of our homes. They created the so-called administrative process (expedientes gubernativos); so that often without hearing and without trial the most peaceable citizen was snatched from his house and condemned to the miseries of banishment. In brief, the Spanish Government, whose despotic cruelty American imperialism now imitates, and in some respects surpasses, denied to us many of the liberties which you were already enjoying when, under pretext of oppression, you revolted against British domination.

Notwithstanding these great wrongs, we submitted quietly, confining our protests to earnest prayers for reparation, such was our love of peace. Only when we became convinced that our requests were absolutely disregarded, that the most worthy officials were removed from office, even those of eminent character, when it was made known that they had manifested even a slight sympathy for us; when we had lost every hope of peaceful remedy and all faith in the oft-promised liberal reforms; only then it was that the armed protest—the Philippine revolution, the most justifiable of all revolutions—began. It was an uprising void of every feeling of hatred and revenge toward Spain, the country that we respected and loved; it was a revolt against her bad government, just as we now revolt, not against America, whose power and greatness we recognize, and whose justice we still hope to see proven, but against her unworthy rulers. Those who tell you that we are an adventurous and seditious people, ready to go to war at the least pretext, basely deceive you in this as in many other calumnies invented by the imperialists.

If yesterday we fought against Spain, and to-day are resisting your powerful arms, even though sure to be vanquished, it is because we have been forced as a last resort to an unequal and bloody war for the attainment of an aspiring people's legitimate ambitions. Thus we can repeat proudly and with the firmness of one who carries the truth on his lips and in his heart that if our character and culture entitle us to independence, still more do we show ourselves entitled to it by the high motives which have always inspired our resistance. Why, then, do you deny us liberty? Why, forgetful of all your history and the noble precepts of your illustrious forefathers, are you fighting against the cause of independence, of progress, and of justice, which is our cause? What has come to pass between you and us that should cause you to permit this incredible and monstrous war to be waged against us?

When you declared war against Spain you proclaimed to the world at large that you had appealed to arms only in order to free oppressed peoples; and when your flag waved before the coasts of the Philippines on powerful vessels which easily destroyed the weak fleet of the enemy it was an emblem of liberty then. Your diplomatic representatives invited the most famous of our Filipino leaders, Hon. E. Aguinaldo, to an offensive alliance against those whom you represented to us as a "common enemy," in order that by vanquishing them we might achieve our aspirations for peace and happiness. It was then that your idol, Admiral Dewey, and your distinguished generals, Merritt and Anderson, treated us as friends and allies, saying sincerely that we were fit for independence, even more so, as the Admiral asserted, than the Cubans to whom you have with equity promised to give it. It was then that the flag of the new Philippine nation waved in the shadow of the Stars and Stripes at Manila Bay. It was then that the independence of the Philippines was proclaimed at Cavite, within range of your cannons, without any opposition, and in almost the very words of your immortal Declaration.

It was then that your soldiers hailed the new nation, while ours were cheering the American liberators. It was then, to save your cause, since you had assured us that your cause embraced our freedom, that the Filipinos gave their blood for you in your fight against a valiant and obstinate enemy and at the same time placed in your reach all available resources and aid. You were at that moment almost at the point of breaking into hostilities with another nation which had manifested her sympathy for Spain by attempting to bar at Subig Bay the course of what you yourselves had called "an army of liberation." That was the hour of the beautiful fiction; now we seem to have come to the time of the bitter reality, the cruel disenchantment. Then we were received and treated as allies; now we are scourged back into the mountains and denied every right except that of fighting the very flag in whose beneficent shadow we had expected to find freedom and happiness.

From the outset our country took sides with the United States in the war with Spain, and we marched proudly with your sons as comrades in arms, as soldiers in the same cause, to victory. At all times during that war, and for months afterwards, the civil, military, and naval authorities of the United States caused us to hope for independence. Papers and pamphlets advocating this ideal were published in Manila under the protection of the United States authorities; with their consent the revolutionary army had been conquering the Spanish positions and establishing in them provincial governments dependent on that of the Philippine republic. America was then a great Republic releasing the Cubans and the Filipinos from the iron grasp of an imperial government and conducting them to emancipation and freedom; and our people hailed the Stars and Stripes as an emblem of freedom, as the token of liberty for the living and a badge of honor for the patriots dead.

With renewed energy, with proud alacrity, with fearless determination they pressed on, side by side with your noble sons to the end. What reward did we get? Did the expected freedom come to us? No! As a requital for our sacrifices and as a reward for our loyalty, subjugation is offered to us instead of freedom. We may have a colonial government of the United States, administered in a foreign language, instead of the colonial government of Spain, which, at least, was administered in a language already known to us and which we have made ours. We are to have a colonial government which will deny us the citizenship of its nation. In spite of their imperialistic tendencies, the Spanish Government never went so far as to deny us citizenship.

When, on a day of sad recollections, we declined to accept this shame, when we protested against this iniquitous ingratitude, then the guns of the United States were turned upon us; we were denounced as traitors and rebels; you destroyed the homes to which you had been welcomed as honored guests, killing thousands of those who had been your allies, mutilating our old men, our women, and our children, and watering with blood and strewing with ruins the beautiful soil of our Fatherland. Behold, therefore, Americans, and consider not only our right to independence, but what your conduct has been, and what your plain duty is toward us in good faith, and then judge, in view of these antecedents, whether the crusade of extermination which the imperialists have inaugurated against our unfortunate country is a worthy one, whether it is just, and whether it is in the least degree excusable.

These and only these are the true terms of the simple problem. Do not give ear to the specious arguments of those who, in order to excuse a political crime and in order to disguise their greed and covetousness, tell you the contrary by means of assertions whose falseness is as great as the bad faith of their authors. They tell you that we are incapable of self-government, as if the accomplished facts had not proven the contrary, and as if, also, all the Americans who had calmly judged us previous to this war of conquest had not unanimously asserted otherwise. They assure you that there exist deep divisions among us and that the withdrawal of the American troops would create anarchy and misgovernment in our country, as if it were not evident that the most complete order prevailed there until the imperial troops had, with their unjust war, brought confusion.

They tell you that the government of the Philippine republic had never been recognized by the whole country. This is a manifest falsehood, because it had been recognized even by the Mohammedans in the south whom the

imperialists, their friends and allies, boast so much of having reduced to submission, and by the mountain races of Luzon, who always refused to recognize the Spanish Government, and who will do the same to the American Government. The Philippine government is the only one which can conciliate and redeem them, for in that government only have they confidence—a success for civilization which imperialism could never accomplish. They assert that the existence of these mountain races makes the Philippine independence impossible. This is an absurd assertion, which would be equal to maintaining that you are incapable of self-government simply because there are Indians on your soil in a proportion almost equal to that which the Igorrotes, Aetas, etc., represent among us.

They mislead you with the idea that because the Tagalogs, the Visayos, the Ilocanos, etc., speak different dialects, it is not feasible for us to constitute a national unity. This is an objection of gross ignorance which forgets that in the most civilized European nations people speak different dialects and even different languages, as in the highly civilized Switzerland. It is also a sophistical objection which overlooks the fact that in all the provinces of the Archipelago, in the Tagal, the Visayan, and the Ilocos provinces, etc., whose inhabitants are of the same ethnical condition and culture, the only language officially spoken is the Spanish. They allege that the majority of the Filipinos are in favor of the American sovereignty, and that they would rather be colonials of America than be independent. This is a base falsehood, which belies the fact of the thousands of soldiers which the imperialists have had to put on the islands, and of the régime of military tyranny more terrible than was ever known before by us, of which they were compelled to avail themselves, imprisoning thousands of honest people, suppressing serious newspapers, and other endless abuses against all law, in order to smother the cries for independence.

They also tell you that we were the aggressors in the present war, as if it were not evident how much we have done in order to prevent the outbreak of hostilities with which we were daily provoked, and how many times we proposed a cessation in the fight in order that we may come to an agreement, a demand which your rulers have always refused to grant us. They further tell you that our country has great and unexploited riches, and that with it America would gain. This is a new deception of imperialism, because such treasures, even the mines, have already been carefully exploited by Spaniards, Germans, and English, and they never obtained the marvelous success of which imperialism now dreams; on the contrary, the record of these exploitations shows more failure than success.

They go on to say that there are in our country rich lands to distribute and cultivate. To this the deceived American immigrants who, believing such promises, shall go and succumb to the rigors of the climate, so fatal to their race, will answer, accursing those who made them leave their rich and habitable land. That the higher interests of Christianity demand the retention of the islands is another deception, because if our subjugation becomes a reality, we could never forget how much religious fanaticisms have had to do with it, and our present Christian belief would stagger, and perhaps we would look with distrust on the creeds of our subjugators. Finally, the imperialists say that God trusted in their hands the government of the future destinies of the Philippines, as if the Supreme Spirit could have been incarnated in the gold of the $20,000,000 which were paid to Spain and in the steel of the quick-firing guns which are mutilating the unfortunate Filipinos.

No, do not listen to the false assertions of the imperialists; listen only to the voice of reason and justice. Heed not the suggestions of those who pretend to excite your national self-love and your innermost feelings in order that you may convert yourselves into docile instruments of their cupidity and ambition, of their immoralities and scandals, which are peculiar to every colonial administration, and which have already dishonored the, until now, immaculate name of America and her foreign policy. Do not be deceived by false charges nor allured by false promises. Give judgment without hypocrisy and without self-deception. On the one hand, your honor and your glorious traditions are calling upon you to accord to us our rightful and well-earned independence. On the other hand, the distorted dreams of avarice, the dark conspiracies of greed and remorseless ambition, nurses of imperialism throughout all time, these counsel you to uphold the war of subjugation which your rulers but not your people have authorized and forced upon us.

Choose, then, sons of Washington, of Jefferson, and of Lincoln, between these two alternatives: Freedom for the hapless peoples who are in your power, and thus, under God's just laws, the recompense to you of a larger freedom for yourselves, or tyranny and destruction for your struggling but helpless victims, whose wrongs the Great Ruler of all will in due time avenge by the mournful destruction of your own liberties. Shall it be generosity or colonial greed? Shall it be right or wrong? Give ear to your own conscience and we are sure you will incline yourselves toward mercy, toward justice, and toward the only honorable course that will restore peace to our ransacked homes and to our devastated fields, stopping at once and forever this horrible war, which has already cost so much in treasure and blood, and which, if not abandoned, will yet cost much more, because our resolution is fixed: Liberty or death; independence or annihilation.

Why do the imperialists wish to subjugate us? What do they intend to do with us? Do they expect us to surrender, to yield our inalienable rights, our homes, our properties, our lives, our future destinies to the absolute control of the United States? What would you do with our 9,000,000 of people? Would you permit us to take part in your elections? Would you concede to us the privilege of sending Senators and Representatives to your Congress? Would you allow us to erect one or more Federal States? Or, would you tax us without representation? Would you change your tariff laws so as to admit our products free of duty and in competition with the products of your own soil? And thus would you allow the American trust to utilize our cheap labor in the manufacture of goods that would compete with the products of your own factories? Would you permit the trusts to bottle up our people to subserve their own ends, depriving us even of those liberties which you are enjoying?

Would you admit our artisans, mechanics, laborers, and servants to take employment in your country on an equal footing with American citizens, Indians, and negroes? Would you allow us to prohibit Chinese immigration? Would you permit us to retain our own language and not force us to adopt yours? Would you let us elect our own local officers? Would you allow us to share your offices, your honors, and your privileges? And, as for the saloons (which were almost unknown in Manila before), would you allow them to go on multiplying at the appalling rate at which their number has increased there within the past two years? Would you allow the lands in the Philippines to remain at all untaxed, as formerly, simply because some religious corporations have acquired enormous and fraudulent properties in them?

Would you remove your American soldiery and permit us to create an army of our own? Or, if you were determined to maintain a powerful army and fleet in order to protect your newly acquired "property" from foreign ambitions, and from our natural and perpetual anxieties for liberty, would you do this solely at your own expense, because the revenues of a poor country like ours could not do so? You who so ardently protest against the destruction by England of two small republics which challenged her to war, would you continue to remain indifferent whilst your rulers are destroying a sister republic which is much more helpless than those of South Africa, and which, far from declaring war against you, was your obliging friend, your successful ally? What would you do with the Philippines and the Filipinos if you refused to allow them to become a new American State, if you refused to allow them to enjoy your citizenship?

Imperialism knows not how to answer these questions. It is inspired only by greed, by a vile thirst for gold, and by the lust of spoliation. But, ever misled by its ruthless impulses, it can not determine which would be its better plan, which should be its settled purpose for the future, or how far it may safely indulge its insatiable appetites, for the dilemma is inexorable. Either the retention of the Philippine Islands, if it is realized with a noble purpose, will result in great harm to your industries and your commerce or it will become a system of merciless and shameful colonial spoliation, which will forever blot out the honor of whatever there is that is lofty and noble in your history. Can it be possible, sons of America, that you will allow us to become subjects or slaves? Should this happen, how will you reconcile it with the wise and noble principles set forth in your Declaration of Independence?

"That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Will you transform these beautiful and honorable sentiments into specious deceits, fraudulent promises, and high-sounding but hollow words? No! You can not belie your whole history. You can not tolerate the violation which imperialism is so evidently working against your most venerable and fundamental principles. Until Congress succeeds in redressing the illegal aggressions of which we are the victims, and shall suppress these violations of reason, of solemn contracts, and of the elementary conceptions of gratitude we shall rely upon and appeal to the high sense of justice which has hitherto so honorably characterized the free American conscience. We do not believe you will allow us to be enslaved; it would be a dishonor to yourselves.

Influence, then, as soon as possible your legislators and rulers to give us self-government, which by right belongs to us, and peace will be restored immediately, to your benefit and ours, ending the now incessant and fruitless bloodshed entailed upon us by the present war.

We are ready to make peace, and in order to facilitate this end we propose—

First. That we will pay back to the United States the $20,000,000 paid by them to Spain.

Second. That the most amicable and perpetual commercial relations shall exist between us for our mutual benefit and for the greater progress of our country.

Third. That we will grant to the United States whatever space is reasonably necessary for coaling stations outside of our established cities.

Fourth. That we will not allow monopolies of any kind in the islands, and that we will give to your citizens all the guaranties and protection accorded to our own citizens for the security of life and property.

Fifth. That we are ready to entertain whatever terms you may desire for yourselves, so long as they do not infringe upon our individual and political liberties, or upon the integrity of our nationality.

After these offers it only remains that you, the free citizens of America, for the glory of your name throughout the world and for the honor of your flag, shall do justice. Thus shall the hands of your noble sons be no longer stained with innocent blood. Thus shall it not be said that the vile inspirations of greed have banished from your hearts those lofty traditions of liberty and philanthropy which you have inherited from your honest forefathers.

Toronto, June, 1900.

For the Central Filipino Committee.

G. APACIBLE.

In addition, so much has been loosely written about the desires of the Filipinos by Americans who have no true knowledge of what such desires may be that I add to my remarks the letter of an accomplished Filipino, Sixto Lopez, to Major-General Wheeler, dated June 30, 1900:

41 WOBURN PLACE, LONDON, W. C., *June 30, 1900.*

DEAR SIR: Having been favored with a copy of your circular letter requesting a statement of opinion on certain matters relating to the Philippines, I am desirous of furnishing replies to the several questions propounded by you.

Your circular is addressed to "eminentes Filipinos." I do not know exactly to what class you refer by that superscription, but I beg to assure you that I do not profess to be in any sense "eminent." Nevertheless, I am confident that the views herein expressed are those held by an overwhelming majority of my countrymen.

"It will be of great interest," you declare, "to those who may have to legislate on Philippine affairs to know the opinions of eminent Filipinos." Allow me to cordially congratulate you on being the only eminent American, among those who desire to take our country by force, who has deemed it of any interest to know the desires and opinions of the Filipinos on vital questions. I gratefully acknowledge that there are many eminent Americans who have spoken and written in favor of not only our cause, but also the cause of human liberty. But among those whose policy embraces the forcible annexation of our country and who profess that that policy is dictated by motives of philanthropy you stand preeminent as being the only one who has ever dreamed that the Filipinos have opinions which might be worthy of even passing attention.

The following are the questions in your circular letter, to which replies are given:

Question I. "It is the opinion of many that the war between Americans and Filipinos and the consequent bloodshed might have been avoided. Be kind enough to say what was the cause of the conflict and bloodshed, and if it could have been avoided?"

Your question may for convenience be subdivided thus: What was the cause of the war? Could the war and bloodshed have been avoided? To the first of these questions the reply is, that not being in the Philippines at the time of the outbreak of hostilities I can not speak from personal contact or observation. But from abundant evidence which has come from our people and from official reports published in American papers I am convinced that the conflict, in so far as our general and soldiers were concerned, was a pure accident due to misinterpretation of the acts of American soldiers. As to the ulterior motives, if such existed, which induced the American soldiers to fire the first shot and to shed the first blood I here express no opinion. But I am firmly convinced that if the commander of the American forces had adopted the system pursued by the Philippine army, of simply arresting those who ignorantly or wittingly crossed the lines of the respective forces, the conflict would not have occurred.

Of far more importance is the question as to whether the war and bloodshed could have been avoided. It is also much more serious, because it involves the question of moral responsibility. Every drop of blood that has been spilled, every life that has been sacrificed, the sorrow in every home made desolate in both America and the Philippines, must be charged to the

moral account of the side which is in the wrong. Our contention, therefore, is this: The Philippines were and are our country. "Forcible annexation," as your President has admirably expressed it, "would be criminal aggression. No legal quibble about "the right of conquest and purchase" will obscure the moral question or even serve as a lubricant to conscience.

No profession of "philanthropy" or "benevolent assassination or assimilation"—we will not quarrel about the word, the meaning is practically the same—will serve to shield your President from the charge which he has made against his own policy. Nor will it avail to offer insult to one's moral sense by claiming a legal title to sovereignty due to "cession" and "purchase" from Spain.

Spain never had a moral right to our country. Her alleged ownership rested solely on might and not on right. She never possessed even the tentative right which comes to the provider of beneficent rule.

This was recognized by the United States when it went to war on behalf of Spain's colonial possessions and demanded that Spanish sovereignty should cease. In addition to this, Spain did not possess sovereignty at the time of the so-called "cession." Her territories were in the hands of the Filipinos (with the exception of one city), who had established an independent government de facto and de jure. If Spain, then, had no moral and no legal ownership to the Philippines, who had? There is but one answer—the owners were and are the inhabitants, the Filipinos.

Who, then, is the aggressor in this war? Who is it that is endeavoring to seize and annex the Philippines over the heads of the natural owners, the inhabitants, and to purchase a doubtful legal title in the absence of a moral one? Who was it that fired the first shot and took the first life? Who is it declares that "all just powers of government are derived from the consent of the governed?" Who is it that now seeks to deny the application of that principle of human rights to the Filipinos? Who was it that sought and accepted our aid in the conflict with Spain and now denies that we have any right whatsoever to a voice in determining the fate of the Philippines? Whoever is chargeable with these acts, on him and on them must be laid the responsibility of the war and bloodshed.

If the United States administration had promised that the principle enunciated in the Declaration of Independence and quoted above would be made applicable to the Filipinos, there never would have been a shot fired, and if that promise were now made there would be no more war. That promise could have been made and can now be made. I am therefore of opinion that the war and bloodshed could have been, and can be, avoided.

Question II. "If the Americans had abandoned the islands, would Aguinaldo have been acceptable to all the tribes, or would some have opposed his government, causing revolutions and other conflicts?"

General Aguinaldo not only "would have been acceptable" but has been accepted by what you term the "tribes." Practically all the islands sent emissaries declaring their loyal support to Aguinaldo and his government. Even the Igorrotes, and the Moros of Central Mindanao, who never submitted to Spanish rule, have acclaimed our president and government, and the former have sent gold dust to Aguinaldo to assist in the prosecution of the present war. In addition to this, the provinces of the archipelago have elected representatives—in some cases by a unanimous vote—to our "Asamblea," or house of representatives. It is true that certain Filipinos within the sphere and under the domination of the American forces, have professed being favorable to American rule. Though I do not approve it, I can quite understand their attitude.

When the British troops entered Bloemfontein, many of the Free Staters professed being favorable to British supremacy. But whatever may be the rights or the wrongs of the Anglo-Boer dispute I am quite sure that those Free Staters would much prefer Boer supremacy. The Filipinos in and around Manila are in precisely the same position as are the Free Staters in and around Bloemfontein. Take your army from the Philippines and you will soon discover whether the Filipinos are in favor of American rule! It is also true that on payment of certain emoluments by America the Sultan of Sulu has agreed to submit to American rule.

I do not wish to say anything unkind about the Sultan, but I am of the opinion that he was not entirely a free-will agent in the matter, and that his submission does not necessarily mean the submission of the people over whom he exercises a somewhat doubtful sway. At the time of the American Revolution were there no colonists who professed being favorable to English rule? Your great liberty-loving country will hardly be proud of purchased loyalty. Much has been made of the supposed favor with which some Filipinos are said to regard the prospect of American rule in the Philippines. But as a matter of fact there is an overwhelming majority of our people in favor of Filipino rule. If you doubt the truth of this statement; if you still honestly believe that the Filipinos are in favor of American rule, let a plebiscite be taken on the question.

Let it be conducted fairly and free from any threat of the sword of either General MacArthur or General Aguinaldo. Let chosen representatives of both parties superintend the voting which should be by ballot. You will find yourselves outvoted by a hundred to one even in the city of Manila. I can not give you any formal pledge, but I firmly believe that Aguinaldo and all the Filipinos would be prepared to abide by the result of such a plebiscite. If your Administration will also agree to abide by the result, the Filipinos will bear half of the incidental expenses. On behalf of the Filipinos I challenge you to put your contentions to this test. One of the first principles of republicanism is that the will of the people, expressed through the ballot, shall be supreme.

Are the Filipinos—the "savages," as some of your illustrious colleagues have defined us to be—the pleaders for, and you the deniers of, the application of this principle?

To the second part of your question, as to whether there will be any opposition to Aguinaldo's government, the reply is that we have never been foolish enough to imagine that any government in this world would be free from opposition. Is there no opposition to President McKinley's government? Was there no opposition to President Lincoln's government? Do you fondly imagine that, if your Administration ever succeeds by force of arms in establishing a government in the Philippines, there will be no opposition to it?

Undoubtedly there will be opposition—healthy opposition—to any government established in our country. But the opposition will not be between the so-called "tribes." Your question implies that if there is opposition to Aguinaldo's government, there will also be revolutions and other conflicts. If our government ever became unjust or corrupt; if it refused to admit that its "just powers of government were derived solely from the consent of the governed;" if it sought to thrust its will upon an unwilling people, it would deserve to be, and would no doubt be, subject to revolution.

But even just and righteous governments are not always exempt from such dangers. Will any high-minded American declare that the government of President Lincoln was unjust or corrupt? Yet against it was directed the greatest revolution known in the history of the world. Your question also implies that if we ever had a civil war in our country the event would prove that we are incapable of self-government. What, then, did the civil war in America prove? Every country in the civilized world has had its revolutions and its civil wars. Revolution has been the means by which tyrants and dictators have been dethroned. America will never rule the Philippines without becoming a dictator.

Give us complete franchise and the power which justly belongs thereto, and we will declare ourselves independent of America. Deny us the franchise, and you will become a dictator. Under such dictatorship there will be not only "opposition," but also an absolute certainty, sooner or later, of "revolutions and other conflicts." If you sincerely desire the pacification of our country, leave us to ourselves. Protect us, if you will, from foreign aggression, and earn not only the gratitude of our people, but also the grandest title of which a nation can boast—the title of liberator and defender of those who struggle for national life.

Your question further implies that if Aguinaldo were removed from the sphere of operations the Filipinos would be left like sheep without a shepherd. We have every confidence in President Aguinaldo. He is the object of our highest esteem and admiration. We are prepared to follow him as long as he pursues, as he has hitherto pursued, a policy of righteousness and justice. But if, through unforeseen misfortune, he should be removed from our midst, we have other men able and willing to lead our people.

Though we gratefully recognize his splendid services to our people; though we believe that he is a born leader of men, our national existence no more depends upon Aguinaldo than does the existence of the American nation depend upon President McKinley. You have evidently taken the splendid unanimity which our people have shown toward their chosen leader as an evidence that there is only one who is capable of leading. If our people had been divided into factions or "tribes" with a multiplicity of leaders, perhaps we should have been credited with the possession of many capable men! Verbum sat sapienti.

Question III. "The American nation wishes to protect the Filipinos in so far as regards their personal liberty and property, by means of an honorable government and by other licit means of just government, and to guarantee their prosperity and happiness. Do you think that the Filipinos would accept and be content under such a benevolent American government?"

I never knew that it was possible to "guarantee" happiness! President McKinley, and also the Philippine commission in its proclamation at Manila, promised to provide us with a government, the like of which is possessed by no other country in this world. According to the above-mentioned proclamation we are to have a "wise, just, stable, effective, and economical administration:" we are to be "guaranteed" an "honest and effective civil service;" the "collection and application of taxes" are to be on a "sound, honest, and economical basis;" "public funds" are to be "raised justly and collected honestly;" we are to have "prudent and honest fiscal administration;" "pure, speedy, and effective administration of justice;" our "civil rights" are to be "guaranteed and protected to the fullest extent;" "religious freedom" is to be "assured;" "all persons" are to "have an equal standing before the law;" "the evils of delay, corruption, and exploitation" are to be "effectually eradicated;" we are to be blessed by "a considerable reduction in taxation;" and the whole fabric of this magnificent government is designed for "the welfare and advancement of the Philippine people" who are to become the "constant objects" of President McKinley's "solicitude and fostering care." On top of all this you now propose to "guarantee" us "prosperity and happiness."

Why do you not adopt this sublime government in America? Do you not see that you and your commissioners "protest too much?" The word "honest" occurs four times in eight lines of the commissioners' proclamation. Why all this protestation of honesty? The greatest men speak least of greatness; the real artists seldom talk learnedly of "art;" the truest scientists are not forever dilating upon "the scientific;" honest men seldom protest their honesty.

Why do the commissioners repeatedly assure us of their "honestyisms" and "honest" intentions? Is it because they promise so much and give so little? Are they endeavoring to make up by promise what they lack in performance? I note that notwithstanding these lavish promises it still "remains with Congress to finally determine the form of government for the Philippines." The commissioners naively tell us that Arguelles (Aguinaldo's emissary) was "satisfied" with the proposed government as set forth in their proclamation, but—simple soul!—he spoiled all by asking for some guaranty that this millennial government would become a fact in history.

But to be serious. Notwithstanding Senator BEVERIDGE'S speech, in which he compared us to the "noble red man," who, I note in passing, has already been "benevolently assimilated;" notwithstanding the apparent cordial approval with which his extraordinary speech was received by your coannexationists, we cheerfully admit the absolute honesty and sincerity of intention of the people of America. At the same time, we do not believe for one moment that you or they could give us anything approaching in perfection to the government which your commissioners have promised.

But even if we were to admit that your ability is commensurate with your promises, we should still prefer to rule ourselves. All the "protection to life and property," all the "liberty under the Stars and Stripes," all the "peace and charity" and "liberty of opportunity" and "fostering care" and "honest" administration which your great nation might be able to give us would not compensate us for the loss of national life. Put the question to yourself. Would you be satisfied—assuming that some powerful nation were to deny you your independence and at the same time offer you the millennial government which you promise to give us—would you be satisfied with such foreign rule?

You know that you would not. Then do not unto others as ye would not that others should do unto you. There is no necessity to tell us how incapable we are and how enlightened you are; there is no need to argue about "legal" titles or "sovereignty by right of conquest and purchase" or the "task which Providence has imposed upon you." Put all such puerile considerations aside and come back to the golden rule. It is simple enough and embraces the whole of man's duty to man. It will show you whether you are doing right in the Philippines, and whether your legal contentions will stand the moral test. Come back to the Golden Rule and take your dripping sword from out our heart.

Question IV. "Do the Filipinos desire the construction of railways, factories, and other modern improvements?"

This question brings us down from the moral to the commercial aspect of the question. If we did not believe in the absolute sincerity of your intentions we should consider your question offensive, because it presupposes the possibility of our giving a reply in the negative. It is usually considered unnecessary to put a question seriously and deliberately unless there is the possibility either of a negative or of an affirmative reply. Now, you have been in our country. You address your questions to "eminent" Filipinos, and you thereby imply that the most enlightened of our people may be indifferent to the advantages of the arts of modern civilization. This shows how little you and your colleagues understand our people.

It also serves to destroy whatever confidence we may have had in your ability to provide a suitable government for our country, because if you do not understand a people you will never successfully govern them. But as we believe in your sincerity, we simply give a formal reply to your question. We do desire the railways and other improvements you mention, and we desire many other things which you do not mention, such as additional schools, universities, libraries, art and musical institutions, and all that pertains to the moral as well as the material advancement of our people. If it will pay your Government to build railways, it will also pay our government to do so.

You may tell us that we will not be able to find the capital for such public

works as are necessary if America withdraw her protection. We have never asked America to withdraw her protection. But if America will not protect us without annexing us, then, though we should prefer American protection, we can obtain complete protection without annexation from one of the greatest European powers. Under such protection we could obtain all the capital we require.

The final intimation in your circular letter is that "any other note on the well-being and prosperity of the Philippine government will be appreciated." I therefore beg to remark that I consider it somewhat strange that you make no mention of Filipino independence.

You ask us: Are we satisfied with Aguinaldo? Would there be opposition to his government, causing revolutions and other conflicts? Would we be satisfied with a guaranty of happiness? Do we desire railways and other improvements? But you do not ask the most important question of all, Do we desire independence? You might as well ask a drowning man if he feels cold, and if he would be satisfied with a "guaranty" that the water will be comfortably warmed! What the drowning man wants is life; what the Filipinos want is national life. What will all your honeyed promises amount to if you deny us our hearts' desire? Take from us our national life and we will never be satisfied with your promised cake and wine.

Material prosperity, though desirable, is by no means the most desirable condition. I therefore take the liberty of asking you and those who think with you a final question: Why do you shed all this blood? Why do you spend all this energy, all these millions of dollars, in the effort to thrust upon us what we desire least and deny us what we desire most? Is it for our good or for your own? For an answer to this latter question I beg respectfully to refer you to Senator BEVERIDGE'S speech on the 9th of January.

In conclusion, I beg to assure the people of America through you of our faith in their righteousness and of our belief that ere long they will give us the justice which we crave and cease to interfere with our dearly won independence.

Sincerely, yours,

SIXTO LOPEZ.

Maj. Gen. JOSEPH WHEELER, U. S. A.,
Washington, D. C.

Inasmuch as those who have assumed to describe the Filipinos, even commissions sent out by us, have blundered, consciously and unconsciously, with regard to the very people of whom they wrote, and believing that we should know something of the tribes of the Philippine Islands, I have also added a letter of Sixto Lopez covering this particular point:

It has been suggested that I should give a few facts about the so-called "tribes" of the Philippines.

Statements have been made to the effect that we are divided into 84 tribes, speaking different languages, and of all degrees of barbarism and civilization; that these "tribes" are at enmity with each other; that they would never agree to form a united, strong government; and that one warlike "tribe" is seeking to dominate all the others, and to rule with an iron hand the weaker and peaceable citizens of our country.

These statements are entirely incorrect.

That there are a few uncivilized or semicivilized peoples still inhabiting the northern part of Luzon and the interior of the island of Mindanao is a fact which no one disputes. They correspond roughly to the uncivilized or semicivilized remnants of the Indian tribes still inhabiting certain parts of the United States.

The Schurman commission is responsible for the statements about these 84 different "tribes." But it is clear that the commissioners' list has been compiled from imperfectly kept and still more imperfectly spelled Spanish records. The confusion into which they and others have fallen in reference to the so-called "tribes" is due to the fact that our country is divided not only into provinces, but into provincial districts, wherein slightly different dialects are spoken. The inhabitants of these provincial districts have been confused with the few mountain peoples. The latter have been subdivided by purely artificial boundaries, by which means a small community has been subdivided into two or more "tribes." Additional "tribes" have also been created by the incorrect spelling of local Spanish officials, and by giving two native equivalents for the same people, as, for instance, when two "tribes" are created by calling the one Buquils and the other Buquiles, which is equivalent to saying that there are two "tribes" in England, the English and the British.

Examining the list still more in detail, we find that there are said to be two tribes of Aetas, two more of Attas, and one of Atas. These are not tribes at all. The word "Aeta" is the Tagalog equivalent of "Negrito." This word has been spelled in three different ways by careless Spanish officials, and thus multiplied by the commissioners into three separate and distinct "tribes." The word "Baluga" is another native equivalent for the Negritos, and this word is also given by the commission as the name of a separate and distinct "tribe." It would be just as absurd to regard the Americans as one tribe and the "Yankees" as another, and then to increase these two tribes into four or more by misspelling the word "Americans," or by translating it into French.

The names are also given of "tribes" which do not exist in the Philippines at all, as, for instance, the Manguianes of Masbate, the Manguianes of Ticao, the Negritos of Tayabas. I have been in all of these places, but I never saw or heard of these "tribes," nor have I ever met anyone who had seen or heard of them.

Thus, by the processes of imagination, bad spelling, translation, subdivision, and multiplication, the 15,000 Negritos are split up into 21 "tribes."

There are also said to be 16 Indonesian "tribes" in the island of Mindanao. It would be interesting to know where the commissioners obtained this information. The interior of Mindanao has never been explored; all that is known of it with any degree of certainty is that the inhabitants are Indonesians, and that they are divided into sections under small chiefs or headmen.

It would be impossible, in the time at my disposal, to even attempt to explain all the errors and confusions of this list prepared by the Schurman commission. It is sufficient to say that by the processes which I have indicated the few semicivilized people and the civilized inhabitants of the provincial districts in Luzon and the Visayas have been multiplied into 84 "tribes."

Now, as a native of the country, and as one who has given some attention to the ethnography of the archipelago, both by personal research and by a study of the best works on the subject, I may be permitted to give a brief statement of the facts.

There has been a considerable amount of speculation about the Negritos, who are erroneously regarded as the aboriginal inhabitants of the whole archipelago. But Pedro A. Paterno, one of our most capable ethnologists, and others have shown that the Negritos are the surviving remnant of the slaves brought to our islands by the Moros in the eleventh and subsequent centuries. They are not especially negroid in appearance, and only those inhabiting the province of Bataan in Luzon have curly hair.

In the large and only partially explored island of Mindanao there are several Indonesian "tribes," the chief of which are the Subanos, estimated to number from fifty to seventy thousand; the Mendayas, who are estimated to number 35,000; and the Tagabauas, comprising about 30,000. The Mendayas and the Manobos are said to practice, the one human sacrifice, and the other ceremonial cannibalism.

But the evidence of this is conflicting and untrustworthy. It is also said that the small "tribe" of 4,000 Ilongotes in Luzon are head-hunters. This has been denied and asserted on equally untrustworthy authority. I have never met or heard of anyone who had witnessed any of these practices. The information has always come from a neighboring people. The idea has probably arisen by travelers having seen the heads of criminals erected on spears, just as one might have witnessed the same thing a century or two ago on Temple Bar or London Bridge.

But if that proved head-hunting on the part of Ilongotes, it also proves that the English people were head-hunters.

If, however, these statements are true, they are paralleled by the scalp-hunting Indians of the United States and by the human sacrifices and ceremonial cannibalism of the Canadian Indians.

There are, also, the Moros of Mindanao and the Sulus. They are, of course, Mohammedans, and some of their institutions are contrary to the true ideals of morality and liberty.

There are a few natives on Mindoro who have not been Christianized nor tyrannized by Spain.

But they have a religion and a code of morals of their own, the latter of which they adhere to and which in many respects is superior to that practiced by the Spaniards. They believe in one God and are monogamists. They are a moral and hospitable people who do their duty to their fellowman, worship God in their own way, and do not believe in any kind or form of devil.

The so-called wild men of Luzon are the Igorrotes, who are "a warlike but semicivilized people, living in villages, owning farms and cattle, irrigating their rice fields, mining and working gold and copper and forging swords and spear heads of iron," but who have never been converted to Christianity or subdued by Spain.

They are, however, prepared to submit to and recognize Aguinaldo's government and have sent him presents of gold dust to assist in the war. The Igorrotes are probably an early branch of the Malayan race which originally populated the island.

These uncivilized and semicivilized people are not separate genealogical tribes. The inhabitants of Mindanao are a homogeneous people of common Indonesian descent, who have become divided into sections under petty chiefs or headmen, some of which have slight differences of dialect which have arisen gradually owing to there being little or no intercommunication. But most of them speak the same dialect.

Let us now glance very briefly at the remaining millions of Filipinos, who are generally regarded as belonging to the Malayan race.

They constitute more than nineteen-twentieths of the entire population of the archipelago, and are divided into provincial districts inhabited by the Visayans, the Tagalogs, the Bicols, the Ilocanos, the Pangasinans, the Pampangans, and the Cagayans. All of these provincial people belong to one race, and all of them are Christian people practicing the morals and arts of civilization and speaking dialects which are as similar to each other as are the dialects of the different provinces in England. The divergence between these dialects is much less than that between the Spanish and the Italian languages. I have traveled alone in Italy. I do not know Italian, but I have had no difficulty in understanding and in making myself understood by the Italians.

Similarly, I have traveled in the Visayas and elsewhere in the Philippines and have had very much less difficulty in communicating with the Visayans and the Bicols. A Tagalog will become proficient in the Visayan or other dialects within a fortnight, and vice versa.

As a matter of fact, the difference between the dialects of the seven provincial districts would not be a real difficulty to indepe...lent self-government. First, because the difference is so slight, and secondly, because Spanish is the official language of our country, spoken by the educated people of all provinces; and, as the Schurman commission declares, these educated people are far more numerous than is generally supposed. When Tagalogs, or Visayans, or Bicols meet they never dream of speaking in their own dialects; intercourse between them is carried on in Spanish.

And I may state parenthetically that the Filipinos have so excelled in Spanish as to have won valuable literary prizes in competition with the Spaniards themselves. Dr. José Rizal, at the age of 17, took the first prize in the Cervantes literary competition at Manila, which was open to Spaniards and Filipinos alike in both Spain and the Philippines.

But if the language were a difficulty under Filipino rule it would be a still greater difficulty under American rule, due to the necessity of the introduction of English, which would form a third language in our islands.

Other countries do not find that a difference in language forms a difficulty to self-government. In every country in the world, with perhaps the exception of the United States, there are two or more languages or dialects spoken by the people.

The only difficulty with regard to language in any of these countries has been due to jealousy as to which language should become the official one. This difficulty has already been settled in the Philippines.

Now, as to the supposed enmity between the so-called "tribes." Such enmity is quite unknown among our people. There may be, and no doubt there is, enmity between individuals, but the enmity does not exist between the so-called "tribes" or provinces. During the short term when our government was not interfered with the most perfect harmony and unanimity existed, and provincial and racial differences were never even thought of.

When our government was first established emissaries came from almost all the provinces and islands declaring their support on behalf of those from whom they came. Even the Moros of Mindanao and Igorrotes of North Luzon, who had never been subdued by Spain, acclaimed Aguinaldo, and were prepared to recognize his government.

Our "asamblea" or representative chamber, under the new constitution, comprised representatives of all the provinces. Some of these provinces include two or more islands, while some islands are divided into two or more provinces. Thus the province of Romblon includes the islands of Romblon, Tablas, Sibuyan, and other smaller islands, whilst Panay is divided into four and Luzon into many provinces. It should be remembered that these provinces are separated by artificial boundaries. They are geographical but not racial areas. Frequently in one province two dialects are used, as in North Camarines, where Tagalog and Bicol are spoken. On the other hand, in some cases two or more provinces use only one dialect, as in the 13 provinces where Tagalog is spoken. A Spaniard or other foreigner can not distinguish any difference in the accent of the inhabitants of these 13 provinces, although a native may in some cases, but not in all, be able to tell whether a speaker is from, say, Batangas or Bulacan. But to imagine that the inhabitants of these provinces generally are at enmity with each other, or that they would be likely to tear one another's throats, is as absurd as to suppose that the inhabitants of Massachusetts would naturally desire to rend the men of New Hampshire or Rhode Island.

The interrelations of the people of the several provincial districts show that no such enmity has existed or does now exist. For instance, in the

schools and colleges, especially in Manila, there are representatives of all the chief provincials, and it would be impossible to tell which were which. I may be pardoned for here referring to myself. I am a Tagalog; but it would be impossible for another Filipino to say, judging from external appearance only, whether I was a Bicol, a Visayan, a Tagalog, or a Pangasinan. The only way of discovering from which provincial district I came would be by means of the dialect.

There are many institutions in the Philippines the benefits of which are not confined to the people of any one province. For example, there is an educational institution (purely Filipino) granting scholarships which enable the winners to study in Europe. These scholarships are open to all Filipinos in the archipelago.

In Japan the official representative of the so-called "Tagalog despotism" is an Ilocano. In Madrid all the Filipinos have formed themselves into a committee and are working unitedly for independence. The president of the committee is a Bicol, the vice-president an Ilocano, the secretary a Visayan, the treasurer a Tagalog, and the remainder of the committee are Tagals, Visayans, Bicols, Ilocanos, and Pangasinans. In Barcelona, in Paris, and in London the same diversity of province and the same unanimity of purpose obtain. Among all the Filipinos resident in Europe who represent the educated and moneyed classes, and who know something of European methods of government, there is not one "Americanista."

This is an important fact, because all these men are entirely free from the supposed despotism of Aguinaldo or General MacArthur. They are thus free from all external influences; yet every one of them has voluntarily chosen to support Aguinaldo and to work for the independence of our country.

As a matter of fact, with the exception of the few uncivilized tribes in central Mindanao and the Sulus, and the semicivilized Igorrotes and Negritos of Luzon to which I have referred, the Filipinos are a homogeneous people belonging to the Malayan race. They speak several dialects, but they are one people. They constitute an overwhelming majority of the inhabitants of the Philippines. They are opposed not solely to American, but to any foreign rule; and they are united in the desire for independence and for the purpose of maintaining a stable, independent government.

In conclusion, I again assert, without fear of contradiction, that the alleged antagonisms between the inhabitants of the provincial districts, or between the so-called "tribes," have arisen, not in the minds of the Filipinos themselves, but in the minds of those who do not understand our peoples and who have reached conclusions in no way warranted by the facts.

I have also been asked to say a word about a so-called "tribe" not included in the commissioners' list. It has been stated that "the Macabebes are fighting on the American side." The statement has been made in a manner which would convey the idea that the Macabebes are a large tribe, somewhat like the Tagalogs, and that it is therefore clear that all the Filipinos do not desire native rule. You will no doubt be surprised to learn that the Macabebes, or Macabebians, as they should be called, are simply the inhabitants of the town of Macabebe, in Pampanga.

The population of this town has been estimated at from four to ten thousand, all told, and of these only 200 are scouting for the American forces. If that shows disunity on the part of 10,000,000 of Filipinos—well, "make the most of it!"

I should like to mention that these same Macabebians also fought for Spain against the Filipinos in the insurrection of 1896. Apparently they prefer foreign rule of any kind, whether it be Spanish or American, to that of their own. We are glad, therefore, that such men as these are not fighting on our side.

SIXTO LOPEZ.

As showing that their desire is for justice and not for charity, I further supplement my remarks by the letter of the gentleman last named to Rev. Dr. Hale, dated February 7, 1901:

DEAR SIR: In the Boston Transcript of January 17 there is mention of a project to provide "practical help for the Filipinos" by "sending them farming implements and seeds, which they much need as a means toward gaining a livelihood." It is further stated that the project was set on foot by Miss Sarah E. Hunt, at the request of an American officer in the Philippines; that it has the approval of Governor W. Murray Crane and yourself, and that you, as president of the Lend-a-Hand Society, have been good enough to send out circulars asking for contributions.

While admitting that this movement is prompted by the best motives and kindliest feelings, I must, in so far as I can speak on behalf of my fellow-countrymen, respectfully decline the proffered aid. In doing so, let me say that I feel sure if you only knew the real conditions in the Philippines you would not offer this indignity to a people who are silently suffering misery and death in defense of their rights, but who will not accept the bounty of any foreign nation; least of all of the nation that is causing the misery.

If the Filipinos were only freed from this terrible curse of "benevolent assimilation" and left in peace to continue the beneficent government which they themselves instituted two years ago, they would not need the charity which I am sure they will now politely but firmly decline.

It is said that the present policy in the Philippines is an imperialist policy. Upon that I here offer no opinion. But this I know: It has always been the policy of imperialism to give charity while it withholds justice; it has always been the custom of peoples freeing themselves from tyranny to demand justice and refuse charity. In this the Filipinos are not an exception. They do not shrink from suffering when honor demands it. They are not as exercised about an empty dinner pail as some persons seem to be about a full one. Better to have gnawing hunger with self-respect than surfeit with shame. Better to be a starving Filipino asking for liberty than a descendant of Washington denying it.

We do desire an amelioration of these conditions of misery and horror. We desire it on behalf of the patriot fighting against a reincarnation of the principles of George III, and on behalf of the wife and mother whose stifled cry may never reach the ear of pity in America. But we will accept that amelioration only from the hands of justice. That which is ours by right we will not accept in charity. Give us justice, and we ourselves will be able to attend to the wants of our people.

The Filipinos are described by competent authorities as "excellent agriculturists." Improvement in some of their methods is possible, and they know it. But let me be fair. It is possible—as the unknown officer writes to Miss Hunt—that there are "natives digging with bamboo sticks and scooping the earth up with their hands when repairing roads" for the American forces. This is a new kind of agriculture. No doubt it will result in more digging—of graves! It is also possible that these misguided natives—the only class with whom the officer comes in contact, and from whom he receives his utterly erroneous impressions and information—may be willing to accept charity. If the lend-a-hand society desires to help them, be it so. But let each parcel of seeds and each implement be addressed to those who are building roads with hands of shame in order that their own brethren may be shot.

If I were permitted a suggestion, it would be this: Let the money received from the generous donors be applied, with their permission, to purchasing and supplying to every person in the United States a copy of the Declaration of Independence, with the third paragraph printed in large capitals. This rare old seed, so long hidden away in neglected barns, might thus bring forth fruit that would bless both your country and mine—yours with honor, mine with liberty and peace.

I am taking the liberty of writing this in the form of an open letter, because I desire that it should have the same publicity as the appeal in the Boston Transcript.

With every assurance of my respect and my appreciation of your intended kindness, sincerely yours,

SIXTO LOPEZ.

WASHINGTON, D. C., *February 7, 1901.*

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I renew my request that all members may have an opportunity to print remarks on this bill.

Mr. SHEPPARD. I object.

The SPEAKER pro tempore. Objection is made.

Mr. HULL. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I beg to say a word about the special provisions of these amendments. First, we ask Cuba to agree to maintain her independence and her territory against all foreign countries. That is the Monroe doctrine. We have the right to enforce this. Second, we ask Cuba not to make herself the slave of any foreign country by a public debt which she can not pay. That is also really the Monroe doctrine, because it is necessary to its enforcement, and the gentleman from Missouri [Mr. COCHRAN] admitted this.

Third. We ask Cuba to consent that we may intervene to preserve her independence against foreign nations. That is also the Monroe doctrine, and is our guaranty to her of the very independence which we have given her.

We likewise ask Cuba to consent that we may intervene to maintain republican government. This is a guaranty of liberty, the same guaranty of a republican form of government that the United States gives to every free State of this Union.

We also ask Cuba to agree that she will discharge the obligations which were imposed by the treaty of Spain with the United States, and that we may enforce this agreement.

There is not time in the three minutes remaining to go over these obligations in detail.

They include such fundamental rights as the protection of the property of Spaniards, their free exercise of their religion, their right to fair trial in the courts, and the right of Spain to send consuls. These treaty rights we must demand of Cuba to assume.

It was agreed by the treaty that we should occupy the island for a time, that we should perform these obligations while in such occupancy, and that on its termination we would advise any government that should be established to assume these obligations.

Now, when we ourselves have assumed the responsibility of establishing that government, the right of advice becomes a duty, and to require performance of these obligations is nothing but justice.

We ask Cuba (fifth) for sanitation. This is necessity, and above all law. Self-preservation, Mr. Speaker, is not only the first law of nature, but sanitation is humanity to the people of Cuba as well as to ourselves. We ask Cuba (seventh) to give us coaling stations. This is for her own defense, for the Navy will be the only defense of the Pearl of the Antilles against the desire of foreign nations.

The provisions of this bill are well drawn as to Cuba. They are for her liberty and not against it. We could not improve them.

Let us turn to the Philippines for a minute. There we find 80 different tribes with 20 different languages, different habits and customs, different institutions, and different conditions, so that there is civilization in one place and semibarbarism in others. Each place may need a different form of government as its laws and customs differ, and the establishment of such governments, with officers, municipal, judicial, executive, or legislative, is not a matter for code legislation, but must, for the present, be lodged in the Chief Executive.

This was the rule of the common law, that mother of free institutions. It was the chief executive which established republican government among us, and established the legislatures of the colonies which became these United States. The establishment of free institutions by the Executive is no dream. It is history; it is practical, and it is a necessity.

Mr. Speaker, under leave of the House for that purpose I submit the following in extension in the RECORD of what I said more briefly in the House.

The principles of the Cuban and Philippine provisions of this bill are those that make for liberty and are required by our own plighted faith; and I am not sorry that my time to speak was short if I was thereby induced to state them so briefly that he who runs may read.

These provisions establish the guaranties of liberty and republican self-government that we have pledged to Cuba, and they grant to the Philippines the inestimable privilege of receiving civil government, as fast as circumstances will permit, by the mere act

of the Executive, without waiting for ponderous legislation by a Congress 11,000 miles away. They are for liberty in each case.

It is not without reason that those who have attacked these provisions have not quoted them and have indulged in wild attacks, talk about tyranny, and breach of faith and violation of Cuban independence. We favor these provisions, because they guard that independence, carry out our plighted faith, and enable the necessary tyranny of military rule to be changed as soon as may be into government by law.

We challenge those who make these attacks to find one word in these provisions to the contrary. They bear the minutest scrutiny.

We have declared that the people of Cuba are and ought to be free and independent. We mean to carry out that declaration and protect her against any foes of that independence. Beyond question, there are such foes. The pearl of the Antilles has been the long-coveted prize of the world. Her fertile soil, her abounding minerals, her balmy clime, her commanding position, her sheltered ports that nature itself has fortified, her domination of the mid sea of the Western Hemisphere and of the isthmus that will soon be a gateway of the world's commerce—all those considerations make every foreign nation covet her.

The mere declaration of the Monroe doctrine and that the United States would not permit European aggression on the American Continent has sufficed to protect most of the mainland. But it did not protect Central America against settlements which will yet be a thorn in our side. England in Nicaragua and France in Panama are standing examples of the folly of bare declaration.

The Monroe doctrine did not hinder foreign nations from going into Mexico, nor induce them to withdraw, until they saw that doctrine supported by the veteran hosts of both sides of the civil war. Cuban independence and the Monroe doctrine must stand and fall together. They are not merely to be declared, but to be maintained, as well against open force as against secret machination, bribery, intrigue, and all the means that great empires use on weak and especially new-born States. We are determined that the wiles that have bought or conquered the East Indies are not to be used in the West, and the right of America to secure this, and to maintain Cuban independence and the Monroe doctrine, is therefore to be so recognized by Cuba itself that Europe shall never put it in dispute.

Could any less be asked? Yet this is all that is done by this bill. It bears detailed examination. There is nothing of it that is not directed to these objects and these alone.

This is the express statement of the bill, that it is for the recognition of the independence of Cuba and in order to leave the government of Cuba to its people, in fulfillment of our declaration in 1898, viz:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people"—

This is our act, and we are to withdraw when a government shall be established which shall recognize the principles before stated, viz—

so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

First, that Cuba will maintain its independence and her territory and population against foreign domination.

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

What is this but protection? What but the American Monroe doctrine?

The second provision is to the same end—that she shall not become the bond servant of any other country by contracting a debt that she can not pay.

II.

That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

The distinguished gentleman on the other side of the House [Mr. COCHRAN] has expressed this far better than I can in this very debate:

I concur in the views of many of my colleagues, who have declared in my presence that in respect to several matters of the utmost importance it is the duty of this Government, and its right, to have something to say as to the affairs of Cuba.

* * * * * * *

News comes from Cuba that no objection will be interposed to a stipulation guarding this country against the danger of treaties with foreign countries inimical to the interests of the United States. I am glad to know this, for I unhesitatingly declare that it is not only the right but the duty of this country to supervise the foreign power relations of the island in such a way and to such an extent as will save Cuba from embroilment with foreign powers. I think that we should see to it also that Cuba shall contract no debts or obligations of a nature or in quarters which might in the future imperil her safety.

Mr. Speaker, not long ago the German Emperor sent a man-of-war to the island of Santo Domingo as the bearer of a sight draft against the Government of that island. Bombardment and invasion were threatened, and the poor islanders were compelled to pay the claim. Five or six years ago Nicaragua was invaded by the English and a similar outrage was perpetrated there. Are these cases to be regarded as precedents?

Our Government made no protest, and so the proceeding was at least tacitly approved at Washington. It may be said the claims were just, but who knows they were just? The little Republics thus assailed demanded arbitration, and the fact that it was refused is some evidence that they were robbed.

The United States is bound by the highest considerations to safeguard Cuba against similar complications; for, Mr. Speaker, any attempt of a foreign power to repeat in Cuba the proceedings in Santo Domingo and Nicaragua to which I have referred would not be tolerated by the United States. To put it plainly, whatever would endanger Cuba in the future is of interest to the people of the United States, and it is only reasonable that we should seek to throw about the island such safeguards as are manifestly necessary to her safety.

Third. To protect Cuban independence, to maintain a republican government, and to carry out the treaty of Paris, we claim a right of intervention.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

This right of intervention is not against the liberties of Cuba. It is necessary for their preservation. It is the same right that we exercised in Mexico. The United States guarantees republican government to the free States of the Union under the Constitution, and it would intervene in State affairs, if necessary, to maintain that guarantee against anarchy or tyranny. This clause of the Constitution is no infringement of the liberties of the State, but the contrary. The like clause is also as to Cuba.

The remarks of the gentleman from Missouri [Mr. COCHRAN] apply fully to this clause.

By the treaty of Paris the United States agreed that Spanish citizens in Cuba should be protected in life, religion, property, and civil rights, especially in the courts. These rights are by our plighted faith, as well as in accordance with the just and equitable provisions of the law of nations.

Articles IX to XV of the treaty state them in detail.

ARTICLE IX.

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined, shall be prosecuted to judgment before the court in which they may then be pending, or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the supreme court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba and in Porto Rico, the Philippines, and other ceded territories at the time of the exchange of the ratifications of this treaty shall continue to be respected. Spanish scientific, literary, and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

The last article is a merely temporary arrangement.

Now, it is true that we limited our obligations to the time of our occupancy, agreeing only to advise the Cuban government to assume them at the termination of that occupancy.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy advise any government established in the island to assume the same obligations.

When that article was framed it was claimed that there was an independent Cuban government in existence, with its president, legislature, and courts, a government which we were aiding and whose action we could not control. We likened our intervention to that of France in the American revolution. The similitude has failed. We have found it our duty to help create a new civil government in Cuba, and under these circumstances our right of advice has become a duty to see that the new government assumes these obligations, for they are already historically part of its constitution—the conditions of its existence, treaty landmarks bought by the blood of Americans in the work of rescue of Cuba from the Spanish yoke.

So are the rights which have accrued during our occupancy, and which Cuba is to respect.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

There is one topic that has been forced on us as a matter of necessity. We can no more tolerate the yellow fever in Habana than we could the protection by its government of a nest of pirates making war upon mankind. Steam has brought that port too near to us for the comfortable enforcement of weeks of quarantine. We therefore make proper sanitation a matter of treaty agreement, to be conducted on plans already devised or to be agreed upon. Be it that the provision is unusual, I admit it. But it is necessary most of all to that part of the United States chiefly represented by members who oppose this bill, but from whom I have yet to hear a word of protest as to this provision. Civilization itself demands that a nation or city shall not become a breeder of any plague that can be prevented.

We ask, therefore—

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

The provision as to the Isle of Pines is a mere reservation of a question of boundary for further settlement. It was always a question and a fair question.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

The foregoing discussion explains the important provision for coaling stations. The defense of Cuba against any foreign power must be by a fleet. Who can forget when our blockade of Santiago was almost broken by a rough sea, so that we had to contemplate going to Key West to coal? Other nations have coaling stations in the Gulf of Mexico. The United States have none, and the possession of such stations is essential to her ability to maintain Cuban independence against any foreign navy and to protect her own Navy there.

It is therefore provided:

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

Unless the United States have these stations, Cuban harbors would be a mere shelter to foreign fleets. What would strong nations care for the neutrality of our ward? If we would be guardian we must be able to protect.

It is for mutual protection and in order to the guarantee of liberty and law in Cuba and its full and plighted independence that we ask that these provisions be embodied in its constitution and in treaty with the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

By such a treaty the United States also becomes bound. It recites the act of 1898. It reaffirms our pledge. It binds us to the objects mentioned in these provisions, and especially to the guaranty of liberty, independence, and republican government against all enemies, foreign and domestic.

But we are told that these provisions should not have been first formulated by us.

The gentleman from Missouri, whom I have quoted, says that their formulation during the session of the Cuban constitutional convention is an insult, and that we "suspend over the heads of the delegates to the Habana convention as a menace the sword of a dictator;" that the threat of intervention endangers peace, and that we multiply the difficulties of the convention by these provisions.

I do not think that calm reflection will so regard the matter. These matters are vital to the welfare of Cuba. They are vital to the Monroe doctrine. They can not be too soon formulated. Do gentlemen urge that we should let the Cuban convention adjourn, and then step in afterwards to demand a new assembling of the convention to agree to these necessary provisions? Are we to bid against foreign nations for the right of guardianship, for coaling stations, sanitation, and the needs of the hour? Are we to turn the lamb loose to the company of the lion and the bear, confident that we can win her back to the fold by waving the flag? We owe a duty to her. We owe a duty, also, to America—not to ourselves only, but to the continent that is under the ægis of our protection.

We disclaim sovereignty. We pledge to Cuba full independence. But it is a necessary and historical condition of that independence that she shall help America in its self-protection. We think it more honest to be frank and true. All that we ask is for Cuban welfare. We are friends, and between friends there shall be no concealment. Nor can misunderstanding last. It needed only such a frank statement as this to remove doubt as to our intentions in this all too tempting island, and to assure its people that Congress as well as the President stand by their pledge, and that America renews its troth and trust to maintain the independence that its sons have achieved.

What the future may bring we know not. Cuba is too close to the United States not to desire the most intimate trade relations that will build up the island with American capital. This treaty will be but the prelude to many more—desired by both. It does not go into the particulars; that must be the free agreement of both. It includes only those fundamental articles which are part of the constitution of the island, settled by history, settled by our pledges and responsibility, settled by treaty and necessity, and settled by the lives of our sons.

This bill provides further that the President may establish civil governments in the Philippines and maintain and protect the inhabitants in the free enjoyment of their liberty, property, and religion until Congress shall legislate on the subject.

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

These are the powers which were conferred upon the President as to Louisiana and again as to Florida. The precedents have been many times referred to.

This act is guarded by many new and careful restrictions. Franchises are to be repealable; full reports to be made to each session of Congress; public lands, timber, and mining rights are not to be sold, leased, or disposed of; no franchises shall be granted that are not immediately and absolutely necessary, and all franchises shall terminate one year after the establishment of permanent civil government. These restrictions are as follows:

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

It may be fairly maintained that such a provision as this is absolutely essential to the establishment of government in these islands. It is idle for the leaders on the other side to insist that this is the establishment of tyranny, because it is the same law under which free governments have been established by Democratic

Presidents under the authority of Democratic Congresses. The only difference is that this act is guarded by restrictions, which do not exist under these precedents.

It is fair to say, also, that this is the only way in which civil government can be simply and well established. Government must precede legislation. There is no body of men as numerous as the population of these islands which have not laws of their own to be administered. Such administration is the duty of the Executive. We owe it to our free institutions that military government should cease as soon as may be and government by law should take its place. We must therefore authorize the Executive to appoint officers, who shall establish courts and administer the laws as they find them or as they have been necessarily altered by the changed relations of these islands. Our own history shows this exact policy.

The thirteen original colonies received their self-government in exactly the same way—not from the legislature of England, but from its Executive. Some had charters granted by the Crown. Others had legislatures elected under proclamation. My own State and the great State of New York administered their governments under proclamations of Queen Anne, which appointed a governor, commanded the election of a legislative assembly by the freeholders, established courts at law with all the powers of the great law courts in England, and ordered the administration therein of the law of England so far as applicable to the colony, as well as of such laws as should be duly passed by the colonial legislature. It is from such proclamations or charters that the original States have received their free institutions, and have passed them on to the States which have been since formed.

It is likewise interesting to observe that the complaints of our forefathers were universally directed, not to the action of the Executive in establishing such governments, but to the action of the English legislature in attempting to interfere with them. Let us benefit by this experience. There are laws and institutions now existing in the Philippines. Every man there who has property or is engaged in trade must desire the establishment as soon as possible of officers, who shall execute those laws. They demand government by law as one of the rights of man. Such government, so instituted by the President, will be according to customs and rules which they understand, modified only by the great principles of freedom which guard our courts, protect the administration of justice in criminal cases, and make for the liberty of the citizen.

It is to be remembered also that there are not one, but many islands in the Philippines, and not one nation, but many tribes, with different languages, institutions, and laws. Yet our friends on the other side object to a provision which enables the President to send proper officers to each locality to see to the administration of these laws. They ask, on the contrary, that Congress, without knowledge on the subject, and with the blindness which we must have as to the conditions affecting men of other races in another clime, scattered over various islands, in another hemisphere, should nevertheless attempt to make codes of law for them, which are as likely as not to be repugnant to every condition to which they are used and to be subversive of the whole system of jurisprudence with which they are familiar, while they are certain to be unsuitable to the various conditions prevailing in the different parts of these islands.

The provisions of this bill make no such fatal mistake as this. They provide for the establishment of that civil government to which the islanders have a right. It will be a government of law. It will be subject to change by Congress, if change become necessary; but the example of parliamentary interference with the American colonies renders it desirable that such Congressional interference shall be exercised with discretion. We may better trust the men of these islands to work out their own free institutions under the guidance of the patriot who now sits in the chair of the President, and under the general regulations for protection and freedom that will be established there, as they have been established wherever the government exists under the American flag.

Let us not think, however, that Congress has nothing to do. It has much to do. We must establish our trade with the Philippines upon such a basis as will bind them to us by ties of affection and with bars of steel. Trade brings men closer than bayonets or laws. We must in time by law turn the temporary government into one that is permanent. But we can not act hastily.

It is a curious contrast that those who have been urging that we should let the Philippines have nominal independence under the military tyranny of Aguinaldo should now wish to bind them hand and foot with American-made codes.

This bill gives them real independence. It refrains from inflicting upom them foreign legislation, leaving them to be governed by their own laws, modified only by such changes as shall be made by those who know their wants and are on the ground. Perhaps soon those changes will be made by representative bodies elected by themselves. Our friends are mistaken when they think, or at least call, this bill a measure of tyranny. It is a measure of necessary administration. It is likewise a measure by which the Philippines are allowed to go on for themselves in the path of progress. Those who desire Congressional legislation are rather the promoters of tyranny, for Congress would be making laws without knowing the conditions, and there is no tyrant like ignorance.

We support the provisions of this bill both as to Cuba and the Philippines. Those provisions are timely. They are necessary. They recognize existing needs; they enable the settling of civil government, and they give proper powers, in the interest of law and liberty, into the hand of that servant of liberty and law who fills the office of President of the United States.

Mr. MOODY of Massachusetts. Mr. Speaker, had the gentleman from Michigan not addressed the House I should have contented myself by sitting in silence during this debate. But I can not agree to the view which he takes of these resolutions. If I gave to them the meaning and tendency which he attributes to them, I should have no hesitation in voting "no." If I thought that there was hidden in the language of the resolutions the purpose to accomplish the results he desires and advocates, I should have no hesitation in voting "no."

I do not understand that the Senate amendment is in the nature of an ultimatum; rather in the nature of a proposal, which we hope the people of Cuba, in the interest of our country and theirs, may accept. It authorizes the President, under the conditions named, to deliver the island, now under our military rule, to the control and government of its people. It is not necessarily the final word. We are dealing, as the gentleman from Ohio well said, with the present—the duty of to-day.

I am one of those who voted for the first time in the affirmative upon any of the Cuban resolutions, for the resolutions as they finally passed the House of Representatives. I had steadily voted against all declarations upon the subject of Cuba up to the House resolutions which were finally adopted. I believe that the American Congress and the American people are bound in honor by that part of the resolution which is commonly called the Teller resolution. Whether it was wise or unwise, we gave our pledged word to the people of Cuba, to the people of the world, and to our own honor. [Applause on the Democratic side.]

I believe that it is the ultimate duty of this country to fulfill that pledge to the letter. [Loud applause on the Democratic side.] I realize the embarrassment which surrounds the occasion. I like not this method of legislation. It is "yes" or "no" upon many propositions with no qualifications. With no opportunity for amendment and little time for deliberation, how difficult it is to come to a proper conclusion which one may not regret in the end.

As the gentleman from Missouri [Mr. COCHRAN] has well pointed out, there are many things in this amendment which are for the interest of this country and for the interest of Cuba alike. It may be that all the conditions prescribed are for her interest as well as ours. I realize that free and independent nations can not be built up in a day out of the ruins of centuries of despotism.

I persuade myself—and it is the only thing that induces me not to vote against the motion—I persuade myself that our action is but one step forward, and that a long one, in the accomplishment of our promise, that the plighted faith of Congress, the declaration of the Republican party, and the message of the President of the United States in God's good time will be fulfilled. [Loud applause on the Republican side.]

Mr. HULL. I yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, it is utterly impossible in the five minutes allotted to me to attempt any general discussion upon either of the amendments which have been proposed to the Army appropriation bill.

I can say in brief, however, that I indorse to the fullest extent in letter and in spirit the resolutions relating to the island of Cuba and those relating to the Philippine Islands. I regret that the gentlemen on the other side of the Chamber in their discussion this afternoon upon the pending measure have not seen fit to point out substantial objections rather than indulge in invective.

Mr. WILLIAMS of Mississippi. Give us time and we will.

Mr. HOPKINS. Now, we all know that there is no argument in abuse and no persuasion in vituperation. They have utterly failed to show that there is anything in this Philippine proposition that is unconstitutional and is not in accordance with the high and patriotic principles that have thus far governed and controlled the Republican party.

As my colleague from Iowa [Mr. LACEY] this afternoon pointed out, the resolutions are predicated upon a law more than one hundred years old, a law that was framed by the fathers of the Constitution for the purpose of extending liberty and the protection of law to our newly acquired possession, the Louisiana territory. This law, as I have said, is a substantial reproduction of that.

Mr. Speaker, as everybody familiar with history knows, President Jefferson appointed Governor Clayburn under the great

powers contained in that law to take possession of that territory. I want to ask my Democratic colleagues to-day if they are not willing to admit that his administration of the law was beneficial to the newly acquired possession and to the people that lived thereon?

Everybody knows that the people were unacquainted with our language, unfamiliar with our institutions, and that they hated our flag, and yet with legislation of that kind we developed these people until to-day they are among the most cultured and patriotic of the American citizens.

So, sir, will it be with the Philippine Islands and the Filipinos themselves. We must give them to-day such legislation as their character and their civilization warrant. The proposed legislation in this bill is better adapted to govern and control these people than it would be possible for us to frame should we take months to do it, because it puts it in the hands of the President to take trained men, familiar with the island, familiar with the character of the people, to legislate for them in accordance with the varying degrees of their civilization.

Now, one word further, Mr. Speaker, and I am done. The gentleman from Tennessee [Mr. RICHARDSON], when he was addressing the members of the House this afternoon, took occasion to denounce the President of the United States, and claimed that he had violated his pledge to the people.

I deny, Mr. Speaker, that he has violated any pledge given to the American people, or to the people of the world. I claim, as did the people in the November election, that every promise has been kept, every pledge has been fulfilled, and that his Administration will compare favorably with that of the Father of our Country and that of the sainted Lincoln. [Applause.]

Mr. SULZER. I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, one of the most memorable declarations of one of the greatest patriots in this country—Patrick Henry—was, "By the light of the lamp of experience shall my feet be guided." That applies, Mr. Speaker, to nations as well as to individuals, and if we could but content ourselves to do——

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. I yield to the gentleman from New York.

Mr. SCUDDER. Mr. Speaker, the conditions under which the United States troops are to be withdrawn from Cuba are contained in the amendment offered to the pending Army appropriation bill. It is now provided by the measure that the United States is to leave the government and control of the island of Cuba to its people when they shall agree, either in their constitution or by ordinance, to eight provisions, which may be briefly summed up as follows:

First. No treaty inimical to the interests of the United States with any foreign power.

Second. No debt beyond the power of the island revenues to meet and cancel.

Third. The right of the United States to intervene whenever the independence of Cuba is threatened, and to maintain a government adequate for the protection of life, property, and individual liberty.

Fourth. Acts of the United States during military administration to be ratified.

Fifth. Development of plans to prevent recurrence of epidemics.

Sixth. Isle of Pines to be omitted from Cuban boundaries until title thereto can be adjusted.

Seventh. The selling or leasing of land necessary for coaling or naval stations.

Eighth. A treaty embodying all these provisions.

This Cuban amendment, I think, will be upheld by the country. It meets a situation which is complicated and difficult, but the duty and wisdom of dealing with which far outweigh the considerations not to deal with it at all.

The amendment meets a situation which many wish did not exist, but which does exist, and which must be met.

The United States wrested Cuba from the clutch of a despotic Government which was converting the Pearl of the Antilles into a desolate island. At the cost of blood and treasure the United States undertook to give the Cuban people an opportunity to erect for themselves a government free and independent in conformity with a constitution which should meet their needs and requirements and insure peace, prosperity, and a permanent government. By this proposed amendment the United States demand guaranties as to the future of the island to promote these objects as much as to safeguard its own coasts from the dangers of hostile navies, which, in the course of events, might use Cuba, whether in alliance with a Cuban republic or by aggressive action, as a base of operation against ourselves. This the United States may well claim in all reason without compromising its conscience in the least.

There was no Cuban republic when this country went to war with Spain, but when we swept Spain out of the West Indies we did so in conformity with the ardent prayers of the people of the island.

Notwithstanding this fact, the constitution recently adopted for the island by a convention of Cubans makes no mention of the obligation due from the islanders to the United States for their emancipation from Spanish rule, but, on the contrary, ignores the subject, while the Cuban politicians who are now in control do not hesitate to give out the most violent expressions of hatred for the United States and our people.

Recently at Habana and elsewhere on the island was celebrated the anniversary of the beginning of the revolution of 1895 against Spain. The occasion brought out in the public speeches to large assemblages the sentiments of the popular leaders, showing the bitterest animosity toward this country. Vigorous protests were made against the proposal to submit the new Cuban constitution to the United States Congress for sanction. The request of the United States for naval stations was denounced, and there was a general popular expression of impatience with all Cubans who suggested any agreement for mutual relations between the United States and the new republic.

In a meeting at the Tacon Theater, one Señor Zaya is reported to have gone so far as to blame the policy of intervention, which, he said, had not been beneficial to Cuba, had prevented progress, and caused unrest. The island, he insisted, must be a sovereign nation. Sovereignty lay in the machetes of its inhabitants. He said that the question of giving the United States naval stations on Cuban soil was being suggested. The only possible answer to this was a refusal. Cuba must be grateful to the United States, but she must not allow her gratitude to become servile, etc.

There were many other speeches in the same tenor. The new constitution establishes universal suffrage; it vests the political power in the hands of an ignorant and thriftless population, composed largely of negroes, in view of which fact the prospects of peace and prosperity for the newly enfranchised island would be poor were the United States to abandon Cuba at this time.

On the other hand, the property holding and commercial classes are greatly alarmed. There are on the files of the State Department confidential letters from substantial business men, not only in Habana but in all other large cities of the island, begging this country not to leave them at the mercy of the adventurers and professional patriots now influencing Cuban sentiment. These men say that when the United States resigns its authority the local officials, whose ideas of government are derived solely from their Spanish predecessors, will blackmail every business house, bank, and sugar plantation on the island; that life and property will be in danger.

This fear, it is said, amounts to a panic. The Spanish Government, while woefully corrupt, at least was capable of maintaining order in the commercial centers. No grounds exist for such a hope from a purely Cuban government. Upon the United States has devolved the responsibility of protecting life and property in the fulfillment of the conditions of the Paris treaty.

The withdrawal of all United States authority and force from Cuba at this time, in my opinion, will be the signal for trouble. In view of our blunder in passing both the Foraker amendment and the Teller resolution two years ago, I am opposed to the forcible annexation of the island of Cuba; but I recognize the duty of this Government to see that public order is maintained there, and that the protection to life and property guaranteed in the treaty of Paris to the people of the island be carried out. Cuba was surrendered to the United States. The United States, in accepting its cession, pledged due protection to the rights and lives and property of all its people. In transferring control of the island to the Cubans, or a dominating faction of them, the United States Government would not free itself of its pledge, its responsibility, its high duty.

Mr. Speaker, one of the chief reasons which justified this country's intervention to rescue Cuba from Spanish misrule is to be found in the fact that the deplorable sanitary condition of the island made it a dangerous nuisance.

It was like having an open cesspool opposite one's front door. The thing had to be abated. Its existence was a standing menace to the welfare of the American people. It involved them in periodic plagues which cost hundreds of lives, great financial loss, and brought business over a large part of the country to a standstill. It had to be gotten rid of.

At a very considerable expense of life and money we have gotten rid of it. By the application and enforcement of modern methods of sanitation at Habana and Santiago the scourge of yellow fever has been greatly mitigated—almost stamped out. It has now become the duty of the Congress to see to it that a return to the old condition of affairs be not permitted. This is a subject with regard to which there must be a special understanding between the United States and the Cuban republic of the future.

How this result can be accomplished if Cuba is to be an independent sovereignty is a problem not without its difficulties. If

the Cubans ever get to control things absolutely it is not unreasonable to assume that, in the light of the past, all the sanitary improvements which have been introduced will quickly go by the board. The Cubans did not want those improvements. They did not want to be clean and healthy. They opposed the American innovations in this respect as so many assaults upon their traditional privileges and personal freedom. They preferred the old way of doing things. They liked smells; they had a fondness for dirt; they resented the deprivations to which they were subjected.

If they are left quite free to do as they please they will return to the old state of things. Then the yellow-fever fiend will rage once more. This the Congress must prevent. It is one of the things that "Cuba libre" involves. It is unfortunate the Congress did not think of it from the start.

Whether the Cubans will accept or repel these amendments is of more interest than importance. They are acceptable to and will be accepted by the United States. They will be insisted upon by this country. The Cubans will do well also to accept them, for if they do not voluntarily agree to them they will be required involuntarily to conform to them. This Republic is done with nonsense. It accepts its responsibilities, and it recognizes alike the dominance of duty and the duty of dominance, wherever it is under contract with mankind to plant civilization, order, pacification, and reasonable liberty, firmly regulated by just and equal law.

What we ask of the Cubans is not unreasonable. It is consistent, in my opinion, with what should be accepted as the purpose and spirit of the Teller resolution. I concede that resolution has added to our embarrassment in dealing with this question. Could I cast a separate vote on each of the proposed amendments, I should have no hesitancy in voting for the Cuban amendment, and willingly would I shoulder my share of the responsibility of its adoption. I believe the welfare of this country demands the annexation of Cuba, sooner or later. It will have to come—by peaceful means, I trust—but if the Cuban spirit of to-day foretells their future attitude toward the United States, annexation will come as a result of conditions not of our making, and will to the Cubans prove their greatest blessing.

Mr. Speaker, the Philippine amendment to this appropriation bill confers upon the President extraordinary powers. It is a question whether the Parliament of England would confer so much power on King Edward. Certainly never was it contemplated by the framers of the Constitution that such sweeping autocratic, absolute, despotic power could or should be in the hands of the Congress to confer upon any one man or body of appointed men under the sanction and authority of that great declaration of principles and Bill of Rights. The Constitution provides that—

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Under this provision the Congress itself should take the initiative and act; it should not shirk its high responsibilities and endeavor to shift them by this attempted delegation of its great prerogatives to the Executive. Legislation such as this I believe beyond our authority and unconstitutional, a menace to our free institutions, an unjustifiable assault upon popular government, a challenge to the people of our country, because repudiating them.

Far be it from me to insinuate even that the Congress or the country has cause to question the ability, integrity, and patriotism of the President. His ambition must have been gratified by his reelection to the Presidency, and I entertain no doubt his aim is now to increase his reputation for statesmanship.

With me the question is, not whether the President is to be trusted, but whether under our form of government it is wise to make so serious a departure from our ancient landmarks and principles. Whether we should vest such power in any President. Once vested, this power will in due course be transmitted to the next President who may be less worthy.

Why does the other side set so much store by this resolution? Why is it necessary to tack it onto this appropriation bill in the shape of an amendment? It will give the President little power that he has not exercised as the Commander in Chief of the military forces of the United States in the Philippines. General MacArthur is responsible to him; the Taft Commission is of his creation and acts under his orders, and Judge Bates, of Vermont, who has just been appointed district judge of the Philippines, must serve under his authority.

Then why, by Congressional enactment, delegate such sweeping authority to the Executive? As an incident of the war he possesses all needed power and authority in the Philippines. This war is not won; it will still be waging when Congress convenes in December; in my belief it will be waging for years to come. If in this I am in error, if the islands shall be pacified before December next, the President, without the authority conveyed by the amendment, would still be able to deal with the Philippine question.

I deem it most unwise to intrust to any President full legislative, executive, and judicial powers; it is a dangerous precedent; it is contrary to a republican form of government; it is the very essence of imperialism. To authorize a dictatorship abroad is a long step toward its authorization at home. We must remain a government of the people, by the people, for the people—therein lies our national safety.

I do not believe there was ever much doubt in anybody's mind in this country—at least in the minds of any considerable percentage of those who have given the matter careful consideration—that American rule would be better for the Filipinos than any government they have ever had or can ever establish for themselves if permitted to make the experiment. The question has been and now is, whether a colonial system would not be a very bad thing for this country. In my opinion it certainly will be. However, there does not seem to be much to be accomplished by discussing that question now. It is almost a foregone conclusion that the United States will never give up the Philippines. The thing to do, therefore, is to shape our government of them so as to do ourselves the least possible harm and them the greatest possible good.

This Philippine amendment may do us great harm, and as its adoption is unnecessary, it should be stricken from the bill. A question of such great moment to the future of this country should have been thoroughly discussed instead of being disposed of by the Senate in a day or two, and in the House in a couple of hours under a compulsory rule, as if it were a matter of minor importance.

Ours is a government by the people. For the first time in our history it is proposed, by legislative and executive sanction, to make an individual supreme; true, now in the Philippines only. But where next? Who can answer?

Individual absolutism is not for us, nor is it for Congress to authorize as an annex to our governmental system. All force used by a government of the people must be used according to law and not according to personal whim and caprice. If the operation of the law is not just, those who suffer from it suffer from the injustice of the people, not from the tyranny of any person. Whenever it becomes apparent that this is the fact an appeal to the people will secure a change in the law. Under our system there is no ordinance, no statute, no charter, no constitution the people can not change. Under such conditions there is no reason for the use of violence to gain an end for which the law has provided or may be made to provide.

The requirement is that those whom the people intrust with the execution of the law shall perform their duty promptly and effectively. If any public officer fails to so execute the law, the people have power over him, as they have power over the law. Every public officer is responsible under the law to the people for the administration of his office. If he does not perform his duties honestly, intelligently, and economically, the people have the power to remove him or to refuse to reelect him, according to his offense. With supreme power over the law and over the administrators of the law, every person who disregards the law by any act is an enemy of the people, and should be so recognized by every well-wisher for the general welfare. When the people govern, there is no reason for irresponsible or lawless action by persons or mobs. Will the same be true when we shall have vested absolute power of life and death in one man?

This Philippine amendment substitutes in American territory individual irresponsible government for the people's government. The fact that our President is a safe man is an incident for which we have cause to rejoice; it should not, however, be considered a factor in weighing the merits of our proposed departure from ancient principles.

Mr. Speaker, aside from our indisposition, from political and economical reasons, to acquire the Philippine Islands, we of the minority have made our fight not from a desire to force independence on the Filipinos, but from a wish that those people should be given the opportunity to decide for themselves, unhampered by military control, the form of government acceptable to them.

Democrats hold that the acquisition of the Philippines was not an unavoidable result of our war with Spain and that if self-interest demanded it to-day we could withdraw our forces from the islands and leave the people to work out their own salvation. While we repudiate the idea that a consequence of our interference in Cuba must be the assumption by us and the working out of Spain's most difficult problem, it seems to me we can cease, now that the fight has gone against us, our opposition to the plans of the Administration and afford the President every aid in our power in his efforts to tranquilize the Philippines, without abating one jot of our opposition to the acquirement of colonial empires or of our right to question the continuance of the present relation in the future. I cast my vote for the Army reorganization bill for this reason, among others.

If the outcome of the policy now on trial shall be the voluntary acquiescence of the Filipinos in American rule, whatever form that rule may take, we are not bound even then to tie ourselves

to them. Whether we shall do so or not will depend on a favorable answer by the people to the question: Is it our duty and does it pay? Bearing in mind the enormous expenditure necessitated by them at present, and the admitted necessity for a continuance of this expenditure for a number of years, Democrats can afford to give the imperialists all the latitude they require. If the people become satisfied—duty does not enter into the question—and find the experiment does not pay, they will cut it short without any compunctions of conscience as to our manifest destiny in the premises.

Mr. Speaker, in opposition to the principle of the Philippine amendment to this bill, I desire to place myself on record. We are not permitted to vote upon the two amendments separately, but must vote for or against the bill in its entirety; therefore, in solemn protest I shall vote "no" on this measure, though gladly would I have voted "yes" had it not contained this obnoxious and dangerous Philippine rider.

Mr. SULZER. I yield half a minute to the gentleman from North Carolina.

[Mr. BELLAMY addressed the House. See Appendix.]

[Mr. JETT addressed the House. See Appendix.]

Mr. SULZER. I yield to the gentleman from New York [Mr. FITZGERALD].

[Mr. FITZGERALD of New York addressed the House. See Appendix.]

Mr. SULZER. I now yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. The law of the United States as to acquired territory is this: The "existing" or old laws of the acquired territory remain unchanged, except those "found to be in conflict with the Constitution and laws of the United States."

This is clearly decided by our Supreme Court in two cases I have in mind: Leitendorfer *vs.* Webb, 1857 (20 How., p. 177), from which I have just quoted; and in a later case: Chicago and Pacific Railroad *vs.* McGlinn (114 U. S., 546).

That is the law, Mr. Speaker, and it is what the Republican party is now running away from, saying here to-day this is not the law. Thirsting for imperial power, they are studiously avoiding this law by assuming powers unheard of, contending that the Constitution is not in the Philippines and that the President can have—and this bill so provides—the power to legislate in these islands, when the power to legislate by the Constitution is lodged in Congress.

The Constitution ordains:

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This power can not be delegated (143 U. S., Field *vs.* Clark), but this amendment known as the Spooner provision undertakes to do so. It is unheard of as law. The Louisiana act of 1803 continued "existing" laws, and only "until the expiration of the present session of Congress," or before. It said it was temporary, and to be had under "existing" laws. This bill does not continue "existing" laws, but gives the President power to enact new ones and repeal old ones.

Now, then, the people—natives, aliens, and Americans—in the Philippine Islands, with this amendment as law, are to be protected, if at all, not by "existing" laws there, for this act does not "continue" them; not by the Constitution, for the President says it is not the law of the Philippine Islands, but by any and every law, so called, the President may enact, all of which are and must be valid at the will of the President, because the Constitution is not in the Philippine Islands to test, validate, or invalidate them. My God, have we come to this after a century of exclamations that ours is the home of the free and the asylum for the oppressed from all lands? [Applause.]

Mr. SULZER. I now yield to the gentleman from Illinois [Mr. CROWLEY].

Mr. CROWLEY. Mr. Speaker, my only purpose in rising here to-day is to register my protest against the passage of this bill, or, rather, not so much against the bill as against the passage of the amendment attached. Many members on this side would liked to have discussed this bill, not from a partisan but from an unbiased patriotic standpoint, had they been given time under the stringent rules of this House. I regard this amendment, delegating despotic power to the President of the United States, as the gravest question yet presented before this Congress. I protest against its being put to a vote until every member shall have placed himself upon record, should he care to do so, extra session or no extra session. Congress has the power to legislate for these Territories, and we, today, by allowing this amendment to become a law delegate away our own authority.

It seems to me that we have been doing little else since I became a member of this body but delegate the President authority. It is a matter that seems to be creeping in upon us or creeping up upon us. It is a very easy matter to shift responsibility, but when the time arrives, as it most certainly will, that we desire the return of what we have so lightly given up, it will have to be bought at a steep price. The minority can only protest against such outrages, and during this short session has been given but little time in which to even do that.

'The Congress shall have the power to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States." It is a question of power involved in this amendment. It is a question each member of this House should consider well before he votes to delegate it to any one man or any body of men. You are not performing the duty devolving upon you, under the oath you took, when you delegate your power to the President of the United States or his appointees. I can conceive no conditions under which I would vote for this bill as amended.

I do not for a moment weigh the institutions of this free Government against dollars. Listen while I read an editorial from the Washington Post of last year, the leading Republican paper of this Administration. It does not deign to shelter itself behind pretended patriotism and providential responsibility, but ruthlessly lifts the veil. It is headed:

LET US BE HONEST.

Why can not we be honest in our utterances touching the territories we have recently acquired? Really, it would save time and trouble, to say nothing of life and treasure, to come out frankly with the announcement that we have annexed these possessions in cold blood and that we intend to utilize them to our profit and advantage.

All this talk about benevolent assimilation, all this hypocritical pretense of anxiety for the moral, social, and intellectual exaltation of the natives: all this transparent parade of responsibility and deep-seated purpose: all this deceives nobody, avails nothing, helps us not an inch in the direction of profit, dignity, and honor. We all know down in our hearts that these island groups, etc., are important to us only in the ratio of their practical possibilities. We value them by the standard of their commercial usefulness and by no other. All this gabble about civilizing and uplifting the benighted barbarians of Cuba and Luzon is mere sound and fury, signifying nothing. Foolishly or wisely, we want these newly acquired Territories, not for any missionary or altruistic purpose, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest? It will pay.

As a matter of fact, we are not concerned in the ethical or religious uplifting of the Filipinos. After all, the difference between a breechclout and a starched shirt front is a mere matter of climate and personal opinion. Dishonesty, untruth, crime, and general wickedness are here in our midst—present with us as a part of our daily life and growing with our growth. We need not go to the West Indies or the Philippines in search of material for moral rescue. Our own slums abound with opportunities for missionary zeal. Why not tell the truth and say what is the fact—that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little candor. It will cost us nothing, and it may profit much. At any rate, we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

Many members who otherwise would not consider for a moment the proposition of delegating their authority as members of this body away have lain down on this amendment because the prospect of trade to be opened up with these countries has dazzled their eyes. Suppose for a moment we put our position upon the trade basis. It has been well said that trade can not be permanently profitable unless it is voluntary. We do not have to own a country in order to trade with it. The trade opened up with these people would never reach nor profit the agriculturists of this country. Already the binding-twine trust, the tobacco and sugar trusts, have a death grip on these interests in these countries.

The lives of our young soldiers are being wantonly sacrificed in establishing a condition that will tickle the pockets of a few already millionaires and endanger the interests of our own laboring class.

We took up the cause of Cuba as philanthropists. You know we went down there in the guise of missionaries intending to help the Cubans perpetuate freedom and independence in their own institutions. We made the Cubans a pledge in our declaration of war with Spain—

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof," and asserts its determination, when that is accomplished, to leave the government and control of the island to its people. Does anyone now believe that if the President is given unlimited authority by Congress that he will redeem this pledge? I hope I live in a country whose pledge is yet as sacred as its arm is strong.

We all remember how we qualified and softened our declaration of war with "unctuous piety," and we now all begin to feel that our professions are being put to shame; that there is a force at work unwilling to cut the slender thread that releases little freedom-loving Cuba. If we crush the hope of ultimate freedom in that little Republic, it will be a story of shame and dishonor to this nation. What right have we to force our ultimatum upon them?

The passage of this amendment not only affects Cuba, but it also affects 12,000,000 souls situated thousands of miles from us who

are clamoring for freedom and independence, and to whom I sincerely believe our sacred promise was given by our officers and representatives. The Filipinos had fought Spain off and on for 200 years, trying to secure their independence. Do you think they forfeited the opportunity of their independence by the circumstance of our war over Cuba? We asked them to co-operate with us. We were told by them time and again that they were fighting for independence. Their purpose was well known by our generals and at the War Department, and by the President. The President repeatedly declared that we had no title and claimed no right to anything beyond the town of Manila. The American people are bound in honor to see that Cuba and the Philippines secure their independence. But when you talk to the gentlemen on the other side of this House trying to appeal to their lofty patriotism, they talk of the wealth to be acquired, of the commercial possibilities, of the extension of trade. Their very sentences teem with greed—greed for gold.

The amendment which it is proposed to put on the Army appropriation bill is the Spooner bill with two variations. It means, if passed, that the 12,000,000 of people shall be turned over to the unlimited power of one man, and that man the President of the United States, the man who sits at the head of the freest republican form of government ever yet established. They are subject to his will under this amendment. They will be subjects and not citizens of the government he establishes over them under this amendment. It has been practically admitted that this bill is unconstitutional by the other side of the House, but still they intend to pass it. They know that the imposition of our form of government upon a people against their wish is a foul wrong, but still they intend to perpetrate it. Why was it not passed as a bill within itself? Why should it be a rider, excepting that it was the intention to force its passage through with as little outcry as possible? We have heard very little in its defense from the other side. No one man seems willing to defend it. They seem to be relying solely upon the strength of numbers. They intend to pass it. Why? Is it because of the urgent need of our fellow-citizens, the Filipinos? No, it is the urgent need of our financial exploiters, who are anxiously waiting, as Commissioner Taft discloses in his communication to the Secretary of War. The land over there is exceedingly fertile, millions of acres of public land, rich mining prospects, fortunes in the fine timber. Pass it, pass it, so we may slake our thirst.

Mr. SULZER. I yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the gentleman from Illinois and the gentleman from Iowa cite as a precedent for this action the statute which was passed under Mr. Jefferson's Administration. The fact of the business is that the treaty which was ratified between the United States and France guaranteed to the people who lived in the Territory of Louisiana at that time citizenship, and not only that, but liberty and the rights of property, and the right to be taken into this Union. [Applause on the Democratic side.] And then by the act of Congress it was provided that the nine members of the council who were to be selected should be citizens of the Territory. They were all recognized as citizens. Now, what is the provision of the recent treaty between Spain and the United States? The people of the Spanish possessions which we have acquired are simply recognized as inhabitants, and the status of those inhabitants as citizens is to be fixed by the Congress of the United States.

Now, compare the two treaties—the treaty concluded during Jefferson's Administration and the recent treaty between the United States and Spain. Such a comparison will readily show that the precedent which you claim to follow finds no status in the facts of history.

Mr. SULZER. I yield to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, the adoption of the rule just offered by the gentleman from Pennsylvania [Mr. DALZELL] by the vote of the Republicans in this House is, in my judgment, the greatest outrage on the rights of the Democratic minority ever perpetrated in the history of this legislative body. It seems the minority have no rights here that the ruthless Republican majority are bound to respect. The Democrats are to be gagged, legitimate debate shut off, our protests frustrated, our appeals for justice denied, the rights of humanity trampled on; while the Republicans, intoxicated with power, ride roughshod over our rules, the Constitution, and the sacred guaranties of the Republic. The House of Representatives has ceased to be a deliberative body. It is the mere creature of one man. Let me read the rule prepared and just adopted by the Republicans to force through this House the pernicious and iniquitous legislation against Cuba and the Philippines:

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H. R. 14017) making appropriations for the Army and without intervening motion to move to concur in the Senate amendments thereto in gross; after two hours' debate (one hour on each side) the previous question shall be considered as ordered on said motion, and a vote then be had thereon without delay or intervening motion.

The adoption of that unjust rule is in violation of the letter and the spirit of the rules of this House. As a member of the minority of this House, I enter my most emphatic protest against it and the outrage its adoption will speedily consummate. We should have at least a week to debate this matter.

What is the purpose of this arbitrary action? What dark deed is to be enacted by virtue of its adoption? Several weeks ago this House passed the Army appropriation bill and sent it to the Senate. By some inscrutable legislative legerdemain the Republicans in the Senate placed on this Army appropriation bill two amendments or riders—one affecting Cuba and the other in regard to the Philippines. Let us see what these two amendments are. Let us examine these two un-American and outrageous riders. The first amendment or rider relates to Cuba, and reads as follows, viz:

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled, "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

I.

That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

The second amendment, or rider, relates to the Philippines and reads as follows, viz:

All military, civil, and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: *Provided*, That no sale or lease or other disposition of the public lands or the timber thereon or the mining rights therein shall be made: *And provided further*, That no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interest of the people thereof, and which can not, without great public mischief, be postponed until the establishment of permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government.

Mr. Speaker, the far-reaching importance of these two riders, hastily put on an appropriation bill in the Senate, in violation of all precedent, is beyond calculation. They go to the very foundation of our Government. They place in the hands of the President unlimited, despotic, and autocratic power. They define and fix an arbitrary procedure and policy that may, and, in my opinion, will, cause endless trouble, enormous expense, and innumerable lives. They hazard interminable war. They present the most important question for wise, just, and deliberate solution and determination that has confronted the American Congress since the civil strife, and we are compelled to vote on them by the adoption of a partisan rule for political purposes, after a meager debate of only two hours—one hour on each side.

If the matter under consideration were not so serious, affecting as it does the lives, the liberties, the property, and the happiness of millions and millions of people under tropic suns, in the Occident and in the Orient—the attitude, the programme, and the procedure of the Republicans would be as absurd as it is Quixotic. This is a most momentous question, and we should have time to deliberate and the right to propose amendments. Under the rule we have neither. The Democratic members are cut off from their rights. They have no choice; no opportunity to give expression to their views. Perhaps we should be thankful that we can yet vote, and let the people of the country know that the Democratic representatives in Congress are to a man opposed to this infamy.

These two vicious riders, that will destroy every vestige of freedom in Cuba and every hope of liberty in the Philippines, were put on the Army bill in the Senate. They were put on in violation of all parliamentary procedure. They could not have been adopted in the first instance in this House. It has been said they were put on in the Senate by some understanding, some trade, some unholy bargain, between the alleged friends of liberty and the imperialistic opponents of freedom, in order to pass other bills and avoid an extra session of Congress. Be this as it may, I know not, although appearances are sometimes quite convincing; but we all know these riders, to trample in the dust in Cuba and the Philippines justice, liberty, and humanity, would never be here if the Democratic Senators had wanted to defeat them. They never could have been adopted in the Senate without the acquiescence of the Democrats there. They are responsible for this situation.

These riders are most despotic, most iniquitous, most unjust, and most inhuman. They portray in burning letters the sordid, greedy, and corrupt spirit of commercialism, which destroys our highest ideals, makes us ashamed of our past, and compels us to bow our heads in humiliation as we witness the present and contemplate the future of our country. They make our great Republic despicable and a byword of reproach. They reveal and unmask the cruel, sordid, treacherous policy of the Administration, and expose to full view the hypocrisy, the perfidy, and the infamy of the Republican party. I am opposed to these riders. They will never pass with my consent or my vote. If Congress enacts them into law, the President will be the most powerful, the most despotic, and the most autocratic potentate on earth. I am opposed to delegating the powers of Congress to the President. If these gradual surrenders of vested constitutional rights and transfers of legislative powers to the Executive continue, the day, in my judgment, is not far distant when we shall cease to be a representative government responsible to the people.

The gentleman from Ohio [Mr. GROSVENOR] has said that the provision regarding the Philippines is similar to the resolution enacted by Congress in regard to the temporary government of the Louisiana purchase. I beg to differ with the gentleman. He is sadly in error. To conclusively show the wide and startling difference let me read the act of 1803 regarding the temporary government of Jefferson's Louisiana purchase:

> Until the expiration of the present session of Congress, or unless provision be sooner made for the temporary government of the said territories, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the full enjoyment of their liberty, property, and religion.

Compare the two. There is no analogy between them. A casual reading of the two acts is sufficient. One is "until the expiration of the present session of Congress." The other is indefinite, and for all desired and practical purposes surrenders absolute and complete power to the President. The Philippine provision in this bill and the act of 1803, relating to the temporary government of Louisiana, are as far apart as the poles. And I say now that if the Republicans are sincere in their present contention they will permit the Democrats to offer as an amendment for the provision under discussion affecting the Philippines a substitute similar to the enactment of 1803 relating to Louisiana. If the other side will permit us to do that, I know and I declare that every Democrat on this side of the House will cheerfully vote for it. I challenge the majority to allow us to do it. Your refusal is an evidence of the insincerity and hypocrisy of your pretensions, and another demonstration of the imperialistic policy of force of the Republican party.

Let me, sir, say again what I have frequently said before on the floor of this House, that I am now, always have been, and always will be, opposed to the cruel, the inhuman, the ruthless, the un-American, and the unchristian conduct of this Administration to the struggling Filipinos, whose only crime is the love of liberty, their hope for freedom, and their aspiration for independence. If we had been true to ourselves, and to the great ideals of American manhood, patriotism, and statesmanship, not a drop of American blood would have been shed in the Philippine Archipelago. Sordid greed has cost us hundreds and hundreds of millions of dollars, and cruel lust for power thousands and thousands of precious lives. And the end is not yet.

How long will this costly war of extermination and subjugation last? Can anyone tell? Will it be the black page of Spain's history over again? I pray not. Sooner than see the Republic destroyed, and the Philippine Islands the tomb of the flower and the youth of America, I would do what I believe Abraham Lincoln would do if he were at the head of the Government to-day—help the Filipinos establish a stable government of their own, a republic fashioned after this Republic, and then say to all the world, "Hands off; any interference with the Filipino republic will be an act unfriendly to the United States."

So much, sir, in regard to the adoption of this partisan, unjust, and arbitrary rule in order to choke off debate, and to my position on the amendment surrendering all legislative power to the President, to perform whatever his autocratic will and despotic purpose may suggest regarding the Philippine Islands.

Now, Mr. Speaker, I want to say something in regard to the other amendment, or rider—the one relating to Cuba. I have been a friend of the Cuban patriots for years. When I first came to Congress, six years ago, I championed their cause in Congress and out of Congress, in season and out of season. I did all I could to help them throw off the tyrannous yoke of cruel and oppressive Spain. They were then waging a just war to secure their freedom and their independence. My sympathy was all with the Cuban patriots. I knew their oppression; I was familiar with all their suffering, with their long and heroic struggle for liberty and the right to govern themselves.

I introduced in this House the first resolution of sympathy for them, indulging the hope that they would succeed because their cause was just. I introduced in this House the first resolution granting them belligerent rights; the first resolution recognizing their independence, and the first resolution declaring war against Spain. When war was finally declared, I organized in the city of New York a regiment of soldiers and begged the Republican governor of New York, and also the President, to accept it and muster it into the service. They refused—presumably for political reasons. I was willing and anxious to resign my seat in this House to go to the front with my regiment and fight for Cuban independence, but could not get a chance, ostensibly because I was a Democrat. A perusal of the proceedings of this House before, during, and after the Spanish-American war will leave no one in doubt regarding my position on the Cuban question. I wanted to see Cuba free. In the second session of the Fifty-fifth Congress I said:

> My position is well known and unchangeable. Long, long ago I made up my mind. I have never deviated from the first stand I took. I want to see Cuba free. She must be free and independent. The Spaniard and his yellow flag—the emblem of atrocity—must go.
>
> You know that in all the history of the world no people ever deserved the right of self-government more than the heroic, struggling Cuban patriots. For centuries they have been oppressed, robbed, starved, and murdered by a cruel foreign power. The tyranny of Spain, her refined butcheries, her fiendish brutalities, are the blackest pages in the annals of the world. * * *
>
> What a sad story the history of poor Cuba tells! For more than three centuries Spain has ruled her with a blood-stained and an iron hand. It has been a thousand times worse than the rule of the Turk. It has been a thousand times worse than the rule of a barbaric military despotism over a conquered and subjected province.
>
> The history of poor Cuba's trials, her woes, her troubles, and her tribulations never has been written and never will be written. Not half the truth will ever be known. And more the shame!
>
> Spanish rule in Cuba has been one long, unending, hideous carnival of crime, of public plunder, of rapine, of official robbery, of murder, of starvation, of destitution, of assassination, and of cruel, torturing death—a frightful, big black blot on the pages of civilization; a lasting, burning disgrace to all Christendom; an impudent, imperial challenge, backed by the bayonet, to the sober sense of humanity and the Christian civilization of the world.

And subsequently I said in the same Congress:

> I stand now where I have always stood, where I will stand until the last—for the liberty-loving people of Cuba, who are making and have made as heroic and as gallant a battle for freedom and independence as any people ever made in the history of the world. I want to see them win, and I know they will win if this great Republic, which should stand as a shining light, as a beacon, and as an example for all the other republics of the world and for every people struggling for liberty and independence, will simply do its duty.

That, sir, in substance, was my position then in regard to Cuba. I was for Cuban independence then, and I am for Cuban independence now. I have not changed my views. Nothing has occurred since the signing of the treaty of peace in Paris to make

me alter in any way my original opinions. On the contrary, much has happened to confirm and strengthen them. The record is made up. It speaks for itself. We should keep faith. We went to war with Spain to free Cuba, not to annex Cuba; not to free the Cubans from Spanish slavery in order to enforce American despotism. We declared our high moral purpose of intervention to be in the interest of civilization.

We patriotically proclaimed that the war was to be waged for liberty, for freedom, and for humanity, and called all the world to witness our noble intentions and our undying devotion to the fundamental tenets of the fathers as embodied in the immortal Declaration of Independence. As proof of this let me read and again put in the RECORD the resolution of Congress declaring war against Spain, approved by the President on the 20th day of April, 1898:

Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited; Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

THOMAS B. REED,
Speaker of the House of Representatives.
GARRET A. HOBART,
Vice-President of the United States and President of the Senate.

Approved April 20, 1898.

WILLIAM McKINLEY.

There is nothing doubtful, nothing ambiguous, about that resolution. It pledged the sacred honor of the Government and the solemn word of our people to drive Spain from Cuba; declared that the Cubans are, and of right ought to be, free and independent; and disclaimed any disposition or intention to exercise sovereignty, jurisdiction, or control over said island. The question now is, it seems to me, Shall we keep our word or break it? Shall we live up to our sacred promise or abjectly stultify ourselves in order that personal pelf may follow political perfidy?

Let us be honest. We must not forget. We should keep our word. We should fulfill the letter and the spirit of the promise. We should do our duty and give the Cubans absolute freedom and independence. There should be no conditions. Any different policy now, any deviation from our promise of three years ago, will be national dishonor and a stultification that must bring to the cheek of every honest American the blush of shame. Shall the plighted faith of the nation be kept? Americans, read that sinister Republican rider regarding Cuba, attached to this appropriation bill by the servile servants of commercialism in the Senate, in the light of our patriotic declaration of war, and answer! Its adoption here to-day means national dishonor, national repudiation, national shame, and national perfidy.

The vote here to-day, sir, will show that the Republican party has chosen to stand for disgrace and dishonor—for pelf and power; that the representatives of the Democratic party stand for liberty, for loyalty to the principles of the fathers, for freedom, for the fulfillment of the national promise, for the sacred rights of man, for peace and prosperity, for the Constitution, and, above and beyond all, for the traditions and the true glory and destiny of the Republic.

For mankind are one in spirit, and an instinct bears along,
Round the earth's electric circle, the swift flash of right or wrong.
Whether conscious or unconscious, yet Humanity's vast frame
Through its ocean-sundered fibers feels the gush of joy or shame;
In the gain or loss of one race all the rest have equal claim.

Once to every man and nation comes the moment to decide,
In the strife of Truth with Falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or blight,
Parts the goats upon the left hand and the sheep upon the right,
And the choice goes by forever 'twixt that darkness and that light.

Mr. HULL. I yield to the gentleman from Tennessee [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, the provisions of this bill in reference to Cuba and the Philippines are wise and salutary both for the people of the United States and for the people of those islands.

First, as to Cuba, the Senate amendment is timely and prudent. While we stand pledged to recognize the independence of Cuba, we do not stand pledged to allow it to become again the seat of disorder, the propagator of the plague, the prey of foreign powers, and the base of attack upon our own country; and in giving Cuba her independence we must couple with the gift such conditions that, while not harming her, will make us safe. We propose that Cuba's independence shall be a shield to protect her and not a sword to hurt us.

Speaking for myself, I feel free to say that when I voted three years ago that the people of Cuba were "free and independent" I did not so vote because I believed it, but because it was embedded in a resolution requiring Spain to leave the island and directing the President of the United States to drive her out if she refused to go; and I, along with many other members of this House, swallowed the bitter with the sweet, voting for what we did not believe, to get what we wanted—that is, to force Spain to leave Cuba.

CUBA MUST BE OUR WARD.

Mr. Speaker, I do not believe the Cubans are fit for self-government, and so I do not want us to turn the island completely over to them until they demonstrate their capacity to rule their island wisely and well, so that life, liberty, property, and the pursuit of happiness shall be secured to all under good laws properly administered.

Indeed, Mr. Speaker, if the people of Cuba are wise and prudent, they would be glad to have our Government exercise a sort of mild guardianship for a short time; and the fact that so many of their leaders seem devoid of all gratitude to the United States for the many millions of dollars we have spent in their behalf makes me suspicious of what Cuba's fate may be when wholly committed to their hands.

I want Cuba fairly treated; but I want my own country fairly treated also. What have we done for Cuba? We found her people dying of starvation in prison pens, or slaughtered by a merciless foreign soldiery; and we have driven out these soldiers, opened the prison doors and made every Cuban free, and fed them generously from our own table. We found the Cubans deprived of all voice in their own government, and we have turned their oppressors out of power and given all of the municipal offices to the Cubans themselves.

We found Cuba desolated by fire and sword from one end of the island to the other, and we have brought peace and law and order, and opened to every man full opportunity to honorably and easily earn his own living. In a word, Mr. Speaker, we found Cuba a hell, and we are fast converting it into a paradise.

And shall we have no right to guard this island and see to it that disorder shall not take the place of order, and see to it that the island, by unwise treaties, be not given over to our enemies, and to see to it that the yellow fever does not use its shores as a base from which to invade our country and destroy our people?

This is all that the Senate amendment proposes to do, and if we should let Cuba go out of our hands without guaranties for our own protection, we should be derelict in duty, false to our own people, and deficient in that foresight which belongs to prudent statesmanship.

OUR TREATMENT OF THE PHILIPPINES.

Next, as to the Philippines. The Senate amendment proposes to give the President general authority to govern the Philippine Islands. I do not propose to discuss this amendment in detail. It is sufficient for me to call attention to the fact that it is, in substance, the same as the authority given by Congress to President Jefferson to govern Louisiana, and to President Monroe to govern Florida; and if it was no crime in those Congresses to grant such power, surely it can be no crime in this Congress. Jefferson was the founder of the Democratic party, and James Monroe was one of its great apostles, and yet it was deemed all right in their day to grant them full power to govern Louisiana and Florida, then newly acquired foreign territory.

In order that the Senate amendment may be compared to the law under which Jefferson ruled Louisiana and Monroe ruled Florida, I give all three. The pith of the Senate amendment is as follows:

All military, civil, and judicial powers necessary to govern the Philippine Islands, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

The Jefferson law, passed in 1803, is as follows:

That until the expiration of the present session of Congress, unless provision for temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing (French) government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

The law under which Monroe ruled Florida, passed in 1821, reads as follows:

All military, civil, and judicial powers exercised by officers of the existing (Spanish) government of the same territories (East and West Florida) shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct.

Now, Mr. Speaker, any impartial man will quickly decide that the Senate amendment is the most liberal of the three; besides the Senate amendment, in addition to the restriction as to franchises which I have quoted, contains a prohibition against the sale or lease of public lands, timber, or mines, none of which were in the Jefferson or Madison laws.

THE PRESIDENT UNJUSTLY CRITICISED.

For the last two years we have heard a great deal of complaint from certain "good people" that the President had no right to govern the Philippines without the authority of Congress. The abuse by these "good people" was not against Congress for not legislating about the Philippines, but against the President for presuming to govern the Philippines without the authority of Congress, as though the inaction of Congress was not equivalent to its consent to the President's course.

It has always seemed to me that these "good people" should have launched their fulminations against Congress for not legislating; but it was the programme of these "good people" to do all they could to break down the President; and so they had sworn in their hearts to abuse McKinley not only for what he had done and had not done, but also to abuse him for all that Congress has done or has not done.

And what is the secret of all this vituperation? McKinley stands as the great champion of American protection, as the chief defender of the gold standard, and as the chief promoter of American prosperity; and the defeated Free Silverites, the baffled free traders, and the disgraced false prophets of calamity and hard times have determined that they will do all they can to destroy our President, and if they can not wholly destroy him, at least mortify and humiliate him—

Which, if not victory, is yet revenge.

Scratch any of these abusers of McKinley, and you will find him either a Free Silverite or a free trader, or a natural-born calamity howler.

Oh, Mr. Speaker, I get tired of listening on the floor of this House and reading in the newspapers this everlasting twaddle about McKinley's "imperialism," coming, as it does, from the lips of the very men who worship Jefferson as a god and Monroe as a saint. Oh, it was all right for Jefferson and Monroe to do what McKinley is now doing, but it is all wrong in McKinley.

Mr. Speaker, I have heretofore said, and now say, that if Bryan had been elected four years ago the Spanish war would have come on all the same, Dewey would have sunk the Spanish fleet in Manila Bay all the same, our Army would now be in the Philippine Islands as it is to-day, and Bryan would be doing there just what McKinley is now doing, and all of these men now abusing McKinley would be praising and glorifying Bryan, and calling him a second Jefferson and a new Monroe; and if any man dared to call Bryan an imperialist he would be in danger of being hung by a mob or burned at the stake.

These fellows who are abusing McKinley are like the fellows who abused Jesus; and when they had the right to choose between Jesus and Barabbas, they all chose Barabbas the robber, and cried out, "Away with Jesus! Crucify him!" And so these Free Silverites, free traders, and calamity howlers cry out, "Away with McKinley! Crucify him! Give us Bryan!"

There is one strange thing about these Democratic politicians—whatever their leaders do is all right, but whatever the Republicans do is all wrong, even when they do the very same thing the Democrats have done. Now, here we are doing our very best to follow in the footsteps of Jefferson and Monroe, those mighty Democrats, as marked out by Democratic Congresses, and yet these latter-day saints of Democracy come along and declare that we are traveling the wrong road.

FORMER PRESIDENTS ABUSED.

In these days of telegraphs, railroads, steamships, and daily newspapers time rapidly becomes ancient, and what took place one hundred years ago is almost as unknown as what took place in Rome two thousand years ago or what took place in Jerusalem three thousand years ago.

How many of the people of my own State recall the fact that when North Carolina ceded the territory now Tennessee to the General Government, George Washington, then President of the United States, appointed William Blount governor, and gave him and two Federal judges legislative, judicial, and executive powers over the new Territory? Indeed, Governor Blount did not always wait for his colleagues, but often, and indeed generally, acted alone. The very first legislative act of the new governor of the new Territory was to create the counties of Knox and Jefferson, now in my district. The act begins thus:

By William Blount, governor in and over the territory of the United States of America south of the River Ohio:

Be it ordained, That two new counties be laid out and established, * * * from and after the 15th of June instant [1792], by the name of Jefferson County and Knox County.

This ordinance fixes the boundaries of these two new counties, establishes local courts, and fixes the times and places for their meeting, and concludes thus:

Done at Knoxville the 11th day of June, in the year of our Lord 1792.
WILLIAM BLOUNT.

By the governor:
DANIEL SMITH, *Secretary*.

That is the way, Mr. Speaker, that President George Washington and his governor, William Blount, did things one hundred and eight years ago, and yet we find that our liberties survived the awful strain. Mr. Speaker, there were "good men" in that day who called Washington a "king," and charged that he aimed to "usurp the constitutional powers of government," and there were cartoons printed and scattered abroad picturing Washington dressed in kingly robes, with a crown on his head and a scepter in his hand.

Yes, awful things were predicted then of Washington; but the country survived, our liberties remain unimpaired, the Constitution continues in full force, and the blessed liberty of free speech, to abuse and vilify our Presidents and all others in authority, still exists undiminished.

Yes, Mr. Speaker, all of our great Presidents have been charged with violating the Constitution and acting the tyrant. The charge was even made against Jefferson, the author of the Declaration of Independence, the discoverer of the rights of the governed and the inventor of the Democratic party.

And similar charges were made against Jackson, Polk, Lincoln, and Grant—all made by "good people"—and yet our country lives, Washington is honored, Jefferson is honored, Jackson, Polk, Lincoln, and Grant are all honored, the names of these "good people" who made the charges are all forgotten, our liberties remain, our country has grown and prospered, our people are happy and contented, and the God of high heaven seems still to smile upon us and bless us.

And so will it be, Mr. Speaker, in the case of President McKinley. These "good people" who charge him with "imperialism," who declare that he has "violated the Constitution," and who denounce him as a "tyrant" and a "usurper," will all die and be forgotten, as have those who vilified Washington and Jefferson and Jackson and Polk and Lincoln and Grant. Our liberties will continue; our rights will be preserved; our Constitution will be maintained; our country will remain the "land of the free and the home of the brave;" the people of Cuba, Porto Rico, and the Philippines will have been transfigured by the spirit of American liberty and the genius of American civilization; and the baby is now born that will live to see the day when the name of William McKinley will be linked with those of Washington and Lincoln as the three greatest Presidents produced by the great American Republic from its foundation to the close of the nineteenth century, Washington being the great founder of the Republic, Lincoln its great preserver, and McKinley its great expander.

OUR POLICY IN PORTO RICO PROVED WISE.

You remember, Mr. Speaker, the awful hullabaloo raised a year ago against the law we passed imposing a tariff tax on certain goods imported to and exported from Porto Rico, the taxes thus raised to be spent there in lieu of all other taxes. We were charged with having violated the Constitution, with having robbed the Porto Ricans of their lawful right of self-taxation, and with having actually turned down the President himself. These Democrats are a queer set of fellows. They do not want the President turned down unless they do it themselves! McKinley was all wrong in reference to Porto Rican taxation until the Republicans in Congress differed with him on this question, and then, presto, change! McKinley all at once became just exactly right. But McKinley despised their approbation as he despised their opposition. McKinley had the good sense to see that the plan of Congress was better just then than his own, and he magnanimously and patriotically approved our plan.

And what has happened, Mr. Speaker? Our law was found to be a great blessing, the people of Porto Rico approved of it and have prospered under it and want it continued. But the legislature of Porto Rico, elected by the people of the island, have passed a tax law to take the place of our tariff tax law, and now we hear a howl from the people of Porto Rico against any change in the law we passed.

And what are the Democrats now saying? What are these howlers now saying, who had so much to say a year ago about Porto Rico being oppressed? Not a word! They are as silent as dumb men. Their voices have left them. They howl no more. They have been confounded by the great fact now overwhelmingly demonstrated that the law we Republicans passed for the taxation of Porto Rican exports and imports was a most wise and salutary law and has been a great blessing to that beautiful island.

The Porto Rican legislature has passed a law to supersede the law we passed, for our law was only temporary and was to continue only until the Porto Ricans could pass a tax law of their

own. This Porto Rican tax law is called the "Hollander bill," and a few days ago a committee of Porto Ricans came to Washington to beg that our law should continue.

PORTO RICANS PREFER CONGRESSIONAL LAW TO THEIR OWN.

I read this account of their mission from the Washington Post of February 25, and call attention to the fact that the Post was hostile to the law we passed. I read:

Messrs. W. Borda and Vicente Balbas, of Porto Rico, members of the commission appointed to protest to President McKinley and Congress against the Hollander revenue bill, and Mr. Freeman Halstead, secretary of the commission, arrived in Washington last night, and are guests at the Arlington. The commission was appointed at a mass meeting held in San Juan February 2 and attended by more than 3,000 Porto Ricans, representing the varied business interests of the island. The commissioners expect to call upon the President to-day or to-morrow, and within a few days will present to the Government a formal protest against the operations of the Hollander bill.

The members of the commission are among the wealthiest and most prominent of Porto Ricans. Mr. Borda is an American citizen, with a legal residence in New York, but has large property interests in the island. Mr. Balbas is also a large property owner, and is editor and proprietor of the Heraldo, the leading paper of the island. Mr. Halstead is an American newspaper man who is at present managing editor of the San Juan News.

"There is no longer any opposition on the island," said Mr. Halstead last night, "to the 15 per cent tariff imposed by Congress upon Porto Rican imports and exports to the United States. The revolution of sentiment with reference to the tariff has been gradual, but it has been complete, and complaints against it are no longer heard. The object of the commission's coming to Washington is to induce the Government to allow the present tariff to remain, instead of having it supplanted by the objectionable Hollander bill. Already, as a result of the operations of the Hollander bill, a large number of tobacco manufactories and distilleries have shut down, throwing more than a thousand men out of employment."

And in like manner, Mr. Speaker, will all of our other laws be found just, wise, and salutary; and before McKinley's next term is out many of the men now howling against him will have another spell of the lockjaw, for they will see, as the world will see, that all of our laws relating to Cuba, Porto Rico, and the Philippine Islands are wise, just, and salutary, promotive of the welfare of those islands, and grand exhibitions of the wisdom, generosity, and magnanimous purposes of the Government of the United States in dealing with them.

EXPANSION OF NATIONS.

It is no uncommon thing to hear a certain class of orators say: "Rome acquired foreign territory and Rome fell." Hence they argue if the United States acquires foreign territory it will fall also. In the first place, Mr. Speaker, if Rome had never acquired foreign territory she never would have been Rome. She would have been nothing but a contemptible conglomeration of insignificant huts on the banks of the Tiber, the prey of the first petty conqueror who had an appetite for such worthless spoil.

It was by the "acquisition of foreign territory" that Rome spread her civilization over the world, and thereby did more for mankind than any other nation of antiquity. It was through imperial Rome that the civil law was impressed on every nation of continental Europe, and through these nations on the whole world. It was through imperial Rome that the Christian religion was enabled to triumph over paganism and become the dominant religion of Europe, and through Europe the dominant religion of the earth.

To say that Rome's downfall grew out of her expansion is to say that a man's downfall is the result of his growth from childhood. Mr. Speaker, these gentlemen who oppose expansion oppose growth. They say growth is a sign of decay and destruction. They remind me of doting mothers who grieve that their baby boys should ever grow up to be "awful men," or their daughters ever marry, not stopping to consider that if such wishes prevailed the whole human race would have come to an end with Adam and Eve!

No doubt some of these "good people" think the children of Israel made a great mistake by crossing the Red Sea, traversing the desert, and fording the Jordan to make war on the Canaanites and conquer their country.

These same "good people," if they are consistent, are bound to grieve because our forefathers crossed the ocean and drove the Indians out of this land.

Look at England! Suppose she had acquired no foreign territory, what would she be to-day? A little fraction of a little island; long ago, in all probability, conquered by France or Spain. But by the acquisition of foreign territory she has spread over nearly one-third of the earth the best civilization, the wisest laws, the truest forms of liberty, and the most exalted religion the world has ever known.

Our own country is the fruit of England's expansion, and if she had never expanded the United States of America would have never existed.

And, Mr. Speaker, if we had never expanded, where would we be to-day as a people? We would still be clinging to the shores of the Atlantic Ocean. The first step our forefathers took after leaving their ships was to "acquire foreign territory;" and every westward step they have taken since has been to "acquire foreign territory." And on and on we have gone, crossing the Blue Ridge Mountains, the Alleghenies, the Smokies, and the Cumberland; then crossing the Mississippi River, then the prairies and the plains, then the Rocky Mountains and the Sierra Nevadas, until at last we reached the Pacific Ocean.

And here we were disposed to rest until the thunder of Dewey's cannon, like the voice of God's angel, called on us to cross the Pacific Ocean and plant our feet on its other shore.

No doubt a plenty of "good people" said it was unwise, inhuman, and unchristian for our forefathers to cross the Atlantic Ocean three hundred years ago and drive out the American Indians and take possession of their country; and if these "good people" had had their way there never would have been any white men over here and never would have been any United States of America, but all of its splendid territory would be to-day as it was when Columbus discovered it—an unbroken wilderness inhabited by unbroken savages—and these howlers and kickers and fault-finders would never have been born.

INCONSISTENCY OF SOUTHERN DEMOCRATS.

There is one thing about some of these "good men" who are charging the Republicans with oppressing the people of the Philippines that strikes me as a little inconsistent. The "good men" to whom I now refer live in those Southern States where the negro vote is practically abolished. I want to know why it is they are such zealous defenders of the rights of yellow and black people who live ten thousand miles away and yet are so hostile to the right of yellow and black people who live in their own States, and are their own neighbors? In the New Testament the question is asked how we can love him whom we have not seen, when we fail to love him whom we have seen.

If I saw these Southern Democrats standing up for the rights of the negro in their own States, then I could believe them when they say they want the black and yellow people of the Philippines to have all the political and civil rights of American freemen. It must be a poor political rule that works one way at home and works another way abroad. That must be a strange sauce that is good for the goose but bad for the gander.

That is an unrighteous kind of charity that has closed ears and closed hands for those who are born and raised our neighbors, but has open ears and open hands for those who live 10,000 miles away. I used to hear it said that "charity begins at home," but now these Democrats want me to believe that charity begins 10,000 miles away from home. That may be Democratic charity, but it is not the sort of charity that St. Paul tells us of; and the great apostle says that though these men speak with the tongues of angels, if they have not this true charity, they "become as sounding brass or a tinkling cymbal." Verily, St. Paul must have foreseen the day when Southern Democrats would rise on the floor of this House and plead for the people of the Philippines, while oppressing their own neighbors. I wonder if some of these Southern Democrats, who so eloquently declare that the people of the Philippines should be given every right and every liberty and every privilege we enjoy, do not hear jingling in their ears, while they plead for those 10,000 miles away and oppress those at home, "You are become as sounding brass or a tinkling cymbal." And verily, Mr. Speaker, we have had a blizzard of "sounding brass" this day on this floor.

FALSE PROPHETS OF EVIL.

"Good men" are sometimes prophets of evil. During our Revolutionary war good men predicted that it would result in the destruction of what few liberties our ancestors then enjoyed. During the formation of our Constitution "good men" predicted that instead of being the shield of liberty it would prove to be the sword of tyranny. When Washington was President some "good men" declared he was no better than a king. And when Jefferson became President some "good men" branded him as an emperor. Some "good men" denounced Andrew Jackson as a tyrant and a usurper. Some "good men" charged that Abraham Lincoln was a despot. Some "good men" predicted that if Grant were elected President he would overturn the Constitution and we would never elect another President.

And now, Mr. Speaker, some of these same "good men" are calling William McKinley an "emperor," and are prophesying that he will destroy our Constitution and rob us of our liberties.

Scientific men say that sometimes the eye is so diseased that everything we see has a sickly, yellow color. So, it would seem, there is a disease of the mind that causes everything to appear dark and foreboding. Persons that have this disease, if they belong to the church, see nothing but hell and damnation in front of the human race; and if they are politicians, see nothing but war, pestilence, famine, and general ruin in the future of their country.

Mr. Speaker, in my day most of these "good men" have been Democrats. Away back in 1860 I heard them declaring, with tears in their eyes and grief in their voices, that the success of the Republican party would ruin our country. During the civil war I heard these "good men" lamenting that our liberties were gone and our rights everlastingly lost. Since the close of the war I have heard these "good men" swear that the "bloated bondholders" were devouring the substance of the people and that

starvation would be the sure fate of the poor. A little later on these "good people" made oath that the "robber barons" would soon own everything, and everybody else own nothing. Indeed, only four years ago thousands of these "good men" traveled all over the United States warning the people that the "Gold Bugs" had all conspired to buy up our country and sell it to England.

And now, Mr. Speaker, these same "good men," with voices of lamentation, are predicting that William McKinley and the Republican party, having already devoured the Porto Ricans, bodies, boots, and breeches, are on their way to swallow Cuba and devastate the Philippines.

FALSE PROPHETS PERISH, BUT THE NATION SURVIVES.

When I was a boy there was a religious sect known as the "Millerites," who believed that the world was doomed to come to an end on a certain day, and on that day they assembled themselves together and proclaimed themselves the elect and damned all the balance of mankind.

During the debate here this afternoon, when I saw and heard Democrat after Democrat get up and declare that they were all the good men left on earth to defend the Constitution and preserve liberty, and that William McKinley and the Republicans were defiling the holy places and outraging human rights and massacreing the children of freedom, I was reminded of the "Millerites" and took courage; for, though the "Millerites" scared many old women and young girls, nevertheless the good earth was not destroyed; seedtime and harvest continued, and the "Millerites" became a laughingstock the balance of their lives.

And so, Mr. Speaker, these "good men" of the Democratic party will die as died those other "good men," their predecessors; their prophecies of evil will come to naught, as did the prophecies of the "Millerites" and of those other "good men;" and William McKinley and the Republican party, like Washington and the Federal party, like Lincoln and the Union party, will go on fighting the battles of progress, extending the area of freedom, and carrying the blessings of liberty, law, religion, and science wherever the flag of our country may float and the footsteps of our countrymen are planted.

Mr. HULL. I yield to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, the question here involved is not a partisan question. There is no controversy as to whether the Constitution follows the flag, or whether the Constitution extends itself. The question is simply whether it is right to authorize the President to suggest the conditions contained in the Senate amendments to this bill relating to Cuba.

By joint resolution of Congress adopted April 20, 1898, we declared that—

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with 266 of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people

The declaration in this resolution "that the people of the island of Cuba are and of right ought to be free and independent" was not all true.

At the time this resolution was adopted they were not free and independent, but were a colony of Spain in revolt against tyranny of long standing, and the statement that they were then free and independent was not true, but did no harm and is not necessary in determining the relations which now ought to subsist between Cuba and the United States as a result of the war with Spain which followed this resolution.

The essential parts of the declaration contained in the resolution of April 20, 1898, are:

1. That the people of Cuba ought to be free and independent.

2. That the Government of the United States demands that Spain relinquish its authority and government in Cuba and that it quit and vacate Cuba and Cuban waters with its land and naval forces.

3. That the President of the United States is empowered to use the land and naval forces of the United States to execute these resolutions.

4. "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people."

By these resolutions the Government of the United States voluntarily placed limitations upon its future action respecting the island of Cuba and is estopped, in equity and good conscience, from taking action inconsistent with them.

That is to say, (1) we have declared that the people of Cuba ought to be free and independent.

2. We have disclaimed any intention to claim "sovereignty, jurisdiction, or control over the island except for the pacification thereof."

3. And we have asserted our determination when pacification is accomplished "to leave the government and control of the island to its people."

In view of the suggestion now contained in section 6 (relating to the Isle of Pines) of this authorization to the President as to relinquishment of the government and control of the island, the language of the resolution of April 20, 1898, whereby our declaration of intentions is limited to the "island of Cuba" is significant.

We went to war with Spain for the cause of humanity.

So far as I can remember no other war was ever fought prompted by such high and honorable motives.

The war was demanded by our people, with but few exceptions, without regard to politics.

The war which had been raging in Cuba for more than three years was practically a continuation of the revolutions of 1844, 1848, and 1851, and the ten years' war from 1868 to 1878.

Age and sex had not been spared. Every resource of Cuba had been drained to pay for Spanish domination. Justice had become a farce. Highwaymen had plundered where the general government overlooked, and finally, under the administration of General Weyler, the policy of concentration was adopted, whereby thousands of people had been starved to death.

We had for some time been put to great trouble and expense to restrain our own patriotic people from the breach of international law in their sympathy for Cuba.

In the hope of bloodless adjustment the President had urged reasonable concessions by Spain without avail.

Aside from our duty to abate international disorder at our own door, we were under a moral obligation to interfere.

By the Monroe doctrine we had warned other nations against aiding Cuba, and had thereby cut Cuba off from seeking aid elsewhere.

We had reasserted the Monroe doctrine in our party platforms and had reaffirmed the right of this Government "to give that doctrine effect by responding to the appeals of any American state for friendly intervention in case of European encroachment."

We had been specific as to Cuba, and said:

"The Government of Spain having lost control of Cuba and being unable to protect the lives and property of resident American citizens or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island."

THE MONROE DOCTRINE.

The Monroe doctrine is international law, and nations must be presumed to take notice of international law.

All that has been done by the United States with reference to Cuba has been done subject to the Monroe doctrine, and the question now arises whether what is proposed to be asked by these amendments is within the scope of our rights under the Monroe doctrine.

A brief review of the incidents leading to the declaration of the Monroe doctrine and of the American policy which that doctrine supplemented becomes necessary as a part of this argument.

In 1793, when France declared war with Great Britain and our Government was called upon for the first time to determine what our relations ought to be to the nations of Europe, Washington issued his proclamation of neutrality, for which he was slandered as no President since his time has been slandered.

On his final retirement, in his farewell address, he set forth his reasons for not interfering in the affairs of Europe, and his policy outlined in that address has been the settled policy of this nation ever since.

In Jefferson's inaugural address, March 4, 1801, he declared that the principles which should govern his Administration were "peace, commerce, and honest friendship with all nations—entangling alliances with none."

He repeated this in his annual message to Congress October 17, 1803.

The policy of Washington of no entangling alliances with foreign nations was afterwards supplemented by the Monroe doctrine.

After the defeat of Napoleon at Waterloo, in 1815, Alexander of Russia, believing that Napoleon's overthrow was a signal illustration of providential interposition in favor of the divine right

of kings, invited the Kings of Prussia and Austria to join him in a league, which he called the "Holy Alliance." The expressed purpose of this alliance was that the kings who were parties to it would endeavor to rule their dominions in accordance with the principles of Christianity. The monarchs who joined the alliance soon fell away from its high purpose, if they ever really entertained it. The Kings of France, Spain, Naples, and Sardinia joined the league.

Within two months there grew out of the holy alliance what is known as the quadruple treaty between Russia, Prussia, Austria, and Great Britain, signed at Paris in 1815.

At the signing of this treaty it was agreed that the parties thereto should meet in conference at Aix-la-Chapelle in 1818, and at the Aix-la-Chapelle conference the powers united in a project for the joint regulation of European affairs.

Later and pending another meeting of the powers at Vienna in 1822, Spain being then involved in trouble with her American colonies, Mr. Canning, then minister of England, proposed to Mr. Rush, then representing the United States at London, a joint declaration by England and the United States that "it was impossible to look with indifference upon European intervention in the affairs of the colonies of Spain and to see them acquired by a third power."

Mr. Rush refused to join in this joint declaration, on the theory that such joinder would be inconsistent with the policy of Washington as set forth in his Farewell Address, and thereupon made report to Mr. Monroe.

Mr. Monroe submitted the letters of Mr. Rush to Mr. Jefferson, who replied, saying, among other things, that "this question * * * is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us."

In his annual message to Congress December 2, 1823, Mr. Monroe promulgated the Monroe doctrine, the substance of which is contained in three inhibitions:

1. No more European colonies on these continents.

2. No extension of European political systems to any portion of this hemisphere.

3. No European interposition in the affairs of the Spanish-American republics.

The Monroe doctrine has been applied to Cuba in the following instances:

October 25, 1825, Mr. Clay, then Secretary of State, in a communication to Mr. Brown, then American minister to France, referring to a former communication, said:

"It was stated to the French Government that the United States could not see with indifference these islands (Cuba and Porto Rico) passing from Spain to any other European power."

Mr. Calhoun, in a speech in the Senate May 15, 1848, declared it to be the fixed determination of this Government "that if Cuba pass from her (Spain) it shall not be into any other hands but ours."

December 1, 1852, Mr. Everett, then Secretary of State under President Fillmore, declared that the President fully concurred with his predecessors "that the United States could not see with indifference the island of Cuba fall into the possession of any other European government than Spain."

By these amendments we now propose:

That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "for the recognition of the independence of the people of Cuba, demanding that the government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba, substantially as follows:

1. That the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

2. That said government shall not assume or contract any public debt to pay the interest upon which and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

3. That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

4. That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

5. That the government of Cuba will execute and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

6. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

7. That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United Statas lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

8. That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

This amendment is simply an authorization to the President "to leave the government and control of the island of Cuba to its people" under certain enumerated conditions.

The question for us to determine is, first, whether these conditions in any way violate our resolution of April 20, 1898, construed in the light of the Monroe doctrine, subject to which that resolution was passed; second, whether they are consonant with the Monroe doctrine.

The Supreme Court of the United States in Neeley *vs.* Henkel (decided in January, 1901) sums up the situation to that date in these words:

The legislative and executive branches of the Government, by the joint resolution of April 20, 1898, expressly disclaimed any purpose to exercise sovereignty, jurisdiction, or control over Cuba, "except for the pacification thereof," and asserted the determination of the United States, that object being accomplished, to leave the government and control of Cuba to its own people. All that has been done in relation to Cuba has had that end in view, and, so far as the court is informed by the public history of the relations of this country with that island, nothing has been done inconsistent with the declared object of the war with Spain.

The court then declares the relations of Cuba and the United States and the obligations of the United States to the inhabitants of Cuba growing out of the joint resolution of April 20, 1898, as follows:

As between Spain and the United States—indeed, as between the United States and all foreign nations—Cuba, upon the cessation of hostilities with Spain and after the treaty of Paris, was to be treated as if it were conquered territory. But as between the United States and Cuba, that island is territory held in trust for the inhabitants of Cuba, to whom it rightfully belongs and to whose exclusive control it will be surrendered when a stable government shall have been established by their voluntary action.

The question which must be honestly considered is whether we are complying with our obligations and our duty to the people of Cuba by the terms of this our authorization to the President.

It is proposed—

I.

that the government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization or for military or naval purposes or otherwise lodgment in or control over any portion of said island.

This section comes clearly within the Monroe doctrine in that it provides:

(1) Against the extension of any European political system to Cuba by binding her not to enter "into any treaty or compact with any foreign power or powers which will impair or tend to impair" her independence.

(2) It provides against permission to any foreign power or powers for "lodgment in or control over any portion" of Cuba by colonization or otherwise.

II.

That said government shall not assume or contract any public debt, to pay the interest upon which, and to make reasonable sinking fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government shall be inadequate.

This simply provides that the island shall not mortgage itself beyond its power of redemption, and so that it may not hereafter pass in whole or in part under the control of any foreign power by the insidious operation of a public debt.

This is a legitimate exercise of the Monroe doctrine as emphasized by our specific declarations regarding Cuba.

It is also a measure of proper protection of Cuba, the propriety of which is emphasized by conditions in Mexico where the import duties of Vera Cruz and Pacific ports are held by Great Britain for interest on a fifty-million dollar loan negotiated in 1826.

The case of Egypt, which is now controlled by Great Britain through the Egyptian debt, is notorious.

Failure of payment of indebtedness for betterments and improvements at maturity to a nation rich enough to make the loan would be followed by seizure of ports and customs.

It is our duty to guard against such seizure and control for the future peace of mankind. Further, it is our duty to guard against such contingencies under our promise, express and implied, to establish a stable government. Such action is also in harmony with our frequent declarations that we could not with indifference see Cuba passing into the possession of any foreign power.

III.

That the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba.

The treaty of Paris contained the following provision:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

The language of section 3 emphasizes the beneficent intentions of this Government toward Cuba. We ask that Cuba consent that we exercise the "right to intervene for the preservation of Cuban independence," and "the maintenance of a government adequate for the protection of life, property, and individual liberty."

By this request we inferentially guarantee "the preservation of Cuban independence" and stable government, and thereby further inferentially disclaim "any disposition or intention" to take Cuban territory. This section is also pursuant to and in harmony with our disclaimer of "intention to exercise sovereignty, jurisdiction, or control over said island" and our promise of pacification contained in our resolution of April 20, 1898.

Our obligations in regard to stable government do not necessarily cease upon our withdrawal from the island. The first establishment of government in the island of Cuba is necessarily experimental and may utterly fail. The ability of the people of Cuba to govern themselves will be on trial.

A civil war in Cuba might furnish as strong an argument for intervention by us as did the war with Spain, with the further obligation of pacification contained in our resolution of April 20, 1898, superadded. In other words, the announcement of the formation of a government by the people of Cuba does not in itself discharge us from our obligations.

IV.

That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

There ought to be no objection to this.

V.

That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

This is a provision for the preservation of the public health of the people of Cuba and of the United States and is proper to be incorporated in a treaty. There is nothing in this proposition restrictive of Cuban independence.

The only restriction proposed is a restriction upon the spread of disease. It is simply proposed that the two governments shall cooperate for the public health of both.

It is a civilized suggestion, which though it may not of right be insisted upon as a condition, and a treaty omitting it might not for that reason fail of ratification, nevertheless it ought to be acceded to by Cuba without demur as being for the common benefit of the people of Cuba and the United States.

VI.

That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

The Isle of Pines is 40 miles from the Cuban coast, and as I understand has been omitted by the Cuban constitution already framed from the description of the territorial limits of the government.

Our resolution of April 20, 1898, related to "the island" of Cuba. However, the title to the Isle of Pines is by this section properly "left to future adjustment by treaty."

This island is said to contain about 537,600 acres, much of it swamp and the rest of it rolling, sandy pine lands. By the census of 1899 it had a population of 3,199. It was formerly the resort of pirates and was afterwards made a penal colony. It is of little value to Cuba, but might be of value to us as a supply station in case it should become necessary for us to defend the proposed Nicaragua Canal.

VII.

That to enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

By this section we propose to the government of Cuba that it sell or lease to us lands for coaling or naval stations to enable us to maintain Cuban independence and to protect the people of Cuba.

By our resolution of April 20, 1898, we assumed the duty of pacification of Cuba. That duty carries with it the duty of aiding the people of Cuba in the establishment of a stable government. With our knowledge of the people of Cuba we can not assume that their first experiment in self-government will be attended with immediate order. Neither can we look into the future and say when they will be able to proceed unaided. Internal disorder would not only invite foreign intervention contrary to our American policy, but would be disastrous to the development and welfare of the people of Cuba.

We prefer to withdraw now and pursuant to our resolution "to leave the government and control of the island to its people," but in so doing it is our duty to be within sufficient hailing distance to aid the government which we have enabled to be organized to succeed and to respond when needed for their protection and the continuance of that order and good government for which we have become responsible not only to Cuba by the resolution of 1898, but to the world by virtue of the Paris treaty. Ours is a continuing obligation from which we can not absolve ourselves at once. If, as stated, in effect, by the Supreme Court, we are the trustees for the people of Cuba, our trust is not fully consummated and our duty is not fully discharged until order is established.

VIII.

That by way of further assurance the government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

This section simply proposes the reducing of our understanding to writing, so that there shall be no future misunderstanding as to what we have agreed on—no room left for conflict of testimony, difference of construction, or defect of memory.

It is, perhaps, superfluous to speak of gratitude. Among men the very generosity which prompts a favor makes impossible a reminder of reciprocal obligations.

In the light of history since April 1898 it would seem that the people of Cuba ought to hasten to inquire of the United States what return they could make to us for what we have done and would scorn the very appearance of withholding anything which a nation prompted by the motives which animated us in our warfare in their behalf might ask. But sentiments like these seem to find no part in international dealings. The cold and formal outlines of a treaty are never softened by sentiment. All things proceed by rule of action except when driven out of true by partisanship.

We went to war with Spain for a cause unique in history—the cause of humanity—and above the graves of thousands of reconcentrados starved to death by Weyler's order, above the harbor where the *Maine* lies buried, we are doing our best to raise the monument of Cuba—reorganized, regenerated, and free. We are proceeding as we began—in the cause of humanity.

Mr. HULL. I yield to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, this bill, as the House is compelled to act upon it, is a striking illustration of a most vicious and iniquitous practice in national legislation. An Army bill, which must be passed in order to provide for absolutely necessary expenditures, comes down from the Senate with a large number of amendments which originated in the Senate, and in order to pass the bill under the rule just adopted we are compelled to vote for all of the amendments whether they do or not meet our approval. This is a method invariably adopted for securing the passage of obnoxious measures which otherwise would not meet with the approval of the House. The principal measure is simply used as a vessel to sustain cargoes that otherwise would sink of their own weight.

This bill has two amendments of great moment, of far-reaching consequences, that have never been considered by any committee on the part of the House, and must be accepted after only two hours of debate. One relates to the Philippine Archipelago, one to Cuba. While I have grave doubts as to our constitutional right to delegate legislative power, as is clearly contemplated by the Philippine amendment, I should vote for the bill with this amendment if I could do so without at the same time being obliged to vote for the Cuban amendment, in which I do not believe. The Philippine amendment contemplates a change from military rule to civil rule, and is an advance over existing conditions. It does not add to, but limits executive power.

I am firmly of the opinion that the person or persons that may discharge the duties devolved upon them by this amendment will be restrained and controlled therein by all of the constitutional limitations and guaranties protecting life, liberty, and property. I do not for a moment believe that they can, even if they desired, exercise absolute, arbitrary, autocratic power. We may have occasion to remember that by this amendment we legislate for the Philippines. While I should vote for this amendment if it stood alone, I believe that a form of territorial government following the lines of the territorial governments created for Louisiana in 1804 and Florida in 1822, would, from every consideration, be much more desirable. It would commit us to nothing to which this amendment does not commit us, and it could not fail to be a much more potent influence in securing peace in the archipelago—a consummation certainly most "devoutly to be wished."

The Cuban amendment does not seem to me to be in accord with the solemnly declared and frequently reiterated policy of the Republic relative to Cuba. Beside this, it practically assumes grave responsibilities which do not now exist. The position which the

Republic now sustains to Cuba is, I believe, fairly and truthfully stated by the Supreme Court in the opinion in the Neely case, in which the court says unanimously, speaking through Mr. Justice Harlan:

> The legislative and executive branches of the Government, by the joint resolutions of April 20, 1898, expressly disclaimed any purpose to exercise sovereignty, jurisdiction, or control over Cuba, "except for the pacification thereof," and asserted the determination of the United States, that object being accomplished, to *leave the government and control of Cuba to its own people*. All that has been done in relation to Cuba *has had that end in view*; and, so far as the court is informed by the public history of the relations of this court with that island, nothing has been done inconsistent with the declared object of the war with Spain.

Again, giving a perspicuous judicial statement of the clear duty of the United States in this exigency:

> But as between the United States and Cuba, that island is territory held in trust for the inhabitants in Cuba, to whom it rightfully belongs *and to whose exclusive control it will be surrendered* when a stable government shall have been established by their *voluntary action*.

The Cuban amendment, which is said to contain our ultimatum to Cuba, does not, in my opinion, contemplate surrendering "exclusive control" of Cuba to the "inhabitants of Cuba," for whom the territory is now "held in trust," "when a stable government shall have been established by their voluntary action;" but, on the contrary, it seems to me that it clearly intends to perpetuate our control over the island and its inhabitants.

In the third section we require Cuba to consent to our right to intervene for the "maintenance of a government adequate for the protection of life, property, and individual liberty." This does not in terms require them to consent that we may intervene "for the protection of life, property, and individual liberty," only to maintain "a government adequate" for that purpose; but practically it makes us the judges of the existence of the exigency that justifies our intervention, and the right to intervene for that purpose submits to our control the government which they establish.

It is not a very long step from the right to intervene to the obligation to exercise that right when its exercise is demanded by those in whose interests it may be assumed the right was conceded. No one can tell under what circumstances it might be insisted by foreign capital, to illustrate, that the Cuban government was inadequate to protect property and individual liberty, or when it might be asserted by a foreign government in the interests of the personal or property rights of its citizens residing therein or having relations therewith that the government was inadequate, and we must protect them in that regard. In section V, in case of any change as to sanitation, they have no power to make it except with our consent, thus being clearly subordinate to our control in this particular.

It may be conceded that if we were to exercise control over them, this subject, above all others, would be the one over which it should be exercised.

The desirability or importance of control does not demonstrate the existence of the right when the rights of the parties are derived from their declared purposes. In section seven the purpose for which the coaling or naval stations are to be acquired is stated as follows: "To enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense." When we acquire and occupy territory "to protect the people thereof" it is not a strained construction to hold that we are by virtue thereof bound "to protect the people thereof."

This is the principal purpose of any government that may be established "by the inhabitants of Cuba."

Against whom are we "to protect the people thereof," and what occasion is there for protecting "the people thereof" if we maintain, as we insist we wish to do under section three, a "government adequate for the protection of life, property, and individual liberty?" What legitimate occasion have we to "protect the people thereof" when there is or ought to be in existence a "free, independent government established by its people" for that very purpose? Are we to protect them against internal disorder, against their own government, or against foreign governments? Evidently the rights to be conceded by section three were not sufficiently broad and comprehensive, and in order to make our control more absolute and complete this extremely general language was added in section seven.

These three sections clearly involve, as it seems to me, a perpetuation of our control instead of a surrender of "exclusive control" to the inhabitants of Cuba, which the Supreme Court has said is the purpose for which we now hold the possession. This amendment goes further than we are required to go, and assumes obligations indefinite, undetermined, far-reaching, much beyond any duties devolved upon us by the treaty. Article XVI of the treaty provides: "It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof, but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations." It can not be successfully denied, as it seems to me, that this clause in the treaty clearly contemplates that at some time in the near future our occupancy of this island would terminate, and that at that time our obligations with "respect to Cuba" would also terminate, and our only obligation then remaining would be to "advise any government established in the island to assume the same obligations."

Under the ultimatum, however, all of these obligations are not only continued, but they will prove to be very greatly enlarged. We are not to escape the "ills we have," but "fly to others that we know not of."

By this ultimatum we, in effect, assume a protectorate over Cuba. This is a new departure in our national policy, as that is a power which we have never before undertaken to exercise and which it has been insisted was entirely out of the question in connection with the Philippines.

I do not believe a protectorate can be predicated upon the Monroe doctrine, nor do I believe that we can constitutionally exercise such a power. If we can, we can exercise it wherever the Monroe doctrine applies, and it is conceded that applies to the whole continent. Are we to exercise protectorates in time over all the South American governments as occasion may arise? The assumption of such vast responsibilities no one who loves our institutions can contemplate without serious misgivings.

I believe in the sincerity and honesty of the declaration of April 20, 1898, with which we embarked upon the war with Spain. It has been consistently reasserted on many solemn occasions since. The deliberate and emphatic declarations of our peace commissioners during their negotiations, which resulted in the treaty of Paris, in October and November, 1898, six months after the declaration of war, when the frenzy, if any there was, may be assumed to have subsided, fully justify the conclusions of the Supreme Court. Insisting upon the capacity of the Cubans to govern themselves, and repudiating an intimation on the part of the Spanish commissioners that the opposite was true, they said on October 27, 1898:

> The American commissioners are unaware of the ground on which it is asserted in the Spanish memorandum that the United States has been compelled to admit that the Cuban people are as yet unfit for the enjoyment of full liberty and sovereignty. It is true that an intimation of such unfitness was made in the note of the Spanish Government on the 22d of July last. The Government of the United States, in its reply of the 30th of July, declared *that it did not share the apprehensions of Spain in this regard*, but that it recognized, in the present distracted and prostrate condition of the island, brought about by the wars that waged there, aid and guidance would be necessary. (The treaty of peace between the United States and Spain, pp. 102–103.)

They do not seek to evade this conclusion, as they repeat the declaration on November 9, 1898. (Ibid., p. 143.)

The character of our occupation was clearly stated in the negotiations. Spain insisted that the United States was to receive the sovereignty over Cuba, hold it for the necessary time, and then leave it "at the disposal of the government that may be constituted in Cuba." Our commissioners exercised scrupulous care in repelling the idea that we were to exercise any sovereignty over Cuba, even for a temporary purpose, saying, October 14, 1898:

> The American commissioners understand the Spanish memorandum to maintain that their Government, prior to the war, demanded of Spain, in effect, if not in words, the relinquishment of her sovereignty over Cuba to the United States. * * * The precise words of this demand are "that the Government of Spain at once relinquish its authority and government in the island of Cuba and Cuban waters," and the demand is accompanied by the declaration that the United States in taking the step "disclaims any disposition or intention to exercise *sovereignty, jurisdiction*, or *control* over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island *to its people, under such free and independent* government as they may establish. * * *
>
> From the demand thus fully set forth in the Spanish memorandum extracts the assertion by the United States of its determination "to leave the government and control of the island to its people;" and, omitting both what precedes and follows, construes that assertion as a demand that such relinquishment must be made through them (the United States). The demand, as a whole, however, carefully and clearly excludes this construction. Not only is the assertion preceded in the same sentence by an *express disclaimer* on the part of the United States of any disposition or intention to *take the sovereignty of* the island, but the assertion itself includes an express *declaration of a determination to allow the island to remain after pacification "under such free and independent government" as may be established by its people.* (Ibid., p. 47.)

A government which we dominate, which is expressly subjected to our control by this ultimatum, which we do not propose to allow established except upon such conditions, can not with any propriety be said to be a "*free and independent government* established by its people."

The Spanish commissioners still insisted upon our assuming this qualified sovereignty (Ibid., pp. 83–85), and on October 27, 1898, our commissioners squarely denied the claim, saying:

> The American commissioners have never denied that the island of Cuba will, upon its evacuation by the Spanish forces, come into possession of the authorities of the United States; but this possession is to be by no means confounded with the sovereignty of the island, which the United States has long since declared to Spain an intention not to assume. The United States will take possession of the island *for the purpose of pacifying it*, but not as titular sovereign, and it is not to be charged with proposing to reduce it to the condition of a "desert territory in Africa" merely because it declines to assume the character of such sovereign. (Ibid., p. 98.)

The pure, lofty, and disinterested purpose which inspired all of

the acts of the United States throughout was proudly and truthfully stated by our commissioners on October 27, 1898. They said:

> It is not necessary to recite the record of the events which followed that demand (involved in the declaration of war), well known to the members of this commission, and which are now a part of the history of the world. It is true that the enforced relinquishment of Spanish sovereignty will result in the *freedom and independence* of the island of Cuba, *and not in the aggrandizement of the United States.* * * * Not having taken up arms *for its own advancement*, having refrained from acquiring sovereignty over Cuba, the United States now seeks to attain a peace consistent with its *ends and purpose* in waging war.
>
> * * * * * * *
>
> Its relations to Cuba have been those of a people suffering *without reward or the hope thereof.* (Ibid, p. 107.)

It would be doing great violence to the character for candor and probity of the distinguished men who represented us if we were to assume that they then contemplated that we should take occasion, while carrying out these sublimely disinterested purposes, to aggrandize ourselves by the forcible acquisition of coaling or naval stations for our "own defense."

Further references are unnecessary. There is no discordant note; no intimation or inference that is inconsistent with the purity and sincerity of our holy purpose. The negotiations breathe it in every line and paragraph. We do not stand on equal terms. Cuba is powerless. She is compelled to accept our terms. Every consideration requires us to be consistent, sincere, and generous. We can not afford to aggrandize ourselves. The honor of our country is at stake in the fulfillment of these great purposes, in their letter and in their spirit.

I do not think this history can be brushed out with a wave of the hand on the ground that it was an improvident declaration hysterically made when Congress was at a white heat, responding to a wave of frenzied excitement sweeping over the country. I concede that hasty action is likely to be ill-considered action. I hope the action taken to-day under the pressure of the nearing close of the session and an inevitable special session if this bill fails may not prove to be action taken in haste, of which we may have occasion to repent at our leisure. Nor can it be eliminated, in my judgment, because some statesmen may have an itching palm for Cuba with its wealth.

If it were the purpose of the Cuban amendment—which I do not assert—to impose conditions that would compel the annexation of Cuba, I am not prepared to say that it is not well adapted to produce that result. Such a result, thus accomplished, would humiliate our common country to the last degree. I hope to be able to still cherish the opinion asserted in the following colloquy by a distinguished citizen of Wisconsin in another body:

> Mr. SPOONER. Has the Senator any suspicion in his mind that the pledge made in the resolution passed by Congress as to the temporary character of our occupation in Cuba is not to be kept?
>
> Mr. HALE. I have.
>
> Mr. SPOONER. Kept not simply to the letter, but kept in spirit?
>
> Mr. HALE. I have very grave suspicion, Mr. President.
>
> Mr. SPOONER. Then, Mr. President, the Senator is a pessimist, beyond any I have ever met.
>
> Mr. HALE. Now, let me say to the Senator I think there are very powerful influences in this country—I think they are largely located in New York City, I think they are largely speculative and connected with money-making enterprises—that are determined that we shall never give up Cuba. I am profoundly impressed and profoundly depressed by the fact that I find in hundreds of quarters a determination that we shall never withdraw from Cuba, but shall retain her as a possession of the United States.
>
> Mr. SPOONER. It will never turn out, my friend from Maine, that any man in any country can point to the Teller resolution and say with truth that it was a legislative lie.
>
> Mr. HALE. I hope so.
>
> Mr. SPOONER. The Senator need not hope so; he had better know so.
>
> Mr. HALE. I do not know.
>
> Mr. SPOONER. Well, he ought to know.

May we all "know." I do not feel at liberty to support this bill with an amendment which is thus at variance with our declared and construed purposes with respect to Cuba.

Mr. HULL. Mr. Speaker, has the gentleman from New York [Mr. SULZER] exhausted his time?

The SPEAKER. The time on that side is exhausted.

Mr. HULL. How much time have I remaining?

The SPEAKER. Fourteen minutes.

Mr. HULL. I will occupy three minutes of that time. I hope the Speaker will call me down if I exceed that limit.

The SPEAKER. The gentleman from Iowa will proceed for three minutes.

Mr. HULL. Mr. Speaker, this is probably a bad time for a man to refer to any personal matters; but for the last two days gentlemen in both branches of Congress have aimed to make me the target of their criticism on account a of business enterprise. This was started by William J. Bryan, while a candidate for the Presidency. When the campaign was in progress last year, it was published over my district and my State, and was met there by a full statement of fact, answered by an increased majority. I will say to the gentleman from Tennessee that I am the same man that is connected with the Philippine Lumber Company, and that I have something invested in that enterprise. I will say further to this House that I have not, nor has that company, ever asked one favor of the Government of the United States; and we do not propose to do so. Our dealings there are with men who have titles in fee simple of long standing. The business is entirely legitimate.

And I want to say to this House and the country that whenever the time comes that I am not permitted to invest in a legitimate enterprise I would prefer to leave Congress to being a drone, dependent only on politics for my living. [Applause.] I will say further to the gentleman from Tennessee, and to this House, that while the campaign was on, the company with which I am associated called a halt in their enterprise and notified every one of the stockholders that if Bryan should be elected not one dollar would we invest in the Philippines, but if McKinley should be elected we would invest all the money that we pleased, believing it would have a favorable return by the restoration of order and good government in the Philippines. [Applause on the Republican side; derisive applause on the Democratic side.]

Bryan's election would mean disorder and anarchy in the islands. McKinley's election would mean order and thrift.

Under the one I would not be willing to invest in any legitimate enterprise; under the other the ax and the sawmill would be encouraged, labor benefited, and civilization advanced.

Now, why? Because the one man was trying to run the country on wind and the other believed in legitimate enterprise. [Great confusion in the Hall.] I yield the balance of my time to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The Chair could not hear, owing to the confusion, what the gentleman said.

Mr. HULL. All the time I have—eleven minutes, as I understand.

The SPEAKER pro tempore. The gentleman is recognized for eleven minutes.

Mr. KLUTTZ. I ask that the gentleman's time be extended by unanimous consent.

Mr. HEPBURN. Mr. Speaker, it is not at all surprising that the gentleman from Colorado should be perplexed, as he says he is, when he recalls certain language in the Declaration of Independence, and when he remembers some portion of the history of the Republic of a great many years ago. He quoted:

> We believe it to be self-evident that all men were created equal, and endowed by their Creator with certain inalienable rights, and among these life, liberty, and the pursuit of happiness.
>
> That all governments derive their just powers from the consent of the governed.

Mr. Speaker, these sentences were written by Thomas Jefferson, the old apostle of Democracy, and yet when he wrote these sentences he was the owner of more than a score of slaves that he could drive to unrequited toil with the taskmaster's lash. He could sell wife from husband and child from its mother's arms.

Mr. LENTZ. Will the gentleman permit me to interrupt him?

Mr. DALZELL. Let us have the regular order.

Mr. HEPBURN. I do not yield. I remember that when George Washington assembled the tattered patriots of his army to hear read in general orders the Declaration of Independence, as he stood, the cynosure of all eyes, and as his adjutant read, he must have recollected, when these words fell upon his ears, that he was then the largest slaveholder in the United States. But the gentleman from Colorado is not the only man that is perplexed by this language when he attempts the application that he makes.

Does any man suppose that when the fathers of the Republic—when these two distinguished heroes and patriots wrote or listened to this language they gave it the interpretation that men wholly unfit, that men uneducated, that men unaccustomed to self-restraint, that men without capacity for government, inexperienced in government, should govern? No man believes that.

Mr. CARMACK. Will the gentleman permit me?

Mr. HEPBURN. I do not yield. I do not want to be discourteous, but have only ten minutes.

Mr. Speaker, I think that these gentlemen have abused the language of the Declaration of Independence long enough. How sincere are you when you quote these passages, you men who to-day are striving by all your powers to rob American citizens of their right of self-government? [Great applause on the Republican side.]

You Virginians that prate about the Declaration of Independence, that quote Jefferson and Washington, that voice the claim with pride that your political lineage comes from them, and you of Maryland, and you of South Carolina, and you of North Carolina, and you of Alabama, and of Mississippi, what do you mean when you aid or quietly sit by and see men driven from the status of citizenship, citizens so declared by the Constitution, robbed of the power to vote and of all participation in political power? [Loud applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to interrupt him?

Mr. CARMACK. Do you believe they are violating the Declaration of Independence?

Mr. HEPBURN. I have not time for colloquy.

Mr. WILLIAMS of Mississippi. I should like to ask the gentleman a question, Mr. Speaker.

Mr. HEPBURN (continuing). I must decline to yield, no matter how interesting to me a political conversation is always with my friend from Mississippi.

The SPEAKER. The gentleman from Mississippi is out of order. The gentleman has declined to yield.

Mr. WILLIAMS of Mississippi. I understand. I addressed the Chair and requested the gentleman's permission to interrupt him.

The SPEAKER. The gentleman declined to yield in advance.

Mr. HEPBURN. Mr. Speaker, this debate has called out from certain gentlemen upon the floor declarations that it seems to me ought to be understood. The American people have the right to demand that it should be understood. One gentleman in connection with members of another deliberative body has used the word "connivance," the word "connive."

Ah, there is something sinister in that word. It is an uncanny word, Mr. Speaker. What does it mean? It means "silent or indirect assent, especially to wrong doing;" "forbearing to notice what one should antagonize;" "passive encouragement or cooperation;" "guilty assent to a wrongful or criminal act during its occurrence."

These are the meanings of that word. Let me explain how and under what circumstances that unseemly word is applied by a distinguished Democrat, who always uses the English language with wonderful correctness—with wonderful vigor; who selects words that convey his exact shade of meaning as perhaps no other English scholar does, or at least of any that I have ever heard. Let us see what it means. In another body there were two or three measures pending, and by perhaps adroit management the Republican managers had placed this bill that we are now considering in precedence of others. What were they? One was the river and harbor bill; one was the bill making appropriations for the Louisiana Purchase Exposition; the third the Army bill now before us.

All through the weeks past we have heard declarations, loud, vigorous, and continuing, that this bill, with its political amendments relating to Cuba and the Philippines—the sum of all infamies, as we were told here and in the other Chamber—could not pass; that there were Senators there that had the power to put a veto upon it; that they intended to exercise that power. All the newspapers have been replete with their declarations of the endurance they would manifest, and the certainty that they in the end would prevent, by the methods we all know they command, the passage of this objectionable bill——

The SPEAKER. It is the duty of the Chair to remind the gentleman from Iowa that commenting upon the action of members of the other House is entirely out of order.

Mr. HEPBURN. Mr. Speaker, I was trying to comment upon the extraordinary language of the gentleman from Missouri. I want to quote, in the light of what I have said, if I may say it, in the light of your knowledge of conditions. I want to call your attention to this remarkable language of the gentleman. It must have been applied to Democrats; it could not have been applied to Republicans, because Republicans are and have been favorable to this bill; it is their legislation.

Here is the language of the gentleman from Missouri, already referred to by the gentleman from Ohio:

> There is thrust into this Chamber now, by the tyranny of the majority, by the connivance of others who had power and did not use it, a question which can not be considered here, but which is to be settled here. In the closing hours of this session the body which could have prevented, the men who could have barred from this Chamber these great questions, for reasons of their own which I have not time to bring into light, and upon which I do not care now to enter—for reasons of their own, yielding to inducements sufficiently powerful to them and with them, have allowed this measure to come with these amendments to this House.

Ah, Mr. Speaker, how strange is that language coming from the gentleman from Missouri, intense partisan that he is—so prone to censure his political opponent; so prone to sustain his political ally. How intense must be his feelings if he intends to apply this bitter language to his own political associates in another body.

But, Mr. Speaker, the gentleman is not content with the language I have quoted. He continues:

> And here, with the representatives of the American people shackled with trades and bargains and connivance—with cringing and bending of the knee that thrift may follow fawning—the rights of the American people are to be frittered away, their Constitution is to be disregarded, the people in the far-away Philippines are to be outraged, the risk of war in Cuba is to be hazarded, and all, all that those subservient enough to do it may register the decrees of imperial majesty here in the United States of America.

Mr. Speaker, am I not right in speaking of the language of the gentleman as remarkable? Have you ever heard its like in this body? Is there another instance in which the gentleman from Missouri or any other gentleman has so lashed his political friends? But even this is not all. Again I quote from the gentleman:

> If I had the time I would be glad to discuss this infamous measure. I would be glad to discuss the infamous procedure, the infamous surrender, the infamous cowardice, the infamous trading and trafficking, the infamous disregard of everything sacred and holy and decent and honorable and glorious in these United States of America. But the time is lacking.
>
> The people abroad, perhaps, in their day (for their day, I hope, in the good providence of God is coming), the people probably abroad may brand as they deserve and may lash from public places as they ought to do, the recreant men—men in appearance—recreant creatures who are ready now to surrender everything and forego everything that is decent, honorable, and constitutional and right—everything that has tended to make our nation glorious—and who resort willingly to everything that may make it infamous now and in all the hereafter. I commend to the tyrants here, I commend to the sycophants and the traders and the traffickers elsewhere, the plunder that they get.

Mr. Speaker, let me remind you that the intense indignation of the gentleman can not be entertained for his opponents alone. His lance is not leveled at them. When he tells us that the political amendments are placed in the bill "by the connivance of others, who had the power to prevent and did not use it," who does he mean? Surely not the "tyrants of the majority," for he says there "were others."

Oh, Mr. Speaker, how much of uncertainty and doubt the gentleman could have relieved us of if he had only told the House who "the others" were—"the others" who aided in "the infamous procedure" of passing this bill. Who are the men who participated in "the infamous surrender?" Who are the men who exhibited "the infamous cowardice?" Who are the "men who had the power to prevent and failed to use it?" They are not in this House. Here interminable talk is not possible. Here we have rules.

No one in this House has played the bravo and informed the public of their intent to talk this bill to its death—to talk to the end of the session. Here it was known they would not be permitted to so prevent legislation.

Again, here there has been no situation that could justify the gentleman's charge that for a consideration any member could have done or omitted to do anything for an ignoble motive. Here the Army bill did not block the way to other legislation. Here the river and harbor bill and the Louisiana exposition bill, that contained the plums and the plunder, were not impeded by the Army bill; so that the language of the gentleman could not apply to members of this House. He must have intended to apply it to "others." What were the reasons, Mr. Speaker, that influenced "the others?"

Who has received the "plunder?" Who are the men who have taken the bribe—the bribe for failing to do what they might have done? Mr. Speaker, I am afraid we will never know. In fact, the gentleman, under the rules, could not inform us. He has done the best he could. He has told us the criminals are not the "tyrannous majority." He has told us the crime was not committed in this House, but in some other body, where "the others" had the power that they did not use. It could not be here, for here the minority have no power they have not used.

Mr. Speaker, I can conceive the bitter reprehension the gentleman may have for men who will do the things the gentleman has described in such bitter terms, even when they act in obedience to party dictates and to their best convictions of what is right; but I can not conceive the contempt, the unutterable loathing, he must feel for men who do the same things—deserting their party and their convictions and their sense of duty for base and sordid motives—for bribes, for plunder: men who consent that a necessary money bill may be "loaded with infamy," with that which they say is infamous, in order to get it out of the way, in order that they may reach and pass other bills that contain for them that which the gentleman calls "plunder."

And, Mr. Speaker, if the gentleman is right in what he charges, "who shall say him nay?"

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. I ask leave to extend my remarks in the RECORD. [Loud applause on the Republican side.]

The SPEAKER. The Chair will say to the gentleman from Iowa that general leave to extend remarks has been given.

Mr. LENTZ. Mr. Speaker——

The SPEAKER. The question is on the motion of the gentleman from Iowa.

Mr. LENTZ. A parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LENTZ. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENTZ. Will it be in order for the chairman of the Military Committee, the gentleman from Iowa, to vote upon this question, in view of the fact that he is interested in continuing the Philippine war.

The SPEAKER. That is not a parliamentary inquiry. The question is on the motion of the gentleman from Iowa.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAY and others. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 137, answered "present" 4, not voting 51; as follows:

YEAS—161.

Acheson,	Dick,	Kerr, Md.	Rodenberg,
Adams,	Dovener,	Kerr, Ohio.	Russell,
Aldrich,	Eddy,	Ketcham,	Shattuc,
Alexander,	Emerson,	Knox,	Shelden,
Allen, Me.	Esch,	Lacey,	Sherman,
Babcock,	Fletcher,	Lane,	Showalter,
Bailey, Kans.	Fordney,	Lawrence,	Sibley,
Baker,	Foss,	Linney,	Smith, Ill.
Barham,	Fowler,	Littauer,	Smith, Iowa
Barney,	Freer,	Long,	Smith, Samuel W.
Bartholdt,	Gamble,	Loudenslager,	Smith, Wm. Alden
Bishop,	Gardner, Mich.	Lovering,	Southard,
Boreing,	Gardner, N. J.	Lybrand,	Spalding,
Boutell, Ill.	Gibson,	McCleary,	Sperry,
Bowersock,	Gill,	Mahon,	Sprague,
Brick,	Gillet, N. Y.	Marsh,	Steele,
Bromwell,	Gillett, Mass.	Mercer,	Stevens, Minn.
Brosius,	Graff,	Mesick,	Stewart, N. J.
Brown,	Greene, Mass.	Miller,	Stewart, N. Y.
Brownlow,	Grosvenor,	Minor,	Stewart, Wis.
Burke, S. Dak.	Grout,	Mondell,	Sulloway,
Burkett,	Grow,	Moody, Mass.	Tawney,
Burleigh,	Hamilton,	Moody, Oreg.	Tayler, Ohio
Butler,	Haugen,	Morgan,	Thomas, Iowa
Calderhead,	Hawley,	Morrell,	Tompkins,
Cannon,	Heatwole,	Morris,	Tongue,
Capron,	Hedge,	Needham,	Van Voorhis,
Cochrane, N. Y.	Hemenway,	O'Grady,	Vreeland,
Connell,	Henry, Conn.	Olmsted,	Wachter,
Conner,	Hepburn,	Otjen,	Wanger,
Corliss,	Hill,	Overstreet,	Warner,
Cousins,	Hitt,	Packer, Pa.	Waters,
Cromer,	Hoffecker,	Parker, N. J.	Watson,
Crumpacker,	Hopkins,	Payne,	Weaver,
Curtis,	Howell,	Pearce, Mo.	Weeks,
Cushman,	Hull,	Pearre,	Weymouth,
Dahle,	Jack,	Phillips,	Wright,
Dalzell,	Jenkins,	Prince,	Young.
Davenport, S. A.	Jones, Wash.	Pugh,	
Davidson,	Joy,	Ray, N. Y.	
Dayton,	Kahn,	Roberts,	

NAYS—137.

Adamson,	Finley,	McCall,	Ryan, N. Y.
Allen, Ky.	Fitzgerald, Mass.	McClellan,	Ryan, Pa.
Atwater,	Fitzgerald, N. Y.	McCulloch,	Salmon,
Bailey, Tex.	Fleming,	McDowell,	Scudder,
Ball,	Foster,	McLain,	Shackleford,
Bankhead,	Fox,	McRae,	Shafroth,
Barber,	Gaines,	Maddox,	Sheppard,
Bellamy,	Gayle,	Mann,	Sims,
Benton,	Gilbert,	May,	Slayden,
Brantley,	Gordon,	Meekison,	Smith, Ky.
Breazeale,	Green, Pa.	Meyer, La.	Snodgrass,
Brenner,	Griffith,	Miers, Ind.	Spight,
Brundidge,	Hall,	Moon,	Stallings,
Burke, Tex.	Hay,	Muller,	Stark,
Burleson,	Henry, Miss.	Naphen,	Stephens, Tex.
Burnett,	Henry, Tex.	Newlands,	Sulzer,
Caldwell,	Howard,	Norton, Ohio	Sutherland,
Carmack,	Jett,	Norton, S. C.	Swanson,
Clayton, Ala.	Johnston,	Otey,	Talbert,
Cochran, Mo.	Jones, Va.	Pierce, Tenn.	Tate,
Cooney,	King,	Polk,	Terry,
Cooper, Tex.	Kitchin,	Quarles,	Thayer,
Cowherd,	Kleberg,	Ransdell,	Thomas, N. C.
Cox,	Kluttz,	Rhea, Ky.	Turner,
Crowley,	Lamb,	Rhea, Va.	Underwood,
Cusack,	Lanham,	Richardson, Ala.	Vandiver,
Davenport, S. W.	Latimer,	Richardson, Tenn.	Wheeler,
Davis,	Lentz,	Ridgely,	Williams, J. R.
De Armond,	Lester,	Riordan,	Williams, W. E.
De Graffenreid,	Lewis,	Rixey,	Williams, Miss.
Denny,	Little,	Robb,	Zenor,
Dinsmore,	Livingston,	Robinson, Ind.	Ziegler.
Dougherty,	Lloyd,	Robinson, Nebr.	
Driggs,	Loud,	Rucker,	
Driscoll,	McAleer,	Ruppert,	

ANSWERED "PRESENT"—4.

Cooper, Wis.	Cummings,	Littlefield,	Smith, H. C.

NOT VOTING—51.

Allen, Miss.	Chanler,	Lassiter,	Small,
Bartlett,	Clark,	Levy,	Sparkman,
Bell,	Clayton, N. Y.	Lorimer,	Stokes,
Berry,	Crump,	McDermott,	Taylor, Ala.
Bingham,	Davey,	Metcalf,	Thropp,
Boutelle, Me.	Elliott,	Mudd,	Underhill,
Bradley,	Faris,	Neville,	Wadsworth,
Brewer,	Fitzpatrick,	Noonan,	White,
Broussard,	Gaston,	Pearson,	Wilson, Idaho
Bull,	Glynn,	Powers,	Wilson, N. Y.
Burton,	Graham,	Reeder,	Wilson, S. C.
Campbell,	Griggs,	Reeves,	Woods.
Catchings,	Landis,	Robertson, La.	

So the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. WADSWORTH with Mr. LEVY.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

For the balance of the day:

Mr. FARIS with Mr. BELL.

Mr. MUDD with Mr. GASTON.

Mr. METCALF with Mr. DAVEY.

On this vote:

Mr. BULL with Mr. GRIGGS.

Mr. POWER with Mr. CUMMINGS.

During the roll call, after the name of Mr. HULL had been called:

Mr. LENTZ. Mr. Speaker, I make the point of order that the gentleman from Iowa, having admitted that he has an interest in this matter, is not entitled to vote.

The SPEAKER. The gentleman has already voted. The point of order is overruled.

The roll call was resumed and concluded.

Mr. SULZER. Mr. Speaker, there was so much confusion during the call, and the vote being of so much importance, I ask a recapitulation.

The SPEAKER. The Chair thinks it unnecessary—the difference is so great.

Mr. LENTZ. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. LENTZ. I find in the Manual that "where the private interests of a member are concerned in a question" pending before the House "he is to withdraw." Now I make the point of order that, by his own admission, the gentleman from Iowa is interested in this question.

The SPEAKER. But the gentleman will also find in the Digest that it is the uniform practice that each gentleman must be the judge of that for himself. The Chair overrules the point of order.

The result of the vote was then announced, as above recorded.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a final conference report on the Indian appropriation bill, and I ask unanimous consent to dispense with the reading of the report and that the statement only be read.

The SPEAKER. Without objection, that will be done.

Mr. BAILEY of Texas. Mr. Speaker, I want to ask the gentleman from New York if the conferees have attempted to engraft upon the Indian appropriation bill any treaty between the Dawes Commission and the Chickasaw Indians.

Mr. SHERMAN. None whatever.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 51 and 52; that the House recede from its disagreement to the amendments of the Senate numbered 45 and 56, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: After the word "payments," in line 18 of said amendment, insert "gratuities;" at the end of said amendment, after the word "passed," in line 20, add the following: "Proceedings shall be commenced by petition verified by the attorney for said Indians who appears for and on their behalf, and said case shall have preference and be advanced on the docket of said court; and if said court shall find that said bands preserve their loyalty to the United States, they shall ascertain and state the amount that would be due to said Indians on account of said annuities had said act of Congress of February 16, 1863, not been passed, stating in connection therewith what credits should be charged against said annuities on account of the lands, appropriations, payments, gratuities, or other provisions as hereinbefore stated;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

JOHN M. THURSTON,
O. H. PLATT,
R. F. PETTIGREW,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The House recedes from amendment No. 45, which amendment provides that where the proper officers of the Choctaw and Chickasaw nations fail to appoint town-site commissioners, the Secretary of the Interior may make such appointment.

The House recedes from amendment No. 56, which amendment provides for a closing of the rolls of the Five Civilized Tribes.

The House recedes, with amendment, from amendment No. 62, which amendment refers to the Court of Claims for examination and a report to Congress of its opinion thereon the claims of the Sisseton and Wahpeton band of Indians against the United States.

The Senate recedes from amendment No. 52, which was a provision relating to mineral lands on Executive reservations. The Senate also recedes from amendment No. 51, providing for a further survey of the Gila River, the last amendment being the one in which the House refused to concur on the 20th ultimo.

The conference report was then agreed to.

MESSAGES FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also informed the House

of Representatives that the President had approved and signed joint resolution and bills of the following titles:

On February 28, 1901:

H. J. Res. 74. Joint resolution authorizing articles imported from foreign countries, for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

H. R. 4718. An act to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes;

H. R. 2473. An act granting a pension to Mary J. Fouts;

H. R. 5639. An act granting a pension to Harlin Keeling;

H. R. 6417. An act granting a pension to Eliza C. Johnson;

H. R. 9526. An act granting a pension to N. Marietta Chapman;

H. R. 10046. An act granting a pension to Rosa Cox;

H. R. 10995. An act granting a pension to William Mitchell;

H. R. 11085. An act granting a pension to Mary M. Sprandel;

H. R. 12121. An act granting a pension to Caroline H. Wright;

H. R. 12304. An act granting a pension to Mary B. Whiteley;

H. R. 12434. An act granting a pension to Marie Barton Greene;

H. R. 12686. An act granting a pension to John W. Conely;

H. R. 12775. An act granting a pension to Sarah Miller;

H. R. 13160. An act granting a pension to Sarah M. Lowell;

H. R. 13567. An act granting a pension to Martha M. Stephens;

H. R. 154. An act granting an increase of pension to Benjamin F. Shott;

H. R. 2506. An act granting an increase of pension to Joseph Kemper;

H. R. 3233. An act granting an increase of pension to Nicholas B. Ireland;

H. R. 3754. An act granting an increase of pension to Solomon Delzell;

H. R. 2820. An act granting an increase of pension to Edgar Hill;

H. R. 3883. An act granting an increase of pension to William H. Ransom;

H. R. 4232. An act granting an increase of pension to Philip Volkner;

H. R. 6503. An act granting an increase of pension to William Gross;

H. R. 8380. An act granting an increase of pension to Reamus G. Morris;

H. R. 8577. An act granting an increase of pension to Levi C. Hare;

H. R. 9584. An act granting an increase of pension to Samuel F. Bell;

H. R. 10331. An act granting an increase of pension to Sylvanus A. Gifford;

H. R. 10382. An act granting an increase of pension to James Mason;

H. R. 10689. An act granting an increase of pension to Michael Falkoner;

H. R. 10694. An act granting an increase of pension to Katharine J. Gilman;

H. R. 10718. An act granting an increase of pension to James Gatton;

H. R. 10748. An act granting an increase of pension to Julius Sporleder;

H. R. 10978. An act granting an increase of pension to Augustus L. Chetlain;

H. R. 11529. An act granting an increase of pension to Don Farrington;

H. R. 11618. An act granting an increase of pension to John Burns;

H. R. 11798. An act granting an increase of pension to Lealdes F. Laverty;

H. R. 11807. An act granting an increase of pension to John H. Bliss;

H. R. 12180. An act granting an increase of pension to Gilbert L. Pierce;

H. R. 12883. An act granting an increase of pension to Condy Menalis;

H. R. 12997. An act granting an increase of pension to Thomas J. Young;

H. R. 13088. An act granting an increase of pension to Peter Brunette;

H. R. 13214. An act granting an increase of pension to Jacob C. Hansel;

H. R. 13447. An act granting an increase of pension to Benjamin Eason; and

H. R. 12456. An act relating to the Metropolitan police of the District of Columbia.

On March 1, 1901:

H. R. 3376. An act for the relief of Franklin Lee and Charles F. Dunbar; and

H. R. 13575. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

DANIEL COONAN.

Mr. CAPRON. Mr. Speaker, I present the conference report on the bill (S. 3288) for the relief of Daniel Coonan, and I ask that the reading of the report be omitted and only the statement be read.

The SPEAKER. Without objection, the reading of the report will be omitted.

There was no objection.

The report is as follows:

The committee of conference on the disagreeing votes between the two Houses on the amendment of the House to the bill (S. 3288) for the relief of Daniel Coonan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In line 2 of the amendment strike out the word "pensions;" and the House agree to the same.

A. B. CAPRON,
F. C. STEVENS,
THOS. M. JETT,
Managers on the part of the House.

J. C. BURROWS,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement was read, as follows:

The foregoing act, having passed the Senate, was amended in the House by adding the following proviso: "*Provided*, That no pay, bounty, pension, or other emoluments shall become due or payable by virtue of the passage of this act."

The Senate disagreed to this House amendment, whereupon a conference was ordered.

The conferees have agreed that the said proviso be stricken out and the following be enacted in lieu thereof: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

This is the usual proviso adopted for such bills, and is the same as adopted by the House, with the exception that the word "pension" is stricken out.

The conference report was agreed to.

DELINQUENT CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I present the conference report on the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, and I ask that the reading of the report be omitted and that the statement only be read.

The SPEAKER. The gentleman asks that the reading of the report be omitted and that the statement only be read. Without objection, that will be done.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6; and agree to the same.

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of line 1 of said amendment insert "of sufficient financial ability," and in line 3 strike out "willfully and unnecessarily;" and the Senate agree to the same.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

JAMES McMILLAN,
WILLIAM P. DILLINGHAM,
RICHARD R. KENNEY,
Managers on the part of the Senate.

The statement was read, as follows:

The managers on the part of the House of Representatives make the following statement of the result of the conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on the amendments to House bill H. R. 13067:

The conferees agreed upon amendment numbered 1 with an amendment providing that persons amenable to the provisions of this act shall have sufficient financial ability, and also struck out the words "willfully and unlawfully," which were considered objectionable.

The House recedes from the amendments of the Senate numbered 2, 3, 5, and 6.

The Senate recedes from amendment numbered 4, the provisions of which were considered too drastic and undesirable, in that it provided that a person failing to obey the orders of the court for the maintenance and support of

any child under 14 years of age should be deemed a fugitive from justice and subject to indictment.

The question was taken; and the conference report was agreed to.

PROTECTION OF BIRDS AND GAME IN THE DISTRICT OF COLUMBIA.

Mr. JENKINS. Mr. Speaker, I also present a conference report on the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia," and I ask that the reading of the report be omitted and the statement be read.

The SPEAKER. Without objection, that will be done.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 1, line 11, of the bill, strike out "1st day of February" and insert "15th day of March;" and on page 2, line 13, of the bill, strike out "1st day of February" and insert "15th day of March;" and the Senate agree to the same.

That the House agree to the amendments of the Senate numbered 2 and 3.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

JAMES McMILLAN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The managers on the part of the House of Representatives make the following statement of the result of the conference with the managers on the part of the Senate on the disagreeing vote of the two Houses on the amendments to the House bill 11881:

The House agrees to the amendments of the Senate with an amendment providing that the closed season, during which any partridge, otherwise quail, prairie chicken, otherwise pinnated grouse, may not be killed, exposed for sale, or had in possession of any party in the District of Columbia, shall be between the 15th day of March and the 1st day of November in each year, in place of between the 1st day of February and the 1st day of November.

The conference report was agreed to.

DISPOSITION OF LAND IN OKLAHOMA.

The SPEAKER. The Chair lays before the House the bill (H. R. 12901) to supplement existing laws relating to the disposition of land with Senate amendments.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move to concur in the Senate amendments, with the following amendment:

The Clerk read the amendment, as follows:

The lands to be opened to settlement and entry under the acts of Congress ratifying said agreements, respectively, shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the acts ratifying said agreements, respectively; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry.

Mr. McRAE. Mr. Speaker, I would like to ask the gentleman if this amendment is in print?

Mr. LACEY. It is not.

Mr. McRAE. I wish the gentleman would explain it, and I reserve any point of order there may be against it.

Mr. LACEY. It is desired to make some arrangement to prevent an Oklahoma rush or race. A proposition was prepared by the gentleman from Texas [Mr. STEPHENS], covering some system of drawing, but the details could not be agreed upon. This is a proposition which permits the President, or the Secretary of the Interior by direction of the President, to prepare some method by which that rush may be avoided.

In the previous rushes there was so much fraud, so much conflict that even to-day there are cases pending on file and not disposed of where two or three or more persons absolutely had their entire lives tied up for seven or eight years in a controversy over a piece of land. It is proposed to give the President the power to make some rules and regulations that will prevent that.

Mr. McRAE. What remedy does the gentleman propose?

Mr. LACEY. We do not attempt to define what the regulation shall be. My own idea would be some system of drawing.

Mr. McRAE. The matter is to be referred to the Secretary of the Interior, under the direction of the President, to prepare some system?

Mr. LACEY. Yes. The bill was carefully prepared by the gentleman from Texas [Mr. STEPHENS], but as it was very late in the session it did not secure action in the House.

Mr. STEPHENS of Texas. Has the gentleman stated the only change?

Mr. LACEY. There is one other change—a provision put in by the Secretary of the Interior as to the boundaries of the counties. I do not think that is of much importance.

Mr. ROBINSON of Indiana. I would like to know whether the privileges of Union soldiers are fully secured in reference to this land?

Mr. LACEY. The privileges which they have by existing law are fully preserved by the bill.

Mr. ROBINSON of Indiana. Then, as I understand, the bill as amended makes no change in that respect.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. LACEY. I ask unanimous consent that a conference with the Senate be requested.

There was no objection.

The SPEAKER announced the appointment of Mr. LACEY, Mr. MONDELL, and Mr. SHAFROTH as conferees on the part of the House.

SHIPMENT OF HORSES, ETC., FOR USE IN SOUTH AFRICA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State in response to the resolution of the House of Representatives of February 19, 1901, requesting him to furnish that body "all the information in the possession of the State Department relating to the shipment of horses and mules from New Orleans in large numbers for the use of the British army in the war in South Africa."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 1, 1901.*

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 13803. An act to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896;

H. R. 10899. An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation in the Territory of Arizona;

H. R. 13865. An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats;

H. R. 13801. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902;

H. R. 13707. An act authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River;

H. R. 13850. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902;

H. R. 7571. An act to prevent the failure of military justice, and for other purposes;

H. J. Res. 259. Joint resolution to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange;

H. R. 11161. An act to refund excessive postage paid on certain newspapers;

H. J. Res. 249. Joint resolution providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition;

H. R. 7760. An act for the relief of James Kelly;

H. R. 3819. An act for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

H. R. 12394. An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; and

H. R. 5220. An act for the relief of Charles M. Kennedy.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 323. An act granting homesteaders on abandoned Fort Fetterman Military Reservation, in Wyoming, the right to purchase one quarter section of public land on said reservation as pasture or grazing land;

H. R. 12396. An act to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act; and

H. J. Res. 306. A joint resolution concerning printing of additional copies of the Annual Report of the Geological Survey.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. R. 164. Joint resolution giving the Commissioners of the District of Columbia authority to provide for the public comfort;

S. 6012. An act to provide an American register for the steam yacht *May;*

S. 5935. An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.; and

S. 6054. An act authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House the following veto message of the President of the United States; which was read:

To the House of Representatives:

I return herewith, without approval, House bill No. 3204, entitled "An act to refer certain claims for Indian depredations to the Court of Claims."

General relief has been extended to citizens who have lost property by reason of Indian depredations by the act of March 3, 1891, conferring jurisdiction upon the Court of Claims to hear and determine such cases. That act provides for payment for damages growing out of depredations committed by any Indian or Indians belonging to a band, tribe, or nation in amity with the United States, excluding from consideration all claims which originated during the existence of actual hostilities between the United States and the Indian tribe.

In making this discrimination the act of 1891 follows the general principle which has been asserted in all general legislation which has ever been enacted for the payment of claims for property destroyed by Indians. The first act which promised such indemnity, that of May 19, 1796, contained the same restriction, and it was reported in every subsequent general act of Congress dealing with the subject. This policy, which has been clearly manifested from the beginning, is in accord with the recognized principle that a nation is not liable for damage to the private property of its citizens caused by the act of the public enemy. This statute has been thoroughly considered by the Court of Claims and by the Supreme Court and its interpretation fixed, and it has been declared to be in accord not only with the policy of Congress as expressed through the legislation of a century, but with the general principles of international law.

I am informed that the records of the Court of Claims show that the claims of four of the five beneficiaries named in the present bill have been presented to that court under the general law and decided adversely, the court having held that a state of war existed between the United States and the Sioux Indians in the year 1862, when the claims arose. The remaining claim, which originated under the same circumstances and at the same time, would, of course, be subject to the same defense if presented.

The bill provides that these claims shall be sent back to the Court of Claims for trial, according to the principles and rules which governed the commission appointed under the act of of February 16, 1863. That act, which was a special act relating to losses occurring during the hostilities of the previous year, did not, of course, impose the requirement of amity, the claims allowed by the commission being paid out of funds belonging to the hostile Indians sequestered by the statute. The effect of this bill if it became a law would be to provide for the payment out of the Treasury of the United States of these claims, which were not presented for payment out of the Indian funds and which have been rejected by the courts under the general law.

There are many hundreds of cases, aggregating a large amount claimed, which have been filed in the Court of Claims, but which are excluded from its jurisdiction for the same reason which necessitated the dismissal of the petitions filed by these claimants. There is no legal obligation on the part of the United States and no promise, express or implied, for the payment of such claims.

The measure of governmental liability is fulfilled by the passage of the act of March 3, 1891, and the prompt payment of the judgments rendered thereunder. To single out for payment a few claims of this large class, to the exclusion of all others, would, in my judgment, be unjust; and such action would also with reason be cited as a precedent for extending governmental aid in all similar cases.

For the reasons given I am constrained to withhold my approval from the bill.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 1, 1901.*

Mr. MAHON. I move that the message just read be referred, with the accompanying bill, to the Committee on War Claims, and be ordered to be printed.

The motion was agreed to.

APPOINTMENT AND PAYMENT OF HOUSE EMPLOYEES.

The SPEAKER announced the appointment of Mr. HEMENWAY, Mr. WARNER, Mr. LONG, Mr. NEWLANDS, and Mr. MADDOX as the committee provided for by House resolution No. 439 to frame and report to the next House a bill to regulate the appointment of and payments to the employees of the House of Representatives.

WITHDRAWAL OF PAPERS.

Mr. ZIEGLER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the cases of Charnton C. Mullen and George W. Hope (Fifty-sixth Congress), no adverse report having been made.

LEAVE OF ABSENCE.

Mr. METCALF, by unanimous consent, obtained leave of absence for this day on account of sickness.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. PAYNE. I ask unanimous consent that the House now take a recess until 9 o'clock to-morrow morning, and that from 9 till 11 o'clock to-morrow it shall be in order only to ask unanimous consent or to move to suspend the rules.

The SPEAKER. The gentleman from New York asks unanimous consent that the House now take a recess until 9 o'clock to-morrow morning, and that the two hours, from 9 till 11 o'clock, be devoted entirely to matters brought up by unanimous consent or under suspension of the rules. Is there objection?

Mr. HENRY of Mississippi. I want to ask whether that will give the War Claims Committee an opportunity to bring up the resolution sending a number of claims to the Court of Claims?

The SPEAKER. That will depend upon the class of business for which gentlemen are recognized. [Laughter.] The Chair hears no objection to the proposed order; and it is adopted.

The House accordingly (at 6 o'clock and 10 minutes p. m.) took a recess until 9 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John Beal against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a final report of inspection of buildings in this city occupied by the War Department—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of War, transmitting the report of a board of officers recommending the purchase of land for barracks and officers' quarters at Fort Schuyler—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps, reported the same without amendment, accompanied by a report (No. 2980); which said bill and report were referred to the House Calendar.

Mr. McCLEARY, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 313) for the erection of a monument to the memory of Dorothea Lynde Dix, reported the same without amendment, accompanied by a report (No. 2985); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13910) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger, reported the same without amendment, accompanied by a report (No. 2982); which said bill and report were referred to the Private Calendar.

Mr. GRAF, from the Committee on Claims, to which was referred the bill of the Senate (S. 5133) for the relief of William D. Rutan, reported the same without amendment, accompanied by a report (No. 2983); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3598) to enable the President to restore Second Lieut. Henry Ossian Flipper to duty, rank, and status in United States Army, reported the same adversely, accompanied by a report (No. 2981); which said bill and report were ordered to lie on the table.

Mr. PEARRE, from the Committee on the District of Columbia, to which was recommitted the bill of the House (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes, reported the same adversely, accompanied by a report (No. 2984); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 14318) authorizing the appointment of a clerk for the district courts of the eastern district of Texas at Sherman and Beaumont, Tex., and for other purposes—to the Committee on the Judiciary.

By Mr. RIDGELY: A bill (H. R. 14319) to provide means of determining and expressing the total quantities of all kinds of property in the United States in decimal terms independent of value—to the Committee on Coinage, Weights, and Measures.

By Mr. GILLETT of Massachusetts: A bill (H. R. 14324) to prevent superannuation and favoritism in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. GROUT: A concurrent resolution (H. C. Res. 91) for

printing hearings on anti-oleomargarine bill—to the Committee on Printing.

By Mr. ESCH: A memorial from the legislature of Wisconsin, for repeal of certain war-revenue taxes—to the Committee on Ways and Means.

By Mr. DAHLE: A memorial from the legislature of Wisconsin, for repeal of certain war-revenue taxes—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 14320) to correct the military record of George L. Hayne, late first lieutenant Company C, First Regiment Louisiana Cavalry—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 14321) granting an increase of pension to Henry E. Munger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14322) granting a pension to Martha A. Hollingseed—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14323) for the relief of Luke Stinnett—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of Platteville (Wis.) Woman's Christian Temperance Union, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. BELL: Resolutions of the Chicago Federation of Labor and National Business League, of Chicago, Ill., opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

Also, petition of citizens of Colorado Springs, Colo., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of the Commercial Club of Fredonia, Kans., against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Resolutions of the Chicago Federation of Labor and of the National Business League, for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, petitions of the Woman's Christian Temperance Union, Christian, Baptist, and Methodist Episcopal churches of Peru, and 70 citizens of Murray, Nebr., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Texas: Papers to accompany House bill granting an increase of pension to Henry E. Munger, of Orange, Tex.—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of the National Business League for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Young People's Christian Union of St. Paul's Universalist Church of La Crosse, Wis., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOWLER: Petitions of S. P. Hall and others of Plainfield, and Edwin Ferris and others of Montclair, N. J., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of Union County, N. J., Woman's Christian Temperance Union for the prohibition of the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Petitions of J. R. McFie, of Santa Fe, N. Mex., and G. B. Hubbard and 8 others, favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEMENWAY: Petition of W. M. Chappell and other citizens of Oakland City, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of citizens of Ulster County, N. Y., in behalf of the passage of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of the National Business Men's League and Heath & Milligan Manufacturing Company, of Chicago, Ill., for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

By Mr. MERCER: Resolutions of the Chicago Federation of Labor and Iron Moulders' Union of Omaha, Nebr., advocating the holding of the public lands in the West for the benefit of the people and favoring irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. RAY of New York: Petition of Elizabeth McNeal and others favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolutions of the National Business League of Chicago, Ill., in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. RYAN of New York: Resolutions of the National Business Men's League, for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SPALDING: Petition of the Presbyterian churches of Galesburg and Broadlawn, in Traill and Steele counties, N. Dak., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SIBLEY: Petition of citizens of the Twenty-seventh Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Raymilton, Pa., asking for the abolishment of the alcoholic liquor traffic from the continent of Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Petitions of citizens of Waterbury and East Haven, Conn., and Woman's Christian Temperance Union of Putnam, Conn., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Resolutions of the National Business Men's League of Chicago, Ill., relating to the reclamation and settlement of Government lands—to the Committee on Irrigation of Arid Lands.

By Mr. SUTHERLAND: Resolutions of the Chicago Federation of Labor, and of National Business League, held at Chicago, favoring appropriations for surveys, dams, and canals throughout the great West—to the Committee on Irrigation of Arid Lands.

Also, petitions of the Woman's Missionary Society of Nelson, Nebr., and A. L. Hunting and 64 others, of Arapahoe, Nebr., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. TOMPKINS: Petitions of Rev. I. R. Thompson, Rev. W. K. Hall, and certain churches of Newburgh, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Wyoming, N. Y., and of Friends' Church of Batavia, N. Y., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petition of the National Business League, favoring the reclamation and irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

SENATE.

SATURDAY, *March 2, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPAIR OF BARRACKS, MARINE CORPS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of deficiency in the appropriation for "repair of barracks, Marine Corps," for the fiscal year 1901, $17,500. Does the Senator from Iowa desire to have it printed or simply referred?

Mr. ALLISON. It need not be printed. The deficiency appropriation bill will be reported this morning, and the communication may just as well lie on the table.

The PRESIDENT pro tempore. It will lie on the table.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to the resolution of the 28th ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate the third annual report of the National Society of the Daughters of the

American Revolution; which was referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

A bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River;

A joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes; and

A joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had agreed to the amendment No. 1 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.; agrees to the amendment of the Senate No. 2 to the bill with an amendment; asks a conference with the Senate thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. SHAFROTH managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented the petition of S. W. Crammond, John Hennesy, and sundry other citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of the Association of United Garment Workers of America, praying that the Committee on Education and Labor of the Senate be discharged from the further consideration of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the First Presbyterian, the Trinity Methodist, the Moulton Memorial Baptist, and the Westminster and First Reformed Presbyterian churches, all of Newburg; the Woman's Christian Temperance Union of Attica, and of J. C. Phelps, of Jamaica, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. BARD presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

[Telegram.]

SACRAMENTO, CAL., *March 1, 1901.*

Hon. T. R. BARD, *Senator, Washington, D. C.:*

Senate joint resolution No. 14 has been adopted by both houses of the California legislature, and, in accordance with instructions, I certify that the following is a true and correct copy of same:

"Senate joint resolution No. 14, inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California.

"*Resolved by the senate and assembly of the State of California, jointly,* That we do extend a cordial invitation to the members of the Committee on Rivers and Harbors of the House of Representatives to visit the State of California at their earliest convenience for the purpose of examining the waterways and harbors of this State. The Pacific slope is about to witness a great industrial development, and California must necessarily be the center of increased progress. The bay of San Francisco and the great rivers that empty into it will in the near future possess such a degree of importance that the whole people of the United States will demand their development as commercial waterways to their fullest capacity. From the fact that we are distant from the seat of Government we have difficulty in making our needs known, and believe that an examination of our rivers and harbors would demonstrate their importance to the country. We pledge to the committee during their sojourn in California a most hearty welcome.

"*Resolved,* That our Senators be instructed and our Representatives requested to present this invitation to the members of said committee and to extend to them an invitation to visit California on behalf of this State.

"*Resolved,* That the secretary of the senate be, and he is hereby, requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress by telegraph."

F. J. BRANDON, *Secretary of Senate.*

Mr. SCOTT presented a petition of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

Mr. LODGE presented a petition of 17 citizens of Roslindale, Mass., and a petition of 31 citizens of North Adams, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Hope Baptist, the Fifth Avenue Baptist, and the Riverside Baptist churches, all of New York City, and a petition of the Young People's Christian Unions of the Universalist Church of the United States, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. SEWELL presented a petition of sundry citizens of Trenton, N. J., and a petition of sundry citizens of Somersetin and Plainfield, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of Rev. J. W. Fulton and 31 other citizens of Ware, Mass., and the petition of Isaac Jeffries and 56 other citizens of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented the following memorial of the legislature of Wisconsin; which was ordered to lie on the table, and be printed in the RECORD.

Memorial to Congress for the repeal of that part of the war-revenue act passed by Congress on June 13, 1898, which levies a tax on legacies and distributive shares of personal property.

The memorial of the legislature of Wisconsin to the Congress of the United States respectfully shows that in the opinion of the legislature the imposition of inheritance or succession taxes belongs, except in certain exigencies, to the domain of State taxation; that the emergency of war which may have justified the feature of the national war-revenue act of June 13, 1898, levying a tax on legacies and distributive shares of personal property has now passed away; that many of the States have already adopted, and many more will soon adopt, such inheritance-tax laws, and if such feature of the national act remains in force a large amount of property in the country will be subjected to double taxation, once by the Federal Government and again by the State; and that it is expedient and would be good governmental policy that the part of such national revenue act imposing a tax on legacies and distributive shares be repealed and this feature of taxation be left entirely to the jurisdiction and control of the States. It is the purpose of this memorial, therefore, to respectfully request of Congress the repeal of said feature of the revenue act during the present session.

Resolved, That the governor be, and he is hereby, requested to transmit a copy of this memorial to the President of the Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Wisconsin.

JESSE STONE,
President of the Senate.
GEORGE H. RAY,
Speaker of the Assembly.

Mr. FRYE presented the memorial of E. Torres, president of the municipal council of Guayanilla, P. R., remonstrating against the adoption of certain regulations relative to new police courts in Porto Rico; which was referred to the Committee on Pacific Islands and Porto Rico.

SENATOR FROM MONTANA.

Mr. CHANDLER. I present the memorial of Henry R. Knapp, of Helena, Mont., in his own behalf and of members of the Labor Party of that State, remonstrating against the right of Hon. William A. Clark to a seat in the Senate of the United States as a Senator from that State. I move that the memorial lie on the table and that it be printed as a document.

The motion was agreed to.

DANISH WEST INDIES.

Mr. LODGE. I present a paper, being a list of books (with references to periodicals) on the Danish West Indies, prepared by Mr. A. P. C. Griffin, Chief of Division of Bibliography, Library of Congress. I move that the paper be printed and referred to the Committee on the Library.

The motion was agreed to.

PORTO RICO.

Mr. LODGE. I present a paper, being a list of books (with references to periodicals) on Porto Rico, by A. P. C. Griffin, chief of division of bibliography, Library of Congress. I move that the paper be printed and referred to the Committee on the Library.

The motion was agreed to.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House of Representatives Document No. 338, Fifty-sixth Congress, second session, entitled A Report on the Work and Expenditures of the Agricultural Experiment Stations for the Year ended June 30, 1900; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 33, 34, 35, 36, 39, 40, 41, 42, 53, 55, 59, 62, 65, 66, 67, 72, 73, 76, 77, 78, 88, 94, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 115, 121, 122, 124, 125, 127, 131, 143, 144, 146, 149, 153, 154, 155, 156, 157, 175, 176, 179, 180, 182, 183, 191, 192, 204, 205, 207, 216, 220, and 221.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 22, 25, 26, 31, 32, 44, 45, 47, 49, 50, 51, 56, 58, 60, 61, 64, 68, 69, 70, 71, 74, 75, 79, 80, 82, 86, 87, 90, 91, 92, 93, 95, 96, 108, 109, 110, 111, 112, 113, 114, 116, 119, 120, 123, 126, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 145, 148, 150, 151, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 187, 188, 201, 202, 203, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 222, 225, 226, and 227, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,200;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $780, or so much thereof as may be necessary; Chief Clerk, journal clerk, and 2 reading clerks, at $3,600 each; tally clerk, $3,000; printing and bill clerk and disbursing clerk, at $2,500 each; file clerk, $2,750; enrolling clerk, $2,250; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, distributing clerk, and stationery clerk, at $1,800 each; 1 bookkeeper, 2 assistant librarians, and 7 clerks, at $1,600 each; document and bill clerk, $1,600; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; cabinetmaker, who shall be skilled in his trade, $1,200; 2 assistant cabinetmakers, who shall be skilled in their trade, at $900 each; 1 assistant in Clerk's office and 1 assistant in disbursing office, at $1,400 each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at $1,200 each; 1 assistant in library, 1 assistant in document room, and 1 assistant in stationery room, at $900 each; 1 page, $720; 2 laborers in the bathroom (Robert Richardson and William Richardson), at $720 each; 2 laborers, at $720 each; assistant index clerk, $1,500; page in enrolling room and messenger in Chief Clerk's office, at $720 each; in all $91,460.

"The library of the House of Representatives shall hereafter be under the control and direction of the librarian of Congress, who shall provide all needful books of reference therefor. The librarian, 2 assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules."

On page 14 of the bill, after line 8, insert as a separate paragraph the following:

"For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of $720 per annum each, from December 1, 1901, to June 30, 1902, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $8,412."

On page 14 of the bill strike out all of lines 12 to 20, inclusive, and insert in lieu thereof the following:

"Office of Sergeant-at-Arms: For Sergeant-at-Arms of the House of Representatives, $4,500; deputy to the Sergeant-at-Arms, $2,000; cashier, $3,000; paying teller, $2,150; bookkeeper, $1,800; assistant bookkeeper, $900; messenger, $1,200; clerk in charge of pairs, $1,400; page, $720; and skilled laborer, $840; in all, $18,510."

And the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $600, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; 10 messengers, including the messenger to the reporters' gallery, at $1,200 each; 13 messengers, at $1,000 each; messenger to the Speaker's table, $1,000; 14 messengers on the soldiers' roll, at $1,200 each; 12 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 1 laborer, $600; 8 laborers, known as cloakroom men, at $50 per month each; 10 laborers, during the session, at $60 per month each, $4,180.60; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 4 clerks in folding room, 1 at $1,800, and 3 at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; 9 folders, at $900 each; 5 folders, at $840 each; 18 folders, at $720 each; night watchman, $900; driver, $600; 2 chief pages, at $900 each; 33 pages, during the session, including 2 riding pages and 2 telephone pages, at $2.50 per day each, $17,407.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at $2.50 per day each, $5,275; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; 6 assistants in document room, 1 at $1,000, 2 at $1,400 each, 1 at $1,200, and two at $1,000 each; in all, $150,893.10."

On page 16 of the bill strike out lines 22 to 25, inclusive, and on page 17 of the bill strike out lines 1, 2, and 3 and insert in lieu thereof the following:

"For the following minority employees authorized and named in the resolution adopted by the House of Representatives December 7, 1899, namely: One special employee, $1,500; 2 special messengers, at $1,200 each; and 1 special chief page, $900, and $500 additional for services as pair clerk; in all, $5,300."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments as follows: On page 17 of the bill strike out lines 19 to 24, inclusive, and on page 18 of the bill strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, at $50 per month, from March 4, 1901, until June 30, 1902, inclusive, $796.67.

"Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July 1, 1902.

"Office of postmaster: For postmaster, $2,500; assistant postmaster, $2,000; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 8 messengers, at $100 per month each, during the session, $5,574.16; and 1 laborer, $720; in all, $25,194.16.

On page 20 of the bill, strike out lines 7 and 8 and insert in lieu thereof the following:

"For packing boxes, $3,218.40. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same."

On page 20 of the bill, after line 18, insert the following as new paragraphs:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

"It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

"It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

"No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

"The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

"The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

"It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,920;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant, $1,400;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three assistants, at $1,000 each;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,180;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant for evening service, $1,200;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,300;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$360;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,945;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,220;" and the Senate agree to the same

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,329.44;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,960;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement

to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two clerks;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,380;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$577,860;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,520;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty-one additional agents, to be appointed under the provisions of section 3 of said act, in lieu of the;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$550,000;" and on page 58 of the bill, after line 7, insert as a new paragraph the following:

"For compensation of the official authorized in section 12 of the act entitled 'An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 30, 1898, and to reduce taxation thereunder,' at the rate of $3,000 per annum, until the close of the fiscal year 1902, $4,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$306,880;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,640;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,140;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,320;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "dollars," insert the following: "bookkeeper, $1,600;" and in line 4 of the matter inserted by said amendment strike out the words "seven thousand six" and insert in lieu thereof the words "nine thousand two;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,050;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,920;" and the Senate agree to the same.

The action taken by the committee of conference and recommended in this report with reference to amendments of the Senate numbered 16, 17, 18, and 19, whereby new matter and certain provisions of law are inserted affecting the officers and employees of the House of Representatives, is based upon the authority expressed in the concurrent resolution of the two Houses, adopted February 27, 1901, and which is as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives."

W. B. ALLISON,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. I ask unanimous consent to offer a resolution, which it is necessary to have adopted at once in order to get information for the purpose of informing the Senate in regard to the expenditures of the Isthmian Canal Commission. I will read the resolution that I ask unanimous consent to have adopted:

Resolved, That the Secretary of State is directed to send to the Senate an account, in detail, of the expenditures of the Isthmian Canal Commission, of which Admiral John G. Walker is president, up to date, and what sum, if any, is needed to complete the work of said commission and for what purposes the same is needed.

An appropriation of $75,000, I am informed, has been put by the House on the deficiency appropriation bill. I have had no intimation of it as chairman of that committee, and I do not believe there is a dollar of it just. I want the information from the Secretary of State to enable me to show the facts.

Mr. ALDRICH. I suggest to the Senator from Alabama that it ought to go over to the State Department immediately, because the deficiency appropriation bill is to be considered this morning.

Mr. MORGAN. I ask for the immediate consideration of the resolution.

Mr. WOLCOTT. I should like to have it read.

The PRESIDENT pro tempore. The resolution, if there be no objection, will be received. The Senator from Alabama asks unanimous consent for the present consideration of the resolution. It will be read.

The Secretary read the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I suggest to the Senator from Alabama that it would be impossible to comply with the resolution in time for the consideration of the item in the deficiency appropriation bill. I have no objection, and I am sure no one will have objection, to a complete and detailed account of the expenditure, but I understand the Secretary of State has written a letter, upon the recommendation of the chairman of this commission, asking for an additional sum, and I have no doubt he has given the reasons for asking it in that letter. It is not in the possession of the Senate; it was sent to the House, I understand; but of course it would be impossible to furnish an account of the detailed expenditures of the commission in time for the consideration of the deficiency appropriation bill.

Mr. MORGAN. Well, I will ask for the adoption of the resolution, and if it does not do some good to-day it may hereafter.

Mr. ALLISON. Very well.

The resolution was considered by unanimous consent, and agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I report back from the Committee on Appropriations with amendments the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, and I ask that it be taken up now and considered.

Mr. HEITFELD. Will the Senator yield for morning business?

Mr. HALE. After the bill is taken up I will yield.

The PRESIDENT pro tempore. There will be plenty of time for morning business.

Mr. HALE. I ask that the bill be now considered.

Mr. PETTIGREW. With the understanding that we shall take up morning business immediately after the bill has been concluded.

Mr. HALE. Of course. The Senator must see the importance of getting this bill out of the way.

Mr. PETTIGREW. I have no objection, provided we shall take up the morning business regularly and have time allowed for morning business.

Mr. HALE. That can be done.

Mr. PETTIGREW. With that understanding, I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. I should like to know what is understood by morning business.

Mr. HALE. The regular routine morning business.

Mr. ALDRICH. Not to include contested questions.

Mr. PETTIGREW. To include resolutions.

Mr. ALDRICH. We can not consider contested resolutions this morning.

Mr. HALE. I hope the Senator from South Dakota will not object and stop the bill.

Mr. ALDRICH. We might as well go on with the bill now.

Mr. TELLER. Let us go on with the appropriation bill.

Mr. PETTIGREW. I wish to understand whether at 1 o'clock we shall be excluded from the consideration of the resolution that I introduced yesterday.

Mr. HALE. I hope there will be unanimous consent that the morning hour may be, if necessary, further extended.

Mr. WOLCOTT. I object.

Mr. PETTIGREW. I object, then, to the consideration of the bill at this time.

Mr. HALE. I move to take up the bill.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to.

Mr. CLAY. I did not enter any objection to the request of the Senator from Maine, but I gave notice that I would address the Senate briefly this morning. I desire to state that I shall claim the floor when this bill is completed and the morning business is completed.

Mr. HALE. All right.

Mr. PETTIGREW. Do I understand that the morning business can be thus laid absolutely aside?

Mr. HALE. It can.

Mr. PETTIGREW. By a majority vote of the Senate?

Mr. HALE. It can, by a majority vote, on an appropriation bill.

Mr. PETTIGREW. I wish to say that unless I can get a vote on the resolution I introduced I think we will not facilitate the passage of this bill or any other measure by this motion. The railroads talked out the resolution yesterday morning, talking out the two hours, and I intend to have a vote on it before we adjourn.

Mr. HALE. I shall be out of the way in an hour.

Mr. PETTIGREW. It is one hour and thirty-five minutes until 1 o'clock, when the morning hour will expire.

Mr. ALDRICH. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. ALDRICH. It is that the motion is not debatable.

Mr. PETTIGREW. Very well; there will be questions that will be debatable in about two minutes; and they will be debated, too.

Mr. HALE. I hope the Senator from Rhode Island will withdraw his objection.

Mr. ALDRICH. I did not make the objection. The Senator from Colorado made the objection.

Mr. HALE. I hope the Senator from Colorado will let me go on with the appropriation bill.

Mr. WOLCOTT. I am delighted to have the Senator from Maine go on with the bill.

Mr. HALE. Then, I hope the Senator from South Dakota will not stop it, because he is an old member of the Senate and knows how important it is that the bill should now be gotten through and out of the way and into conference.

Mr. PETTIGREW. I shall protect myself by every possible rule that I can invoke. If it facilitates the passage of this measure to object and to shut us out of the morning hour and prevent a vote upon those resolutions, others can decide whether it will facilitate matters or not.

Mr. HALE. I have no object of that kind.

Mr. PLATT of Connecticut. I apprehend that no one member of the Senate has a right to say that he is going to have a vote on some resolution that he wants to have considered or is going to do some other terrible thing. A member of the Senate may ask protection, but I think it will be quite time for the Senate to have some protection if that is the spirit in which we are to transact our business.

Mr. PETTIGREW. I shall do nothing that the rules do not permit; neither can I force a vote; but I can invoke the rules.

Mr. HALE. Let us go on with the bill.

Mr. WOLCOTT. I call for the regular order.

The PRESIDENT pro tempore. The bill is before the Senate.

Mr. PETTIGREW. I ask that the bill be read in full. I insist on the reading.

Mr. HALE. I ask unanimous consent that the formal reading of the bill be waived and that the amendments reported by the committee be considered in their order.

Mr. PETTIGREW. To that I object.

Mr. HALE. The Senator has a right to object, but that is the invariable course on appropriation bills. I hope the Senator will not insist on his objection.

Mr. PETTIGREW. I shall object, Mr. President.

Mr. HALE. If my request is objected to, it will simply take up an hour's time in reading the bill.

Mr. PETTIGREW. We could get a vote on my resolutions certainly in less than an hour.

Mr. WOLCOTT. I call for the regular order.

Mr. HALE. Let the Secretary go on with the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. CULLOM. I desire, by the consent of the Senator having the appropriation bill in charge, to report favorably at this time from the Interstate Commerce Committee House bill 10302, with certain amendments.

Mr. WOLCOTT. I call for the regular order, Mr. President.

Mr. CULLOM. I simply want to get the bill printed as soon as possible.

Mr. WOLCOTT. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will proceed with the reading of the bill.

The Secretary resumed and continued the reading of the bill to the end of the following clause, beginning in line 14, on page 4:

Isthmian Canal Commission: To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act approved March 3, 1899, $75,000.

Mr. MORGAN. I understand that this is an addition to the appropriation of a million dollars made during the last Congress for the Isthmian Canal Commission. They have never reported any account, at least to Congress; no report has been made of their expenditures; and I am astounded at the idea that they could expend a million dollars in this length of time, and that there is now a demand presented here for more. This demand, at least for the sake of respectability, ought to have been notified to the Committee on Interoceanic Canals of this body; but no notice has come and no information has been given, and this proposition is bounced in upon the Senate without the slightest knowledge of what this commission has done or proposes to do.

Mr. HALE. I do not think the Senator understands that this is nothing but the formal reading of the bill.

Mr. MORGAN. I want some information about it.

Mr. HALE. When we come to consider the bill, of course the Senator will then have the opportunity of asking for such information as he may desire; but this is simply the formal reading.

Mr. MORGAN. I understand what it is; but if this provision is passed over it will be taken for granted that it is adopted, unless objection is made to it.

Mr. HALE. Nothing can be done now, except the reading of the bill.

Mr. MORGAN. I do not raise any question for the decision of the Senate now. I merely want the Senator to explain the provision to which I have referred for my information on the subject.

Mr. HALE. When we reach the consideration of the bill and debate is in order, of course it will be explained to the Senator; but it can not be explained now. Under the call of the Senator from South Dakota [Mr. PETTIGREW], nothing can take place but the formal reading of the bill.

Mr. MORGAN. I have just got a resolution through the Senate asking the Secretary of State to give some information as to this item. The whole business looks to me as if it were surreptitious.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The reading of the bill was resumed, and continued to the end of line 18, on page 9.

Mr. PETTIGREW. I object to the consideration of the bill, on the ground that it was reported to-day.

Mr. GALLINGER. The objection comes too late, Mr. President.

Mr. COCKRELL. The bill was taken up by unanimous consent.

Mr. PETTIGREW. I asked of the Chair when I objected before if it was in order.

The PRESIDENT pro tempore. What is the Senator's objection?

Mr. PETTIGREW. My objection is that this bill was reported to-day; and I object to its being considered at this time.

Mr. HALE. It is clearly too late now to make the point of order, because I moved to take up the bill. The motion was agreed to, and the Senate has taken it up.

Mr. PETTIGREW. The point of order is good at any time.

Mr. HALE. Not a point of order of that kind.

The PRESIDENT pro tempore. The bill is up by vote of the Senate for consideration.

Mr. MORGAN. This bill ought not to be proceeded with until it is printed. We have no print of it here.

Mr. HALE. I have taken care of that. The bill has been printed.

Mr. MORGAN. No, sir; I have inquired, and I have been told that there is no copy of it in print here.

Mr. HALE. Senators can get copies; they are here.

Mr. PETTIGREW. We can not get copies.

Mr. HALE. There is no trouble about that. The copies will be furnished Senators, if they are not already provided with them.

The PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and continued to the end of line 19, on page 15.

Mr. HALE. I withdraw the bill for the present, and will let the morning hour go on.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, to report it with amendments.

I ask that the bill be sent to the Government Printer immediately, so that we can get it back with the amendments inserted in it in time for consideration to-day.

Mr. PETTIGREW. Why not consider the bill now?

Mr. CULLOM. It is amended so that Senators could hardly consider it intelligently without having the print before them containing the amendments.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5956) to provide for the erection of a public building at Findlay, Ohio, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Patents, to whom was referred the bill (S. 5355) for the relief of the Military Order of the Loyal Legion of the United States, submitted a report thereon, accompanied by a bill (S. 6066) to protect veteran organizations against the fraudulent use of badges or insignia, which was read twice by its title.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment submitted by Mr. LODGE on the 21st ultimo, proposing to appropriate $2,000 for the purchase of the copyright of the publication entitled The Political Register and Congressional Directory, by Ben: Perley Poore, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

LOWER BAND AND KATHLAMET BAND OF CHINOOK INDIANS.

Mr. THURSTON, from the Committee on Indian Affairs, to whom were referred the following bills:

A bill (S. 1941) for the relief of the Lower Band of the Chinook Indians of the State of Washington; and

A bill (S. 2140) for the relief of the Kathlamet Band of the Chinook Indians of the State of Oregon—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate bill No. 1941, for the relief of the Lower Band of Chinook Indians of the State of Washington, and Senate bill No. 2140, for the relief of the Kathlamet Band of Chinook Indians of the State of Oregon, now pending in the Senate of the United States, together with all the papers accompanying the same, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provision of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. And the said court shall proceed in accordance with the provisions of said act, and report the same to the Senate in accordance therewith.

ESTATE OF JAMES S. DOUGLASS AND OTHERS.

Mr. TELLER, from the Committee on Claims to whom were referred the following bills:

A bill (S. 5095) for the relief of the estate of James S. Douglass;

A bill (S. 5206) for the relief of George F. Brott; and

A bill (S. 6060) for the relief of Mary E. Brewer—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit, S. 5095, 5206, and 6060, for the relief of the estate of James S. Douglass, deceased; for the relief of George F. Brott, and for the relief of Mary E. Brewer, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SHIPPING INTERESTS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. NELSON on the 28th ultimo, reported it with an amendment, to add on line 8, after the word "Senate," the words "not to exceed two hundred and fifty dollars;" and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Commerce of the Senate be authorized to employ an experienced and competent person skilled in the legislative history of Congress, who shall compile, under the direction of said committee or subcommittee thereof, legislation or proposed legislation relating to the maritime or shipping interests of the United States in chronological order, who shall be paid therefor such compensation, not to exceed $250, out of the contingent fund of the Senate, as may be certified by the Committee on Commerce, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

ASSISTANT CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. MCMILLAN on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the resolution of the Senate, adopted January 18, 1900, authorizing the Committee on the District of Columbia to employ an assistant clerk, be, and the same is hereby, amended by striking out the words "during the Fifty-sixth Congress."

PUBLIC LANDS IN HAWAII.

Mr. HANSBROUGH, from the Committee on Public Lands, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a subcommittee of the Committee on Public Lands, to consist of three members thereof, be, and they are hereby, authorized and directed to make an investigation of the laws covering and conditions existing with respect to the public lands in the Territory of Hawaii, and to report by bill or otherwise at the next session of Congress; and for this purpose the subcommittee is authorized to sit during the recess of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 6067) for the relief of Robert J. Tate; which was read twice by its title and referred to the Committee on Claims.

Mr. SULLIVAN introduced a bill (S. 6068) for the relief of the heirs of Augustus Catchings; which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6069) for the relief of the Propeller Towboat Company, of Savannah; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

COST OF PUBLIC BUILDINGS.

Mr. FAIRBANKS introduced a bill (S. 6070) increasing the limit of cost of certain public buildings, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS subsequently, from the Committee on Public Buildings and Grounds, to whom the above bill was referred, reported it without amendment; and the bill was placed upon the Calendar.

CHARLES HURRLE.

On motion of Mr. FORAKER, it was

Ordered, That the papers pertaining to the claim of Charles Hurrle (S. 3063, Fifty-sixth Congress) be withdrawn from the files of the Senate, there being no adverse report thereon.

CONSULAR REPORTS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate at the beginning of its next regular session reports from the consular officers of the United States giving an account of each consulate and consular agency, showing its principal industries and exports, the surrounding climatic and social conditions, the general cost of living, and similar information.

PNEUMATIC-TUBE SYSTEM.

Mr. MASON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Senate Committee on Post-Offices and Post-Roads be, and are hereby, authorized and directed to make a full and complete investigation into the merits and utility of the pneumatic-tube system for the transportation of mails in the large cities of the country, including cost of construction, cost of operation, Government ownership, etc., with authority to send for persons and papers and to report their conclusions to the Senate at the earliest practicable moment, the necessary expenses to be paid out of the contingent-expense fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had,

on the 1st instant, approved and signed the following acts and joint resolutions:

An act (S. 345) granting a pension to Catherine L. Nixon;
An act (S. 413) granting a pension to Albert S. Cummings;
An act (S. 648) granting a pension to Margaret G. White;
An act (S. 715) granting a pension to Fidillar White;
An act (S. 914) granting a pension to Charles L. Summers;
An act (S. 1269) granting a pension to Nancy J. Dunaway;
An act (S. 1936) granting a pension to Mamie Craig Lawton;
An act (S. 2079) granting a pension to William Ashmead;
An act (S. 2232) granting a pension to Frederick Sien;
An act (S. 2709) granting a pension to Marietta Elizabeth Stanton;
An act (S. 2905) granting a pension to George M. Wilson;
An act (S. 3386) granting a pension to Catherine L. Taylor;
An act (S. 3391) granting a pension to John Black;
An act (S. 3521) granting a pension to William P. Payne;
An act (S. 4237) granting a pension to Frances Helen Lewis;
An act (S. 4531) granting a pension to Harriet S. Richards;
An act (S. 4542) granting a pension to Jean W. Wood;
An act (S. 4695) granting a pension to James Dorcey;
An act (S. 4734) granting a pension to Mary A. O'Brien;
An act (S. 4960) granting a pension to Minerva M. Helner;
An act (S. 5119) granting a pension to Jessie A. Bruner;
An act (S. 5170) granting a pension to Louise Wolcott Knowlton Browne;
An act (S. 5172) granting a pension to Elizabeth Bughman;
An act (S. 5187) granting a pension to Corinne R. Strickland;
An act (S. 5201) granting a pension to Samuel F. Radford;
An act (S. 5326) granting a pension to Maggy Alice Brady;
An act (S. 5363) granting a pension to Lizzie Wattles;
An act (S. 5397) granting a pension to Charity McKenney;
An act (S. 5400) granting a pension to Martin Dismukes;
An act (S. 5505) granting a pension to Kate M. Scott;
An act (S. 5506) granting a pension to Mary Fryer;
An act (S. 5507) granting a pension to Mary Priscilla Allen;
An act (S. 1065) granting an increase of pension to Bettie Lee Ward;
An act (S. 1203) granting an increase of pension to Lewis S. Horsey;
An act (S. 1212) granting an increase of pension to John W. Canaday;
An act (S. 1365) granting an increase of pension to Lorinda N. Smith;
An act (S. 1455) granting an increase of pension to Alexander W. Browning;
An act (S. 1550) granting an increase of pension to Kate Ezekiel;
An act (S. 1602) granting an increase of pension to Morris B. Kimball;
An act (S. 1698) granting an increase of pension to Henry Hegwer;
An act (S. 1722) granting an increase of pension to Bertha Leavey;
An act (S. 1786) granting an increase of pension to Fielding Marsh;
An act (S. 1850) granting an increase of pension to James C. Delaney;
An act (S. 2037) granting an increase of pension to George F. Burrage;
An act (S. 2104) granting an increase of pension to William L. Aten;
An act (S. 2153) granting an increase of pension to Jesse N. Dawley;
An act (S. 2163) granting an increase of pension to Franklin Kersting;
An act (S. 2227) granting an increase of pension to Uriah Clark;
An act (S. 2738) granting an increase of pension to James M. Munn;
An act (S. 2785) granting an increase of pension to William H. Gardner;
An act (S. 2828) granting an increase of pension to Hippolyte Perrault;
An act (S. 2843) granting an increase of pension to John Johnson;
An act (S. 2915) granting an increase of pension to Samuel Z. Murphy;
An act (S. 3030) granting an increase of pension to Henry Guckes;
An act (S. 3193) granting an increase of pension to Charles H. Force;
An act (S. 3280) granting an increase of pension to Henry Keene;
An act (S. 3343) granting an increase of pension to Keziah Fansler;
An act (S. 3400) granting an increase of pension to Charles T. Shaw;
An act (S. 3482) granting an increase of pension to Elias M. Lynch;
An act (S. 3483) granting an increase of pension to Jeremiah Jackson;
An act (S. 3580) granting an increase of pension to Theron Johnson;
An act (S. 3619) granting an increase of pension to Mary A. Colhoun;
An act (S. 3648) granting an increase of pension to Peter Shult;
An act (S. 3653) granting an increase of pension to Henry Smith;
An act (S. 3746) granting an increase of pension to George W. Bodurth;
An act (S. 3935) granting an increase of pension to James Ryan;
An act (S. 4543) granting an increase of pension to Stacy H. Cogswell;
An act (S. 4630) granting an increase of pension to James H. Bellinger;
An act (S. 4692) granting an increase of pension to Asa W. Taylor;
An act (S. 4728) granting an increase of pension to Marvin V. Tufford;
An act (S. 4731) granting an increase of pension to Henrietta M. Leiter;
An act (S. 4772) granting an increase of pension to John W. Eichelberger;
An act (S. 4828) granting an increase of pension to Norman Stewart;
An act (S. 4938) granting an increase of pension to Esther Ann Grills;
An act (S. 4985) granting an increase of pension to George C. Jarvis;
An act (S. 5006) granting an increase of pension to John T. Comegys;
An act (S. 5007) granting an increase of pension to George N. Tarburton;
An act (S. 5019) granting an increase of pension to Julia Crenshaw;
An act (S. 5031) granting an increase of pension to Margaret A. Potts;
An act (S. 5039) granting an increase of pension to Lucie M. Mabry;
An act (S. 5050) granting an increase of pension to Charles A. Marsh;
An act (S. 5074) granting an increase of pension to Sarah F. Bridges;
An act (S. 5144) granting an increase of pension to Charles Scott;
An act (S. 5146) granting an increase of pension to Robert H. Jones;
An act (S. 5171) granting an increase of pension to Albert H. Fairchild;
An act (S. 5191) granting an increase of pension to Selah V. Reeve;
An act (S. 5204) granting an increase of pension to John Scott;
An act (S. 5233) granting an increase of pension to Philetus M. Axtell;
An act (S. 5272) granting an increase of pension to Thomas M. Wimer;
An act (S. 5322) granting an increase of pension to Daniel W. Warren;
An act (S. 5369) granting an increase of pension to Edmund Cragg;
An act (S. 5405) granting an increase of pension to John H. Taylor;
An act (S. 5409) granting an increase of pension to John W. Phillips;
An act (S. 5428) granting an increase of pension to Charles R. Cole;
An act (S. 5431) granting an increase of pension to William H. Ball;
An act (S. 5450) granting an increase of pension to Rachel J. B. Williams;
An act (S. 5451) granting an increase of pension to Mary M. Hyde;
An act (S. 5525) granting an increase of pension to Warren Damon;
An act (S. 5559) granting an increase of pension to Adolphus Richardson;
An act (S. 5560) granting an increase of pension to James W. Harden;
An act (S. 5586) granting an increase of pension to John F. Townsend;
An act (S. 5622) granting an increase of pension to Georgina M. Mack;
An act (S. 5675) granting an increase of pension to Mary C. Holmes;
An act (S. 5681) granting an increase of pension to Merrit C. Welsh;
An act (S. 5726) granting an increase of pension to Zadok S. Howe;
An act (S. 5868) granting an increase of pension to Hubert Bascombe;

An act (S. 5869) granting an increase of pension to Martin Rodman;

An act (S. 1126) for the relief of Narcissa G. Short;

An act (S. 1293) for the relief of Francisco V. De Coster;

An act (S. 726) for the relief of Alice Walsh;

An act (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia;

An act (S. 5857) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company;

An act (S. 5925) to revive and amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;" and

A joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 1017) for the relief of John M. Guyton; and

An act (S. 3270) for the relief of Nathan S. Jarvis.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on yesterday by Mr. TILLMAN, as follows:

Resolved, That the Commissioners of the District of Columbia be directed to report to the Senate the list of persons and corporations in arrears to the District of Columbia for personal taxes to the amount of $472,185.05, as noted in the report of the collector of taxes for the year ended June 30, 1900; and that the Commissioners of the District of Columbia be directed to report to the Senate the names of all banks, trust companies, safe deposit companies, railroad companies, gas companies, electric lighting companies, telephone companies, local insurance companies, title insurance companies, market companies, etc., doing business in the District of Columbia, giving the capital (and surplus and undivided profits, if any) of each, and the amount of tax (other than real-estate tax) paid by each to the District of Columbia for the year ended June 30, 1900.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read. The Chair calls the attention of the Senator from North Dakota [Mr. HANSBROUGH] to the resolution.

The Secretary read the resolution submitted by Mr. HANSBROUGH on February 18, 1901, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

Mr. HANSBROUGH. I understand that the Senator from Maine [Mr. HALE] is willing to let the resolution pass as originally introduced.

Mr. ALDRICH. I should like to ask the Senator from North Dakota if the letters referred to in the resolution are not included in the Madison Papers and Jefferson Papers already published?

Mr. HANSBROUGH. I am not so very sure about that. I should like to have the original papers from the Department.

Mr. ALDRICH. It is not the intention, I trust, of the Senator from North Dakota to ask that the originals be transmitted to the Senate.

Mr. HANSBROUGH. No; I mean copies of the originals.

Mr. ALDRICH. I have no doubt that they are all now in print.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LIEUT. COL. H. O. S. HEISTAND.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Whereas it has been charged in the public prints that Lieut. Col. H. O. S. Heistand, assistant adjutant-general, was in the summer of 1899 engaged in forming a combination for the purpose of controlling the hemp output of the Philippine Islands; and

Whereas it is further stated that on various occasions he represented as associated with him in the progress of such enterprise George D. Meiklejohn, Assistant Secretary of War; James E. Boyd, Assistant Attorney-General; Charles H. Allen, then Assistant Secretary of the Navy, and H. C. Corbin, Adjutant-General; and

Whereas it is further stated that in connection with the formation of such company said Lieut. Col. H. O. S. Heistand, intending to indicate that the tariff duties of the Philippine Islands would be adjusted for its benefit when formed, wrote the following letter:

WASHINGTON, D. C., *July 31, 1899*.

MY DEAR MAJOR HAWKS: Your note of the 26th to hand, and I note with gratification what you say of our prospects and progress. I have sent you a pamphlet showing export duties, etc., as at present arranged. Of course the needs of the future will be met as developments require.

Yours, truly.

H. O. S. HEISTAND.

And

Whereas it is alleged that because of a claim made by Major Hawks upon Lieutenant-Colonel Heistand for compensation for his services in connection with the formation of such company and in part settlement thereof, George D. Meiklejohn, Assistant Secretary of War, guaranteed to Major Hawks a substantial position in the Government service, and did appoint him to the position of customs inspector in the Philippine Islands; and

Whereas shortly after his entry upon service as such inspector, by an order dated before the commencement of said service, said Major Hawks was summarily removed from such position;

Resolved by the Senate of the United States of America, That the Committee on Military Affairs be, and it is hereby, directed to investigate and report to the Senate whether the foregoing statements are true, and particularly if Lieutenant-Colonel Heistand was engaged in such combination and was or was not authorized to represent that other Government officials were so engaged with him, and that tariff duties would be adjusted for their benefit; and also whether the Assistant Secretary of War has used Government positions for the purpose of paying private debts of any officer of the Government, and whether the salary of such position was charged against funds arising from the Philippine Islands; and with full authority to said committee to summon witnesses, administer oaths, and employ a stenographer.

The PRESIDENT pro tempore. The question is agreeing to the resolution.

The resolution was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, and so forth, by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and so forth, approved March 2, 1893.

Mr. PETTIGREW. I think the Committee on Interstate Commerce have reported the bill referred to in the resolution, and I therefore withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

HOURS OF LABOR ON GOVERNMENT WORK.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of H. R. 6882, an act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Mr. PETTIGREW and Mr. KYLE addressed the Chair.

Mr. ALDRICH. I hope the Senator from South Dakota [Mr. PETTIGREW] will allow that resolution to go over until to-morrow morning.

Mr. PETTIGREW. That resolution has been pending for two or three days. I think it ought to be acted upon. It simply asks that the Committee on Education and Labor be discharged from the further consideration of the bill named, which went to that committee on the 23d of last May.

Mr. KYLE. I believe I have the floor, Mr. President.

The PRESIDENT pro tempore. The Chair intended to recognize and did recognize the other Senator from South Dakota [Mr. PETTIGREW].

Mr. KYLE. Very well.

The PRESIDENT pro tempore. While the Chair looked at the Senator from South Dakota on his right [Mr. KYLE] he recognized the Senator from South Dakota on his left [Mr. PETTIGREW]. [Laughter.]

Mr. HALE. As the main subject in controversy for the possession of the floor has been got out of the way by the report of the Senator from Illinois [Mr. CULLOM], I hope the Senator from South Dakota [Mr. PETTIGREW] will not now insist upon this resolution coming up, because I see clearly it is going to give rise to extended discussion.

Mr. PETTIGREW. If the resolution is going to give rise to protracted debate, I will let it go over until to-morrow.

Mr. HALE. I hope the Senator will do so.

Mr. PETTIGREW. Perhaps my colleague [Mr. KYLE] can tell me whether it is going to give rise to extended discussion or not.

Mr. KYLE. I simply wish to state in a few words the position of the committee.

Mr. ALDRICH. I hope that the resolution will be permitted to go over until to-morrow. It will certainly give rise to considerable discussion.

Mr. CHANDLER. Why not adopt it now?

Mr. HALE. We are not ready to adopt it.

Mr. PETTIGREW. Why can not this arrangement be made: Let the resolution go over until the deficiency bill has been disposed of, and then have the resolution taken up at once?

Mr. GALLINGER. Oh, no; we can not do what the Senator from South Dakota requests. We have more important matters.

Mr. PETTIGREW. Very well, Mr. President; I will allow the resolution to go over, retaining its place, if I can have unanimous consent.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the resolution go over, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

BONDS OF PIMA COUNTY, ARIZ.

Mr. DILLINGHAM. I wish to call attention to the motion made by the Senator from South Dakota [Mr. PETTIGREW] to reconsider the vote agreeing to the conference report on the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain refunded indebtedness of said county.

Mr. PETTIGREW. I withdraw the motion to reconsider.

The PRESIDENT pro tempore. The motion to reconsider is withdrawn, and the report stands agreed to.

DISPOSITION OF CERTAIN PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to amendment No. 1 of the Senate to the bill (H. R. 12901) to supplement existing laws relating to the disposition of land, etc., and agreeing to amendment No. 2 with an amendment, and requesting a conference with the Senate on the bill and amendment.

Mr. HANSBROUGH. I move that the Senate concur in the House amendment to the amendment.

Mr. STEWART. What is it? I should like to know what lands are referred to.

Mr. HALE. If this is to take any time, I shall raise the question of consideration, because everything has got out of the way for the appropriation bill. I raise the question of consideration.

Mr. HANSBROUGH. This provision is the usual one in regard to opening lands of that character.

Mr. STEWART. What character?

The PRESIDENT pro tempore. Objection being made to its consideration, the matter will lie over for the present.

Mr. HANSBROUGH. I hope the Senator from Maine will withdraw his objection.

Mr. JONES of Arkansas. Has the Committee on Public Lands acted on this proposition?

Mr. HANSBROUGH. The Committee on Public Lands has passed on the bill generally and amended it.

Mr. JONES of Arkansas. I know; but the question I wish to put to the Senator is whether the Committee on Public Lands has passed on this amendment?

Mr. HANSBROUGH. It has just come from the House.

Mr. JONES of Arkansas. I think the Committee on Public Lands ought to pay some attention to it, and it ought not to be disposed of in this way.

The PRESIDENT pro tempore. Objection being made, the matter will go over.

Mr. HANSBROUGH. I move that the Senate disagree to the House amendment to the amendment and accede to the request for a conference.

Mr. HALE. That is right.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. CARTER, and Mr. HEITFELD were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3288) for the relief of Daniel Coonan; and

A bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Let us go on with the appropriation bill, Mr. President. When that is done, I will yield the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

Mr. HALE. I renew my request regarding action on the amendments.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, and that the committee amendments first receive consideration. Is there objection? The Chair hears none.

The bill has been read down to page 15. The Chair supposes the Senator from Maine proposes to go back now to the beginning and start with the amendments?

Mr. HALE. Yes.

The PRESIDENT pro tempore. There is no need of rereading it?

Mr. HALE. No.

The PRESIDENT pro tempore. The first committee amendment will be stated.

The first amendment of the Committee on Appropriations was, at the top of page 2, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Executive Office," for the fiscal year 1900, $1,715.82.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

To reimburse the master and owners of the Russian bark Hans for all losses and damages incurred by reason of the wrongful and illegal arrest and detention of Gustav Isak Dahlberg, the master and principal owner of said bark, by officers of the United States district court for the southern district of Mississippi in 1896, $5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

To enable the Secretary of State to pay and distribute all increment and accretions upon the sums reserved by the Department of State from the fund received by the Government of the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same pro rata to the claimants, their heirs or assigns, to whom said awards were made as shown by the report of the Secretary of State, transmitted to the President in his message dated February 27, 1888, and printed as Senate Executive Document No. 93, first session Fiftieth Congress, $14,435.50.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

For payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary as such consul-general, $750.

The amendment was agreed to.

The next amendment was, on page 5, line 23, before the word "cents," to strike out "fourteen thousand three hundred and three dollars and ten" and insert "eighteen thousand four hundred dollars and eighty-seven;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1900, $18,400.87.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "cents," to strike out "three thousand six hundred and forty-four dollars and sixty-three" and insert "four thousand one hundred and sixty-eight dollars and seventy;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1899, $4,168.70.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the word "cents," to strike out "fifty-two dollars and forty" and insert "sixty-eight dollars and seventy-eight;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Loss by exchange, diplomatic service," for the fiscal year 1899, $168.78.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

For stationery for the Treasury Department and its several bureaus, $5,000.

The amendment was agreed to.

The next amendment was, on page 7, line 15, to increase the appropriation to pay the account of the Smithsonian Institution for the transmission of mail for the Treasury Department for the fiscal year 1901 from $242.80 to $244.05.

The amendment was agreed to.

The next amendment was, on page 7, line 19, to increase the appropriation to pay the account of the Smithsonian Institution for the transmission of mail matter for the Treasury Department for the fiscal year 1900 from $428.85 to $453.50.

The amendment was agreed to.

The next amendment was, on page 7, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year 1901, $1,338.34.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "thousand" to strike out "three hundred and fifty-three dollars and twenty-six" and insert "four hundred and twenty-eight dollars and ninety;" so as to make the clause read:

For freight, expressage, telegraph and telephone service, for the fiscal year 1900, $1,428.90.

The amendment was agreed to.

The next amendment was, on page 9, after line 18, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Numbering, adding, and other machines, Treasury Department," for the fiscal year 1901, $1,050.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to insert:

Credit in account of Maj. T. E. True: That the proper accounting officers of the Treasury are hereby authorized and directed to credit and allow to Maj. T. E. True, quartermaster, United States Army, depot quartermaster, Washington, D. C., the voucher for $1,300, for payment made by him to Sheldon Jackson, under the approval of the War Department of March 18, 1899, said payment being in the nature of extra compensation to Sheldon Jackson for services rendered by him in connection with the relief of people in the mining regions of Alaska, and to charge the same to the credit of the appropriation made for that purpose by the act approved December 18, 1897.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Payment to B. W. Johnson: For payment to B. W. Johnson, of Key West, Fla., in full satisfaction for his services in rescuing from loss a barge or lighter which had broken adrift from the transport fleet of Major-General Shafter, in 1898, $800.

The amendment was agreed to.

The next amendment was, on page 16, line 2, after the word "dollars," to insert "Major W. L. Fisk, $116.15;" and in line 3, after the word "all," to strike out "one hundred and ten dollars and twenty-three," and insert "two hundred and twenty-six dollars and thirty-eight;" so as to make the clause read:

Credit in accounts of certain officers Corps of Engineers: Authority is hereby granted to the accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers, United States Army, amounts standing against them on the books of the Treasury as follows: Capt. W. E. Craighill, $27.23; Maj. E. H. Ruffner, $83; Maj. W. L. Fisk, $116.15; in all $226.38.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

Reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island, heretofore paid from said revenues, the sum of $15,786.91.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine service," on page 17, line 9, before the word "cents," to strike out "twenty-two dollars and forty-four" and insert "sixty-six dollars and eighty;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1900, $2,666.80.

The amendment was agreed to.

The next amendment was, on page 17, line 14, before the word "cents," to strike out "thirty-five dollars and fifty-eight" and insert "fifty-nine dollars and twenty-three;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1899, $159.23.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office and court-house, Philadelphia, Pa.," $15.53.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, $50,000.

The amendment was agreed to.

The next amendment was, on page 18, line 16, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine hospital sanitarium, Fort Stanton, N. Mex., under control of the Treasury Department, exclusive of personal services, except for work done by contract, $25,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service" for the fiscal year 1900, $3,452.58.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 20, line 16, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the act of August 2, 1886, taxing oleomargarine, and the act of August 4, 1886, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June 6, 1896, imposing a tax on filled cheese, $50,000.

The amendment was agreed to.

The next amendment was, on page 20, under the same head, line 21, before the word "thousand," to strike out "forty" and insert "seventy-five;" so as to make the clause read:

For the fiscal year 1901, $75,000.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the word "cents," to strike out "one dollar and seventeen" and insert "five dollars and twenty-one;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Boise," for the fiscal year 1899, $5.21.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

FISH COMMISSION.

Neosho (Missouri) station: For the purchase of additional land and water rights and construction of additional ponds, and for rebuilding of hatchery, and other improvements, $7,500.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

Woods Hole (Massachusetts) station: For the completion of improvements, $2,000.

The amendment was agreed to.

The next amendment was, under the head "District of Columbia," at the top of page 26, to insert:

Board of charities: For salaries, $240.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to insert:

For amount required to reimburse the surveyor, District of Columbia, for damages incurred by incorrect survey made in fiscal year 1900, based on defective record, $205.

The amendment was agreed to.

The next amendment was, on page 26, line 25, after the name "Brewer," to insert "and the late Charles Wilson;" on page 27, line 1, after the word "formerly," to strike out "surveyor" and insert "surveyors;" and in line 2, after the word "town," to insert "as their respective interests may appear;" so as to make the clause read:

To enable the Commissioners of the District of Columbia to purchase the entire collection of maps, field notes, records, and other surveying data, of the late H. W. Brewer and the late Charles Wilson, formerly surveyors of Georgetown, as their respective interests may appear, $15,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 12, to insert:

To pay the office of recorder of deeds for reporting real estate transfers and recording deeds for the District of Columbia for the fiscal years 1895 to 1899, inclusive, to be available for the service of the fiscal year 1901, $1,312.53.

The amendment was agreed to.

Mr. MORGAN. I wish to make an inquiry in regard to this amendment. I wish the Senator in charge of the bill would explain why it is necessary to pay that sum of money.

Mr. HALE. Does the Senator raise a question about the amendment?

Mr. MORGAN. I wish information about it.

Mr. HALE. I will send for the papers. The Clerk has them, and meanwhile it may be passed over.

Mr. MORGAN. Is he a salaried officer?

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, after line 21, to insert:

For sprinkling, sweeping, and cleaning the streets, avenues, and alleys, and suburban streets, $13,480.

The amendment was agreed to.

The next amendment was, on page 28, line 5, after the word "repairing," to strike out "and;" in the same line, after the word "renewing," to insert "and replacing;" and in line 6, after the word "dollars," to insert "to continue available during the fiscal year 1902;" so as to make the clause read:

For repairing, renewing, and replacing the heating apparatus in school buildings, $30,000, to continue available during the fiscal year 1902.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

For amount required for contingent expenses to pay outstanding bills for preparing photographs, models, etc., sent to the International Exposition at Paris, fiscal year 1900, $1,173.

The amendment was agreed to.

The next amendment was, on page 28, after line 21, to insert:

That the sum of $80.75, paid for printing, photographic material, etc., for the International Exposition at Paris, 1900, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the accounts of C. C. Rogers, disbursing officer, District of Columbia, fiscal year 1900.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

The accounting officers of the Treasury are authorized and directed to allow $196.61 in the accounts of the disbursing officers, District of Columbia, for the purchase of bayonets, swords, and other military equipments from the appropriation "Contingent expenses, public schools," fiscal year 1901.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

Garfield Memorial Hospital: For isolating wards for minor contagious diseases, maintenance, $2,000.

The amendment was agreed to.

The next amendment was, at top of page 34, to insert:

Militia, District of Columbia: For printing and stationery, $150; for expenses of drills and parades, $250; in all $400.

The amendment was agreed to.

The next amendment was, under the subhead "Pay Department," on page 37, after line 6, to insert:

For the reimbursement of traveling expenses on account of travel from their homes or the places of original acceptance of offer of employment, and for salary, when on leaves of absence, of contract or acting assistant surgeons employed by the Medical Department of the Army since April 21, 1898, where such traveling expenses or salary may have heretofore been disallowed or deducted on the ground that the terms of the written contracts made with the contract surgeons did not entitle them to the allowances in question, $10,000, or so much thereof as may be necessary therefor: *Provided*, That all such claims now pending or that may hereafter be presented for payment shall be settled and allowed, where such claims relate to salary, in accordance with the leave privileges governing in the case of commissioned officers of the Army, and where such claims relate to traveling allowances, as in the case of assistant surgeons of the Army on their first appointment, but the amounts so allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter: *And provided further*, That disbursing officers of the Paymaster's Department of the Army who have already paid or shall hereafter pay accounts for such traveling expenses or for salary during leaves of absence, as above provided, shall be given credit in the settlement of their accounts at the Treasury for all such payments upon the presentation of proper vouchers.

Mr. TILLMAN. Is the amendment of the committee open to general amendment now?

The PRESIDENT pro tempore. It is not, under the unanimous-consent agreement.

Mr. TILLMAN. Is not the amendment we are on now open to amendment?

Mr. HALE. It is a committee amendment.

Mr. TILLMAN. I should think the amendment of which I spoke to the Senator from Maine this morning would come in right there. It has reference to the same matter of payment in the Army, and this is in regard to payment in the Army.

Mr. HALE. I wish the Senator would wait until we get through.

Mr. TILLMAN. Of course, if the Senator desires it, I will wait.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. STEWART. I have an amendment to offer to the amendment reported by the committee, but before I offer it I desire to state what it is.

Under the Thurman Act the pay for Government service by the bond-aided railroads was to be retained and credited on the interest due the Government. Nonaided roads, of course, did not come under the Thurman Act. But it was contended here in this Chamber and elsewhere that inasmuch as the stockholders in the Central Pacific were also stockholders in the Southern Pacific, the Government should retain the earnings on those roads and apply it on the debt. The Government did retain it. The Supreme Court held that the United States had no right to retain it. If the Government had had a right to retain it and had retained it it would have offset the interest from the date of service.

When the settlement was made with the Central Pacific it was understood that there would be an adjustment of this matter. It was frequently discussed, and it was contended that, no matter if it was due to the Southern Pacific Company, the Government ought to keep it back until the final settlement. At the final settlement it was understood that the accounts would be brought in and an adjustment would be made.

When the accounting officers came to adjust the accounts, however, they found that there was no law to allow interest as an offset against the interest paid by the company, and consequently they could not be equitably adjusted. If it had been the aided roads it would have applied at 6 per cent, but on nonaided roads the law was defective, and it could not be adjusted. Although the companies were paying 6 per cent to the Government and the money was retained by the Government for this service, it could not be an offset.

The Secretary of the Treasury has made a statement and recommends the allowance of 4 per cent, which the Government allows on judgments. It will not make a complete settlement, because the companies were paying 6 per cent. Remember if the Government had rightfully retained it, it would have allowed 6 per cent; but the Government having no right to retain it, there could not be an adjustment without legal authority to offset interest against interest. The Secretary of the Treasury says the Government pays only 4 per cent on judgments. I have the communication here.

Mr. HALE. Will the Senator state where he proposes his amendment?

Mr. STEWART. I propose the amendment on page 38, at the end of line 7.

Mr. HALE. Let it be read.

Mr. STEWART. I will send it to the desk and have it read. I have found no man who suggested that it was unjust and ought not to be done.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. At the end of line 7, on page 38, insert:

And provided further, That the Secretary of the Treasury is hereby authorized and directed to make a settlement of the claims growing out of Government transportation over nonbond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgments and allowed claims at 4 per cent per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May 12, 1900.

Mr. HALE. I make the point of order that there is no law for this amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. STEWART. I ask unanimous consent that it may be put on the bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the amendment he proposes may be adopted.

Mr. HALE. I can not consent to that, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I shall then have to appeal to the Senate. I believe it is in order. It is a deficiency, and I propose to put it on the deficiency appropriation bill, and it is in order to settle up matters of this kind on that bill. I ask to have the letter of the Secretary of the Treasury with regard to this matter read on the point of order.

The PRESIDENT pro tempore. The Chair understands the Senator from Nevada to appeal from the decision of the Chair?

Mr. STEWART. I do.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. I move to lay the appeal on the table.

The PRESIDENT pro tempore. The Senator from Maine moves to lay the appeal on the table.

Mr. HEITFELD. What is the question?

The PRESIDENT pro tempore. The Senator from Nevada offered an amendment and the Chair ruled the amendment out of order. The Senator can state what the amendment is, if he will.

Mr. STEWART. The amendment proposes to allow the adjustment, as was intended, in the settlement of the claims of the Central Pacific Railroad Company. The Government held back the pay for non-aided roads. The Thurman Act authorized the Government to hold back the pay on bond-aided roads and apply it on the debt. They held it back on the non-aided roads. The Supreme Court held that the Government had no right to hold it back on the non-aided roads, but the Department continued to do it. It was insisted here in the Senate by Senators that it should be done; that it dib not make any difference whether they had a right to do it or not, the stockholders were the same practically in the two companies, and that the Government should retain it until the final settlement.

When they came to the final settlement they found that they could not pay an offset, as it was contended here at that time was the way it should be settled; that it was impossible for the Department to allow interest on the money that they held back wrongfully. If they had held it back rightfully it would have been applied to the interest. When they held it back wrongfully they could not pay the interest. The Secretary of the Treasury explains that, and I ask unanimous consent——

Mr. LODGE. Mr. President, is this motion debatable?

The PRESIDENT pro tempore. It is not, but the Senator from

Idaho asked for information as to the amendment, and the Senator from Nevada is undertaking to state what it is.

Mr. STEWART. Nobody questions the justice of the amendment. I have not heard it questioned by anybody. The only question now is a question of order, and the Senator from Maine has moved to lay on the table my appeal from the decision of the Chair.

Mr. GALLINGER. Mr. President, let us have the regular order.

Mr. STEWART. There need be no hurry about the regular order; it will not facilitate the passage of this bill.

Mr. GALLINGER. It is not debatable.

Mr. STEWART. Something will be debated on this bill.

Mr. GALLINGER. Undoubtedly the Senator will talk.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine to lay on the table the appeal taken by the Senator from Nevada from the decision of the Chair.

The motion to lay on the table was agreed to.

Mr. STEWART. I ask that the letter of the Secretary of the Treasury be printed as a document, if there be no objection.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. STEWART. And I ask that it be printed in the RECORD, also.

The PRESIDENT pro tempore. It will be printed, without objection, in the RECORD, also as a document.

The letter is as follows:

MAY 12, 1900

SIR: The Department is in receipt of your communication of the 30th ultimo, inclosing copy of an amendment offered to the sundry civil bill now pending before your committee, relating to the question of interest upon certain allowed claims for transportation services rendered to the Government over the nonbonded lines of the Central Pacific Railroad Company and Southern Pacific Company. The amendment proposed provides for interest at the rate of 4 per cent per annum upon amounts which became due from the United States to the Central Pacific Railroad Company and the Southern Pacific Company for transportation services rendered to the Government over the lines of these companies for which no subsidy bonds were issued by the United States in aid of their construction.

Replying to your request to be furnished with a statement in as much detail as practicable as to the dates when these claims were settled and allowed by the accounting officers, and also as to such claims as were embraced in the judgments rendered in favor of the companies, I have the honor to state that under the Pacific Railroad acts of 1862 and 1864 one-half of the earnings from Government transportation over the bond-aided roads was required to be applied to the payment of the principal and interest of the subsidy bonds issued by the Government in aid of their construction, and by the act of May 7, 1878, commonly known as the "Thurman Act," the other half of Government transportation earnings over the bond-aided lines was to be withheld and applied to the sinking fund created by said act. Neither of these acts related to the transportation earnings over the nonbonded lines, which, under certain decisions of the Supreme Court, were required to be paid in cash.

The services for which payment was withheld were rendered in most part during the years 1883 to 1896, inclusive. Under various rulings of the accounting officers, payments for these services being withheld, suit was commenced by the Central Pacific Railroad Company in the Court of Claims in November, 1885, for recovery of amounts then due and for further amounts accruing for similar services. This case was decided in favor of the company, and, on appeal by the Government, was affirmed by the Supreme Court.

After the spring of 1885 the transportation services for the Government over the nonaided lines of the Central Pacific Railroad Company were rendered by the Southern Pacific Company as lessee of these lines, and as compensation for such services was also withheld, suit was commenced by the Southern Pacific Company in the Court of Claims therefor, and judgment was rendered in favor of the company in January, 1893, for $1,824,336.44. The question as to withholding payment having already been decided by the Supreme Court, as above stated, no appeal was taken by the Government.

The Second Comptroller, in a decision rendered in August, 1865, says: "With reference to the order of the late Secretary of the Treasury of January 12, 1884 (directing that all balances ascertained by the accounting officers to be due for these services should be certified without suggestion as to the mode of payment, but should be held in abeyance for the future disposition of Congress), it is difficult to see how it can longer be upheld. It was evidently intended only to be temporary in its operation, and to anticipate that some explanatory or remedial legislation by Congress would be had; but two sessions have since passed and that body had manifested no disposition to further legislate upon the subject. Under this order an approximate estimate shows that over $900,000 are now held in suspense, having been neither paid to the company nor credited to them under the Thurman Act. It is clear that the Government can not properly refuse to act at all in the matter. It should either pay this money over to the company or else it should be covered into the Treasury and invested and applied as required by the act of 1878."

The following is a summary of the amounts of interest on the various allowed claims computed at 4 per cent:

1. Interest on claims embraced in judgments of the Court of Claims for the periods from the respective dates of rendition of such judgments to the respective dates of payment thereof.	$640,041.89
2. Balance of interest, exclusive of amount stated in foregoing, on all claims from the respective dates of certifications by the accounting officers to the respective dates of payment thereof.	856,048.52
Total amount of interest	1,496,090.41

Credit for these claims and judgments, amounting to $1,162,939.43, was allowed in settlement agreement entered into with the company by the United States February 1, 1899, but, in the absence of express authority of law, the amounts of interest as herein stated were not allowed.

I inclose herewith a statement showing somewhat in detail the amounts of interest on claims embraced in each judgment and the interest on allowed claims separately. These judgments and claims are all reported in Senate Document No. 34, Fifty-fourth Congress, second session, and Senate Document No. 236, Fifty-fourth Congress, first session.

I have also had prepared a statement showing by date, number, and amount each allowed claim, and the date, number, and amount of each judgment, with the interest computed at 4 per cent thereon from the respective dates of settlement by the accounting officers to the dates of payment thereof, which I will take pleasure in forwarding to the committee should it so desire.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Statement showing amounts of interest at 4 per cent per annum on claims allowed by the accounting officers for transportation services rendered for the United States by the Central Pacific Railroad Company and Southern Pacific Company over lines in aid of the construction of which no subsidy bonds were issued by the United States.

CLAIMS EMBRACED IN JUDGMENTS.

	Amount of claims.	Interest from dates of certification to rendition of judgments.	Interest from dates of rendition of judgments to dates of payment.	Total.
Judgment No. 14711, rendered by Court of Claims Mar. 8, 1886, favor of Central Pacific R. R. Co., first reported in House Ex. Doc. 181, Fifty-first Congress, first session; Senate Doc. 34, Fifty-fourth Congress, second session.	$1,113.31	$28.21	$574.65	$902.86
Judgment No. 15785, rendered by Court of Claims Feb. 11, 1889, favor of Central Pacific R. R. Co., first reported in House Ex. Doc. 234, Fifty-first Congress, second session; Senate Doc. 34, Fifty-fourth Congress, second session	804,094.31	125,256.18	261,716.18	386,972.36
Judgment No. 16697, rendered by Court of Claims Jan. 31, 1893, favor of Southern Pacific Company, first reported in Senate Ex. Doc. 59, Fifty-second Congress, second session:				
Senate Doc. 34, Fifty-fourth Congress, second session	499,208.46	106,576.76	68,165.90	174,742.66
Senate Doc. 236, Fifty-fourth Congress, first session	1,310,281.09	265,443.12	309,585.16	595,028.28
Total interest on claims in judgments.		517,304.27	640,041.89	1,157,346.16

CLAIMS NOT IN JUDGMENTS.

	Amount of claims.	Interest from dates of certification to dates of payment.
Senate Doc. 34, Fifty-fourth Congress, second session	$1,043,631.03	$212,180.16
Senate Doc. 236, Fifty-fourth Congress, first session	298,837.50	126,564.09
Total interest on claims not in judgments		338,744.25
Total interest		1,496,090.41

SUMMARY.

Interest on claims in judgments from dates of rendition of same by the Court of Claims to dates of payment or settlement		$640,041.89
Interest on claims in judgments from dates of certification by the accounting officers to dates of rendition of judgments	$517,304.27	
Interest on allowed claims (not in judgment) from dates of certification by the accounting officers to dates of payment or settlement	338,744.25	
		856,048.52
Total interest		1,496,090.41

SENATOR FROM NORTH CAROLINA.

Mr. MONEY (at 1 o'clock p. m.). Mr. President, yesterday I gave notice that at 1 o'clock to-day I would make some remarks in reply to the speech of the Senator from North Carolina [Mr. PRITCHARD]. I find myself this morning physically unable to proceed with the speech, and I therefore will not go on, as I had intended. Later on, if the condition of public business will permit me to do so, I will take advantage of the courtesy of the Senate to submit some remarks, but I will not do so if the business shall occupy the time.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14236) making appropriations to supply

deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "naval establishment," page 51, line 11, to insert:

For pay, Marine Corps, 1898 and 1899, $6,561.57.

The amendment was agreed to.

The next amendment was, on page 51, line 19, after the word "hundred," to strike out "seven hundred and eighty-nine dollars and ninety-seven" and insert "two thousand one hundred and forty-two dollars and eighty;" so as to make the clause read:

For transportation, recruiting, and contingent, Bureau of Navigation, 1900, $2,142.80.

The amendment was agreed to.

The next amendment was, on page 51, line 23, after the word "hundred," to strike out "sixty thousand two hundred and ninety-four dollars and sixty-three" and insert "sixty-one thousand one hundred and three dollars and eighty-nine;" so as to make the clause read:

For equipment of vessels, Bureau of Equipment, 1900, $61,103.89.

The amendment was agreed to.

The next amendment was, on page 52, line 2, after the word "thousand," to strike out "eight hundred and eighty-three dollars and thirty-two" and insert "nine hundred and forty-five dollars and forty-two;" so as to make the clause read:

For Medical Department, Bureau of Medicine and Surgery, 1900, $3,945.42.

The amendment was agreed to.

The next amendment was, on page 52, after line 4, to insert:

For contingent, Bureau of Medicine and Surgery, $133.70.

The amendment was agreed to.

The next amendment was, under the subhead of "General account of advances, naval establishment," on page 52, line 21, before the word "cents," to strike out "four thousand eight hundred and eighty-three dollars and seventeen," and insert "thirteen thousand eight hundred and two dollars and sixty-three," so as to read:

In all, $213,802.63.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

To pay voucher in favor of James A. McMahon on account of naval training station, California, $814.95.

The amendment was agreed to.

The next amendment was, on page 56, line 15, after the word "cents," to insert the following proviso:

Provided, That the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; and the transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, shall hereafter be chargeable to the appropriation "Transportation, recruiting, and contingent."

So as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation, recruiting, and contingent, Bureau of Navigation," for the fiscal year 1900, $939.66: *Provided*, That the transportation to their homes, if residents of the United States, etc.

The amendment was agreed to.

The next amendment was, on page 58, line 17, to increase the appropriations for the Bureau of Equipment from $1,000,000 to $1,350,000.

The amendment was agreed to.

The next amendment was, on page 58, line 25, after the word "hundred," to strike out "fourteen thousand four hundred and sixty dollars and ninety-six" and insert "fifteen thousand two hundred and seventy dollars and twenty-two;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Equipment of vessels, Bureau of Equipment," for the fiscal year 1900, $15,270.22.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," fiscal year 1900, $62.10.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

For improvements and repairs to buildings, sewerage, plumbing, prison cells, lights, and other necessary expenses, marine barracks, navy-yard, New York, $17,500.

The amendment was agreed to.

The next amendment was, under the head "Department of the Interior," page 67, line 20, before the word "hundred," to strike out "four" and insert "five;" in line 21, before the word "hundred," to strike out "eight" and insert "nine;" and on page 68, line 2, after the word "two," to insert:

The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, 5,000 copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

So as to make the clause read:

Of the whole number of United States maps procured under the appropriation made for the fiscal year 1899, for connected and separate United States and other maps prepared in the General Land Office, there shall be delivered, in addition to the number now required by law, 5,500 copies to the Senate and 10,830 copies to the House of Representatives for distribution; and the appropriation of $14,840 for connected and separate United States and other maps made for the fiscal year 1901 is hereby made available for expenditure during the fiscal year 1902. The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, 5,000 copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

The amendment was agreed to.

The next amendment was, on page 70, after line 2, to insert:

For repairs in Senate restaurant, regilding frames of Moran paintings, and for fire extinguishers for the Senate folding rooms and Maltby Building, $1,394.50.

The amendment was agreed to.

The next amendment was, on page 76, after line 14, to insert:

Classification of certain mineral lands in Montana and Idaho: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Classification of certain mineral lands in Montana and Idaho," for the fiscal year 1900, $74.17.

The amendment was agreed to.

The next amendment was, on page 77, after line 23, to insert:

To pay Chapman and Bannister, deputy surveyors, amount due and unpaid for surveys under contract No. 146, $2,106.06.

The amendment was agreed to.

The next amendment was, on page 78, after line 2, to insert:

To pay F. W. Pettigrew amount due and unpaid on contract for surveys of public lands, No. 132, of July 12, 1897, $383.33.

The amendment was agreed to.

The next amendment was, on page 78, after line 23, to insert:

Fort Sherman abandoned military reservation: To pay salary of the custodian of the Fort Sherman abandoned military reservation, Idaho, from March 1 to June 30, 1901, at the rate of $480 per annum, $161.30.

The amendment was agreed to.

The next amendment was, at the top of page 80, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey" (mineral resources), for the fiscal year 1900, $33.11.

The amendment was agreed to.

The next amendment was, on page 81, line 24, before the word "dollars," to strike out "six hundred" and insert "eight hundred and fifty;" so as to make the clause read:

For service of officers, at $15 per month each, and privates, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior; for the purchase of equipments and for the purchase of rations for policemen at nonration agencies, for the fiscal year 1900, $850.

The amendment was agreed to.

The next amendment was, on page 82, line 3, before the word "dollars," to strike out "three hundred and thirty-nine" and insert "four hundred and fifty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of Indian police," for the fiscal year 1900, $459.80.

The amendment was agreed to.

The next amendment was, on page 82, line 14, after the word "hundred," to strike out "one thousand nine hundred and forty-eight dollars and ninety-five" and insert "two thousand and ninety-six dollars and eighty;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing and purchase of Indian supplies," for the fiscal year 1900, $2,096.80.

The amendment was agreed to.

The next amendment was, on page 82, line 24, before the word "dollars," to strike out "two" and insert "twenty-two;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," for the fiscal year 1900, $222.

The amendment was agreed to.

The next amendment was, on page 83, line 19, after the word "hundred," to strike out "four hundred and sixty-seven dollars and four" and insert "five hundred and eighty-eight dollars and twenty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Mexican Kickapoos" for the fiscal years 1899 and 1900, $588.29.

The amendment was agreed to.

The next amendment was, on page 84, line 1, before the word "cents," to strike out "sixty-eight dollars and sixty" and insert "eight hundred and twenty-three dollars and thirty-five;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Absentee Shawnees, Big Jim's Band," for the fiscal years 1899 and 1900, $823.35.

The amendment was agreed to.

The next amendment was, on page 84, after line 22, to insert:

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure than $167 at the Indian school for the Sac and Fox Reservation, Iowa, if he deems the same necessary: *And provided*, That this provision shall also apply to the fiscal year ending June 30, 1901.

Mr. HALE. I move to amend the amendment just read, in line 2, on page 85, after the words "necessary: *And*," by striking out the words "*provided*, That;" and in line 4 to change the date "1901" to "1902."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment on page 85, line 2, after the word "*And*," by striking out the words "*provided*, That;" and in line 4, at the end of the amendment, to strike out "one" and insert "two;" so as to read: "nineteen hundred and two."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 86, after line 15, to insert:

For the relief and civilization of the Chippewa Indians of Minnesota, reimbursable, $10,000.

The amendment was agreed to.

The next amendment was, on page 88, after line 17, to insert:

To reimburse Leonard T. Cool, assistant postmaster at Canton, Ohio, for expenses incurred for legal services in defending a suit brought against him by virtue of his official employment, $100.

The amendment was agreed to.

The next amendment was, on page 88, after line 21, to insert:

To provide lookouts over the main working room of the Washington, D. C., post-office, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Postal service," on page 91, after line 6, to insert:

For rent of offices in Washington, D. C., for the division superintendent of Railway Mail Service, from August 13, 1900, to June 30, 1900, $1,857.26.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

For the fiscal year 1900, $315,571.99.

The amendment was agreed to.

The next amendment was, on page 92, after line 7, to insert:

To pay the amounts set forth in Senate Document No. 205, of this session, fiscal year 1900, $17.58.

The amendment was agreed to.

The next amendment was, on page 93, after line 4, to insert:

For compensation of postmasters, as set forth in Senate Document No. 205, of this session, for the fiscal years as follows:
For the fiscal year 1900, $170.13.
For the fiscal year 1899, $17.91.

The amendment was agreed to.

The next amendment was, on page 93, after line 20, to insert:

For the fiscal year 1899, as set forth in Senate Document No. 205, of this session, $294.76.

The amendment was agreed to.

The next amendment was, on page 94, after line 5, to insert:

For star routes, fiscal year 1900, as set forth in Senate Document No. 205, of this session, $2,898.43.

The amendment was agreed to.

The next amendment was, on page 96, line 18, before the word "cents," to strike out "thirty-eight dollars and twenty-five" and insert "sixty-seven dollars and fifty;" so as to make the clause read:

Prosecution of crimes: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Prosecution of crimes" for the fiscal year 1900, $467.50.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," page 99, after line 10, to strike out:

That witnesses in misdemeanor and civil cases before the United States commissioners' courts in the Indian Territory shall be entitled to 3 cents a mile, for each mile actually and necessarily traveled, in going to and returning from said court; and witnesses subpœnaed in behalf of the United States shall be paid on the order of the commissioner, as in felony cases. When a witness is subpœnaed and in attendance upon said court in more than one case at the same term, only one travel fee and one per diem compensation shall be allowed for attendance, and the same shall be taxed in the case first disposed of, after which the per diem attendance only shall be taxed in the other cases in the order in which they are disposed of.

The amendment was agreed to.

The next amendment was, on page 99, after line 23, to insert:

That for all services rendered by United States marshals for the several districts of the Indian Territory and their respective deputies the fees and compensation provided by section 829 of the Revised Statutes of the United States, as amended, shall be taxed and allowed, and the field deputy marshals shall receive compensation in accordance with section 11 of the act approved May 28, 1896, and all deductions and disallowances made under a decision of the Comptroller of the Treasury in re United States Marshal Hammer, dated October 12, 1900, shall be allowed.

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to insert:

That witnesses at preliminary examinations before United States commissioners and witnesses before the district courts in the Indian Territory shall be entitled to the fees prescribed in section 828 of the Revised Statutes of the United States, except as provided in section 850 of said statutes.

The amendment was agreed to.

The next amendment was, under the head "Legislative," page 103, after line 18, to insert:

SENATE.

To enable the Secretary of the Senate to pay Mrs. Harriet F. Gear, widow of Hon. John H. Gear, late a Senator from the State of Iowa, $5,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 22, to insert:

To enable the Secretary of the Senate to pay Mrs. Anna Malcom Agnew Davis, widow of Hon. Cushman K. Davis, late a Senator from the State of Minnesota, $5,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to insert:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely: For 10 clerks to Senators who are not chairmen of committees, from March 4, 1901, to June 30, 1901, inclusive, at the rate of $1,500 per annum, $6,153.

The amendment was agreed to.

The next amendment was, on page 104, after line 9, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $3,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 11, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $10,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 17, to insert:

For miscellaneous items, exclusive of labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 19, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1900, to March 4, 1901, for clerk hire and other extra clerical services, $3,900.

The amendment was agreed to.

The next amendment was, on page 104, after line 24, to insert:

To enable the Secretary of the Senate to pay the persons who performed the work of compiling the laws, proclamations, orders, and history of claims, and the decisions of the courts relating thereto for use in the consideration of claims bills, $1,400, to be paid only upon vouchers signed by the chairman of the Senate Committee on Claims.

The amendment was agreed to.

The next amendment was, on page 105, after line 6, to insert:

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including preparation of the work entitled "Precedents with reference to treaties between the United States and Foreign Nations," $600.

The amendment was agreed to.

The next amendment was, on page 105, after line 11, to insert:

To pay John H. Walker for extra services as clerk to Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 105, after line 13, to insert:

To pay Dennis M. Kerr, clerk detailed from the Bureau of Pensions, for services to Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 105, after line 16, to insert:

To pay J. H. Jones for services in the care of the Senate chronometer, and for the work in connection therewith, for the second session of the Fifty-sixth Congress, $100.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 106, line 13, after the word "fiscal," to strike out "year" and insert "years 1899 and;" so as to make the clause read:

To supply a deficiency in the appropriation for salaries of officers and employees, fiscal years 1899 and 1900, $11.50.

The amendment was agreed to.

The next amendment was, on page 110, after line 9, to insert:

To James A. Gibson, $480;
To H. A. Dumont, $579.09;
To Don C. Walters, $594;
To John Hollingsworth, $900;
To George C. Randall, $300;
To Charles O. Houk, $300;
To Ed. H. Sharp, $300;
To John B. Fletcher, $300;
To O. M. Enyart, $400;
To William A. Forbis, $200;
To Minot Reed Stewart, $295;
To O. A. Harvey, $853.32;
To Thomas F. Tracy, $463.48.

The amendment was agreed to.

The next amendment was, on page 111, line 3, to increase the total items of appropriations for the House of Representatives from $6,935.36 to $12,700.25.

The amendment was agreed to.

The next amendment was, on page 111, after line 5, to insert:

To pay William A. Watson, special messenger, authorized in the resolution adopted by the House of Representatives February 7, 1900, at the rate of $1,200 per annum, from March 4, 1901, to June 30, 1902, inclusive, $1,593.30.

To pay George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon each a sum equal to two months' pay at the rate of compensation respectively received by them January 1, 1901, for extra services rendered in the folding room under resolution of the House No. 253, $1,133.32.

Mr. COCKRELL. I desire the Senator in charge of the bill to make some explanation as to why the Senate has added amendments referring to House employees and House affairs.

Mr. HALE. It always happens, particularly on this bill, that there are certain matters which have not reached the House and have not been matured, and when we get a report from the Committee on Accounts of the House and the Committee on Appropriations of the House, asking us to put on their matters, we put them on.

Mr. COCKRELL. That is what I wanted to know. It was only done at the special request of the House Committee on Appropriations?

Mr. HALE. Certainly; otherwise we never lift a hand in regard to House matters.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to line 16, page 111, where the words "nine hundred and one" appear. Should it not be "nineteen hundred and one?"

Mr. HALE. Yes; let that amendment be made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 111, after line 20, I move to insert what I send to the desk.

The SECRETARY. On page 111, after line 20, it is proposed to insert:

Library of Congress: That the appropriation of $2,000 heretofore made in the legislative, executive, and judicial appropriation bill for special temporary and miscellaneous service, at the discretion of the Librarian of Congress, shall be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 6, after the word "in," to strike out "House Document No. 65" and insert "Senate Document No. 189;" and in line 9, before the word "dollars," to strike out "eighty-two thousand two hundred and eleven" and insert "four hundred and twenty thousand three hundred and thirty-two;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Document No. 189, $420,332, etc.

Mr. HALE. In line 7, after the word "eighty-nine," I move to insert the word "and" and then a blank for the number to be inserted in conference.

The amendment to the amendment was agreed to.

Mr. HALE. I move, in line 9, to strike out "$420,332," and insert "$435,728."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the head, on page 114, line 9, after the word "fifty-four," to insert "and Senate Document No. 211;" and in line 11, before the word "cents," to strike out "four hundred and forty-nine thousand five hundred and seventy-four dollars and seventy-nine" and insert "seven hundred and fifty-nine thousand four hundred and ninety-four dollars and sixty-seven;" so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 354 and Senate Document No. 211, $759,494.67, etc.

The amendment was agreed to.

The next amendment was, at the top of page 115, to insert:

That the sum or sums appropriated to be paid to the administrator of Peter C. Brooks, deceased, in the act of Congress approved March 3, 1899, entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," be paid Charles F. Adams as the administrator of said estate; but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of the said Peter C. Brooks, and the court which granted the administration shall have certified that said administrator has given adequate security for the legal disbursement of the amounts.

The amendment was agreed to.

The next amendment was, on page 115, line 23, after the word "sixty-seven," to insert "and Senate Document No. 192;" and in line 25, after the word "appealed," to strike out "two thousand two hundred and seventy-seven dollars and ten" and insert "three thousand and fifty-two dollars and seventy;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 367 and Senate Document No. 192, and which have not been appealed, $3,052.70, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 116, after line 8, to insert:

For payment of interest at 4 per cent per annum on the final judgment against the United States in favor of Patrick Henry Winston, rendered by the circuit court of the United States for the district of Washington, on the 1st day of October, 1894, under and by virtue of jurisdiction conferred by the act of Congress approved March 3, 1877, $406.26.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1898, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. —, Fifty-sixth Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, etc., fiscal year 1901, $307.13.

For contingent expenses, Treasury Department: Freight, telegrams, etc., $10.95.

For heating apparatus for public buildings, $5.30.

For repairs and preservation of public buildings, $6.40.

For additional compensation to certain employees in the civil service at Washington, D. C., under joint resolution of February 28, 1867, $1,070.84.

For collecting the revenues from customs, $78.30.

For repayment to importers excess of deposits, $220.55.

For redemption of stamps, $406.83.

For refunding taxes illegally collected, $18,736.62.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For contingent expenses, War Department, $1.35.

For pay, etc., of the Army, $743.09.

For regular supplies, Quartermaster's Department, $129.49.

For incidental expenses, Quartermaster's Department, $8.05.

For transportation of the Army and its supplies, $267.30.

For clothing, and camp and garrison equipage, $40.01.

For headstones for graves of soldiers, $1.25.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in 1855 and 1856, $281.62.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $868.19.

For contingent, Marine Corps, $65.12.

For indemnity for lost clothing, $4,998.85.

For destruction of clothing and bedding for sanitary reasons, $137.18.

For bounty for destruction of enemy's vessels, $5.63.

For enlistment bounties to seamen, $333.33.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, $4.43.

For appraisal and sale of abandoned military reservations, $100.

For surveying the public lands, $14,110.83.

For surveying private land claims, $372.03.

For pay of matrons, $7.

For payment to Overton Love, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $7,350.

For Army pensions, $30.

For Navy pensions, $10.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF STATE.

For salaries, secretaries of embassies and legations, 11 cents.

For pay of consular officers for services to American vessels and seamen, $18.69.

For loss by exchange, diplomatic service, $48.79.

For contingent expenses, United States consulates, $25.04.

DEPARTMENT OF AGRICULTURE.

For forestry investigations, $5.77.

For general expenses, Weather Bureau, $12.44.

DEPARTMENT OF JUSTICE.

For salaries, fees, and expenses of marshals, United States courts, $440.20.

For fees of commissioners, United States courts, $119.15.

For fees of witnesses, United States courts, $24.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, $8.50.

For railroad transportation, $72.33.

For star transportation, $9.54.

The PRESIDENT pro tempore. Does the Senator from Maine desire to fill the blank in line 14, on page 125?

Mr. HALE. Yes; I move to insert the words "two hundred and twelve."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. STEWART obtained the floor.

Mr. HALE. Will the Senator from Nevada wait a moment until certain committee amendments can be adopted? Will he restrain his impatience for a moment?

Mr. STEWART. I desire to make an appeal.

The PRESIDENT pro tempore. On page 27 there is an amendment which was passed over, which will be stated.

The SECRETARY. On page 27, after line 12, it is proposed to insert:

To pay the office of recorder of deeds for reporting real estate transfers

and recording deeds for the District of Columbia for the fiscal years 1895 to 1899, inclusive, to be available for the service of the fiscal year 1901, $1,315.50.

Mr. HALE. The objection to that has been withdrawn. Let it be agreed to.

The PRESIDENT pro tempore. Without objection, the amendment on page 27 will be agreed to.

Mr. HALE. On page 36, after the word "dollars," in line 10, I move to insert the words "to be available until expended."

The amendment was agreed to.

Mr. HALE. I think that disposes of the committee amendments, and I trust Senators will allow the bill to go through now without further amending it.

Mr. MORGAN. I called the attention of the Senator from Maine——

Mr. HALE. The Senator from New Hampshire [Mr. GALLINGER] has an amendment to offer.

Mr. GALLINGER. I offer the amendment I send to the desk.

Mr. MORGAN. I call the attention of the Senator from Maine to the part of the text of the bill to which I referred. I wish to get some information now, if I can, about the Isthmian Canal Commission on page 4.

Mr. HALE. What is the item?

Mr. MORGAN. The item is as follows:

To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act, approved March 3, 1899, $75,000.

I want to know why that is in the bill?

Mr. HALE. I sent for the papers, and I send them to the Senator from Alabama. Let the paragraph be passed for the moment and let the Senator look at them.

Mr. GALLINGER. I have sent an amendment to the desk to which the Senator from Maine does not object. It has been reported favorably from the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 34, after line 8, insert:

That of the unexpended balance of the appropriation for repairs to the Aqueduct Bridge, District of Columbia, the sum of $1,465 may be used, under the direction of the Secretary of War, for the temporary protection of said bridge, and the further sum of $3,000 may be used for obtaining plans and estimates for rebuilding said bridge, the said amounts to be immediately available.

Mr. HALE. That does not cause any new appropriation, and is reported by the committee, I understand.

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. RAWLINS. I offer the amendment which I send to the desk.

The SECRETARY. On page 99, after line 5, insert:

The accounting officers of the Treasury are hereby authorized and directed to reopen and restate the accounts of H. G. McMillan, D. C. Dunbar, C. H. McClure, and K. S. Boreman and settle them in accordance with the provisions of the act approved January 19, 1901, entitled "An act relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah."

Mr. HALE. There is no objection to the accounts being examined. There is no appropriation involved.

The amendment was agreed to.

Mr. SPOONER. I offer an amendment, which I send to the desk, to be inserted at any appropriate place in the bill. I have not a copy of the bill.

The SECRETARY. It is proposed to insert:

To pay to Francis Bloodgood, of Milwaukee, Wis., balance of a judgment rendered in his favor in the district court of the United States for the eastern district of Wisconsin, for services rendered as United States commissioner, $610.

Mr. HALE. Is that the Wisconsin matter which was before the court, where a judgment had been rendered?

Mr. SPOONER. It is.

Mr. HALE. That is right. I think that is the end of it.

Mr. SPOONER. If the Senator will pardon me a moment, I should like the attention of the Senate for not over five minutes upon this subject. I want to state the case just as it is.

Mr. HALE. I do not object to the amendment.

Mr. SPOONER. But I want to state the case. I know the Senator does not object to it. If the Senate thinks this provision ought not to be inserted, I do not wish to have it inserted, and it will not take me more than two or three minutes.

The claimant here was a United States commissioner for a great many years, and is now. He had been paid at certain rates for his services as a court commissioner in criminal cases for many years. At last his fee bill, if I may so call it, was challenged by the Department of Justice in part. Under the Tucker Act he brought suit in the United States court for the eastern district of Wisconsin against the Government for the amount of $2,036.20. Of course it was unquestioned that the court had jurisdiction. The Government, by the United States district attorney, appeared in the cause and contested it, and the court entered a judgment in behalf of the plaintiff for the amount of $2,036.20 principal, and $7.20 costs. That was April 24, 1893, and copies of the entry of judgment were served on the United States district attorney and the clerk of the court April 24, 1893.

The time for the Government to appeal expired October 24, 1893, and the judgment, therefore, without any fault of the plaintiff, became absolute against the Government.

The Supreme Court of the United States four months later, on an appeal from a decision in another part of the country, rendered a decision which, if it had been rendered on an appeal from this judgment, would have reduced the judgment $610.

Mr. COCKRELL. To $610?

Mr. SPOONER. No; $610. That was six months after the right to appeal from the decision in this case had expired. Congress appropriated to him the amount of the judgment less the $610, which he accepted under protest, and this amendment is to pay him the balance. Of course as between ordinary parties, litigants in court, there could be no question about it. The right of the Government and this plaintiff was fixed. His right to the $2,000 was res adjudicata, and he asks this $610.

That is the case. If the Senate thinks that he is entitled to it, then this amendment ought to be adopted.

Mr. HALE. Let us have a vote of the Senate upon it.

Mr. STEWART. Does the Senator think it is equitable?

Mr. SPOONER. Equitable? If the Government had appealed he would not be allowed it. The Government did not appeal. The Government brought it into its own court, contested the matter with him, and had its day in court.

Mr. HALE. And lost its right to appeal.

Mr. SPOONER. And lost, without any fault of his, its right to appeal. Technically he would be entitled to it; but I want to submit the whole case to the Senate.

Mr. HOAR. It is as plain a case of a citizen of the United States being morally, legally, and equitably entitled to this money as could be made. If he had lost his case and had not appealed, and then afterwards the principal had been settled otherwise in a later case, we would never have made up those cases. The claims have come again and again from the Finance Committee, and we have always referred those cases.

Mr. COCKRELL. My understanding is just the reverse. We have an immense claim now pending here, barred by limitation, and the claimants come in and say certainly it must be paid; the limitation must not cut them off.

Mr. HOAR. A limitation is a different thing from a judgment.

Mr. COCKRELL. I know a number of cases in the Court of Claims that have been paid where the parties did not have the right.

Mr. WOLCOTT. As I understand the proposition of the Senator from Wisconsin, if the Government had done its duty and appealed, this man would not have received the $610.

Mr. HOAR. Perhaps it thought it was not worth while to appeal in so small a sum.

Mr. WOLCOTT. If we have a Government official who would not think it was worth while to appeal from an unjust judgment of $610, he ought not to serve the Government long; and if the Government did not appeal, and the judgment became absolute, and our accounting officers refused to pay it because the decisions of the Supreme Court show he is not entitled to it, it is difficult for me to perceive what equities there are. There may be a legal technical right, but there are certainly no equities in his behalf.

Mr. SPOONER. I have stated the case as it is, so that the Senate is in possession of the question.

Mr. HALE. I do not want to go into it further.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to come in under the judgment of the Court of Claims.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just adopted insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to the administrator of the estate of Philip C. Rowe, of Massachusetts, the sum of $13,200, for the use of said Rowe's invention by the United States of an improvement in pistons for pumps by the Navy Department during the years between 1865 and 1882.

Mr. HALE. This is a pure claim. I must raise the point of order.

Mr. LODGE. Of course if the Senator raises the point of order it is the end of it.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. LODGE. I offer another amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be read.

The SECRETARY. Insert the following:

That the sum of $2,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to purchase from the estate of Mrs. Ben: Perley Poore the copyright of the publication entitled "The Political Register and Congressional Directory," by Ben: Perley Poore.

Mr. HALE. Is that estimated for or is it reported from any committee?

Mr. LODGE. It is reported from the Committee on Printing.

Mr. HALE. Reported favorably?

Mr. LODGE. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. DANIEL. I should like to have some explanation of the amendment—what it is the Government is to buy and what we are to give for it.

Mr. LODGE. I understand it is to enable the Government to reprint the Political Register and Congressional Directory which was published originally by Ben: Perley Poore. Its matter has become entirely out of date; that is, it wants to be brought up to date. It is a very valuable register.

Mr. DANIEL. I should like to know the value of the document to the Government. What is the use of it?

Mr. LODGE. It is to get rid of his right, so that the Government can bring his register up to date.

Mr. HALE. It is the Congressional Directory, continuing for years and showing the committee service, etc., of members of Congress in both branches from the beginning, and this is for the Government to buy the right and then to continue to bring it down to the present time. The amendment was reported favorably by the Committee on Printing; so it is not subject to a point of order.

Mr. DANIEL. What is the Government to pay for it?

Mr. HALE. Two thousand dollars.

Mr. LODGE. Yes, $2,000.

Mr. JONES of Arkansas. It has grown to be a sort of habit here that men who are employed by committees, or employed otherwise by the Government, will do a lot of work of this sort and ask to have it printed, and then come in afterwards with claims against the Government for having it done. Was this work done by Mr. Poore while he was clerk of one of the committees of the Senate and in pursuance of his duties as such clerk?

Mr. LODGE. Of course, as the Senator knows, Major Poore died a great many years ago.

Mr. JONES of Arkansas. I know.

Mr. LODGE. He was clerk of the Committee on Printing, I believe.

Mr. JONES of Arkansas. I know he was.

Mr. LODGE. At the time, I mean, of this work. He received nothing from the Government. He did the work at his own risk and copyrighted it, and got his return, whatever it was, from the sale. The book is an extremely useful one, and there is no way to bring it up or reissue it, except by extinguishing this copyright. Whether the copyright is worth $2,000 or not, I do not pretend to judge. I have not looked into the figures at all, but I do think it would be well to continue the publication.

Mr. JONES of Arkansas. It seems to me there ought to be somebody here to show that this work is worth $2,000 to the Government before the Senate is asked to pay $2,000 for it.

Mr. HALE. Every Senator can judge for himself whether it is worth something to have it brought down to the present day. It is a handy book for reference.

Mr. COCKRELL. Does that include pay for bringing it down to date?

Mr. LODGE. No; it is to extinguish the copyright. The Government can not print this Register and Directory while the copyright exists.

Mr. COCKRELL. There are two or three other publications almost like this one of Poore's. I think there is another one, and Lanham has one also.

Mr. HOAR. That is very much older than Poore's.

Mr. COCKRELL. It is older than Poore's. Then another one simply gives biographic sketches.

Mr. LODGE. Those are simply sketches, I think, more in the nature of a dictionary, and this is a register such as we have partially in our Manual.

Mr. COCKRELL. I do not see why Congress could not have a similar work from the foundation of the Government to this time prepared without paying anybody for a copyright for anything that is to go into it. Nearly all of the information has been printed in the Congressional Directory.

Mr. LODGE. I have no desire to take the time of the Senate in debating it. I have stated the case. That is all I want.

Mr. JONES of Arkansas. I wish to ask what is the nature of this work? Is it practically a compilation of what is in the Congressional Directory?

Mr. LODGE. Oh, no; not at all. It goes back to the beginning of the Government, and it shows every man who has held an office under the Government, and just what places he has held. It is a dictionary of the entire Government of the United States. It has no relation to the Congressional Directory.

The amendment was agreed to.

Mr. HANSBROUGH. I move to insert the following:

For reimbursing G. A. Lieber, of Jamestown, N. Dak., late deputy collector of internal revenue for the district of Nebraska, for excess of expenses over allowances from August 1, 1894, to August 31, 1898, $264.90.

The amendment was agreed to.

Mr. CLAY. I have an amendment on the table that I desire to have taken up and acted upon. It is an amendment in print. I will make a short statement, and I think the Senator in charge of the bill will agree to it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 92, after line 17, insert:

To enable the Secretary of the Senate to pay Wood & Bond, undertakers, of Macon, Ga., for services and expenses in connection with the funeral and burial of the late Senator A. H. Colquitt, $552.50.

Mr. CLAY. I desire to state that my constituents think that this bill ought to be paid in full in every item of it, but the Committee on Appropriations do not think so, and I feel bound to accept their judgment. They say to me that they will accept the amendment provided that I will cut it to $276.25, and I am willing that the amendment shall be amended by striking out the amount named and inserting "$276.25."

The PRESIDENT pro tempore. The Senator from Georgia modifies his amendment by reducing the amount as stated.

Mr. HALE. What is the amount now fixed in the amendment?

Mr. CLAY. Two hundred and seventy-six dollars and twenty-five cents. I cut it in two. It is divided by half.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. CLAY. In order to show that the claim is just and correct, I ask leave to insert in the RECORD three affidavits.

There being no objection, the affidavits were ordered to be inserted in the RECORD, as follows:

GEORGIA, *Bibb County:*

Personally appeared before me W. H. Ross, who, being duly sworn, deposes and says that he received a telegram from Hon. R. J. Bright, Sergeant-at-Arms United States Senate, instructing him to have suitable preparations made for the burial and funeral ceremonies of the late Senator Alfred H. Colquitt.

In obedience to said telegram deponent procured the services of Wood & Bond, undertakers, at Macon, Ga., giving them instructions to make all proper preparations and to attend to all details and furnish all necessary materials for his funeral, everything to be in keeping with his high station and the regard in which he was held by the people.

These instructions included the furnishing of the hearse, the preparation of the grave, the payment of the city of Macon bill for interment, according to its ordinance, the furnishing of a large number of carriages, the flower designs and decorations for the casket, the hearse, and the church, and the personal attention of the undertaker and several assistants.

WM. H. ROSS.

Sworn to and subscribed before me this 27th day of October, 1898.

CHAS. G. WILBOURN,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appeared before me A. L. Wood, a member of the former firm of Wood & Bond, who, being duly sworn, deposes and says:

That he no longer has any pecuniary interest in the bill of Wood & Bond vs. The United States Senate for the funeral expenses of the late Senator Alfred H. Colquitt.

Deponent says that the charges in said bill are in every respect reasonable, and were charged at such low figures that it left a very small margin for profits.

The charge of $25 for the hearse from depot to church, and the further charge of $25 for the hearse from the church to the cemetery, are in every respect reasonable. There were four horses harnessed to the hearse, each horse being especially selected as a match for the other three, which of itself made them more expensive. There was a uniformed footman to each horse, and the decoration of the hearse was very expensive. For reasons stated later on, said hearse was in use from 10 o'clock a. m. to 6 p. m., and could not be used by Wood & Bond, causing them the expense of hiring other hearses for other funerals under their management.

The city bill of interment of $41.50 is the actual amount of cash paid out to the city of Macon according to its ordinances.

The $10 for the chestnut box that inclosed the coffin on the train was placed in the grave, and was bought by deponent at this regular price.

The two items for the personal attention of the undertaker and his three associates, amounting to $55, are in every respect reasonable. Deponent went from Macon to Atlanta the day before the funeral, in order to meet the corpse there and take charge of it. He had to make a personal examination and see that it was in proper condition, and was compelled besides his railroad fare and hotel bill to incur other expenses in Atlanta. He came from Atlanta to Macon with the corpse the day of the funeral, and was busy until 6 p. m. in connection with the funeral. The day before the funeral his three assistants were busy in making local arrangements for the funeral. The decoration of the church, the decoration of the hearse, the procuring of the carriages, the supervising of the digging of the grave and preparing the vault, the procuring of the four horses for the hearse, the procuring of singers, the notifying of various committees, and numerous other details that were necessary for the funeral to be conducted in a proper manner in keeping with the dignity and position of the deceased kept all three of the assistants busy on the day of the funeral and the day preceding.

The item of $336 for 42 carriages is entirely just and reasonable. Acting upon the instructions of Maj. William H. Ross and the telegram received from the Hon. B. W. Layton, deponent ordered the 42 carriages charged for, and would have procured more if the city had contained them. The charge of $8 per carriage is just and reasonable, because those carriages were in use from 10 a. m. until 6 p. m. on the day of the funeral.

The funeral was to have taken place at 11 o'clock a. m., but by reason of Mr. B. W. Layton's allowing the body to lie in state in the capitol in Atlanta, and some delay to the train bringing the body to Macon, the train did not arrive here until after 1 o'clock p. m., and the funeral was held at 3 o'clock instead of 11. In the meantime everything was held in waiting. The services were very long, and it was fully 6 o'clock, and perhaps later, before these carriages were discharged. The usual price for a carriage in this city is $5 for a funeral lasting two or three hours, but, as above stated, these carriages were used from 10 a. m. to 6 p. m., and the additional charges had to be paid by Wood & Bond. The carriages could not be discharged when it was learned that the train was late, because no one knew how soon the train would arrive, nor at what hour those in authority would decide to have the funeral. In addition to this, if the carriages had once been discharged, it would have

been impossible to have gotten them together again. The Sergeant-at-Arms allows pay for only seven carriages at $3.50 each. More than seven carriages were occupied by the Congressional escort. By Mr. Layton's orders only two Senators were placed in a carriage, as he objected to any Senator riding backwards.

In addition to this large escort, the numerous members of the family occupied several other carriages, and some of the carriages had to be crowded in order to make room for the members of the supreme court of the State of Georgia. No friends or other persons, except the Congressional escort, the members of the family, and the members of the supreme court of the State of Georgia, rode in these carriages, and the friends and a large number of prominent men of this State were compelled to go to the cemetery on the street cars. There was not enough carriages as it was, and there was considerable complaint on that score.

A. L. WOOD.

Sworn to and subscribed before me this 28th day of October, 1896.
[SEAL.] W. W. WRIGLEY,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appeared before me, L. H. Burghard, an undertaker in the city of Macon, Ga., who, being duly sworn, deposes and says: That he is in no way interested in the claim of Wood & Bond for the funeral expenses of the late Senator Alfred H. Colquitt.

At the time of said funeral deponent was employed as the general manager and funeral director for said Wood & Bond, but that said funeral was personally managed by and under the direction of Mr. A. L. Wood, one of the members of the firm. Deponent and two other competent men assisted Mr. Wood in the details of said funeral, said details being very numerous, troublesome, and difficult to manage, and kept all three of said assistants employed during the whole of the day of the funeral and most of the day preceding the funeral. Deponent remembers the circumstances of said funeral clearly, and states that $50 was a reasonable charge for the use of the hearse on that occasion. The decorations of the hearse, like the decorations of the church, were very elaborate and expensive. The hearse was drawn by four of the finest horses in the city, and were specially selected as being matches for each other. They were handsomely housed, and each attended by a footman in uniform. The bill paid to the city is the usual bill that has to be paid for each funeral in accordance with the city ordinance. There were 42 carriages used at said funeral, and they did not suffice to carry all the distinguished people to the church and to the cemetery.

This number might have been sufficient but for the fact that the assistant sergeant-at-arms gave me instructions to not allow but two members of the delegation from Washington to ride in a carriage. I had all the members of the various Georgia delegations (such as the supreme court, etc.) to ride four in a carriage, but there were many distinguished Georgians and friends of the deceased, and some relatives, who could not be seated in the carriages, and were compelled to go on street cars or make other arrangements. There were a great number of complaints on this score.

The hearse and all the carriages were in service from about 10 a. m. to about 6 p. m., the long delay being on account of the late arrival of the train and consequent changes in the programme.

The usual charge for the carriage for an ordinary funeral, lasting about two hours, is $5.

L. H. BURGHARD.

Subscribed and sworn to before me this 3d day of November, 1896.
C. D. PEAVY,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

In person appeared G. M. Davis, one of the firm of G. M. Davis & Son, liverymen, of Macon, Ga., who, being duly sworn, deposes and says: That the said firm furnished for Wood & Bond nearly all the carriages used at the funeral ceremonies of the late Senator Alfred H. Colquitt. The regular price for each carriage at a funeral was at that time $4. The carriages are not generally used more than two hours, but on this occasion they were in use from about 10 o'clock a. m. to 6 p. m. This extra time was caused by the fact that the remains were expected to arrive on the train about 10 o'clock a. m. and the services at the church were to begin at 11 a. m., but the train arrived several hours late and the services were held at the church about 3 p. m. We charged Wood & Bond double price for each carriage we furnished. Under Maj. W. H. Ross's instructions carriages had to be furnished for the Congressional escort and other distinguished bodies of men, making it necessary to get nearly all the carriages in Macon, including some private carriages. About forty carriages were procured, but that was not enough, and there was complaint on that score.

Deponent has no interest in this matter, as Wood & Bond paid him long ago.

G. M. DAVIS,
Of G. M. Davis & Sons.

Subscribed and sworn to before me this the 31st day of December, 1897.
[SEAL.] G. A. DURE,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appears before me D. A. Keating, who, being duly sworn, deposes and says that he was the city sexton of the city of Macon at the time of the funeral of Senator A. H. Colquitt; that according to the ordinances of the said city of Macon deponent charged and received from the undertakers, Wood & Bond, the sum of $41.50 for fees, material, work, etc., for the burial and grave of said Senator Colquitt. The items of said account were as follows:

For brick and masonry	$29.00
For supplying center and measurements	2.50
For interment fee	10.00

The regular charge for a citizen of Macon is $5, and an extra fee of $5 is charged for all nonresidents, making the interment fee in this case $10, as charged.

Said sum of money was actually paid to me by said Wood & Bond, and there was no way for them to avoid it, as, under the ordinances, this money is paid cash for the nonresidents before a permit for burial is issued.

D. A. KEATING.

Subscribed and sworn to before me this the 25th day of March, 1898.
CHAS. L. DASHER,
Notary Public, Bibb County, Ga.

Mr. STEWART. I again appeal to the Senator from Maine to withdraw his objection to the amendment that I offered for the adjustment with the Central Pacific Railroad Company. I call his attention to the fact that this matter was in charge of the late Senator Gear. He reported it favorably on two occasions and had an amendment pending at the time of his death.

Mr. HALE. Very well. If it has been reported by a committee let the Senate vote upon it.

The PRESIDENT pro tempore. The Chair did not understand to what amendment the Senator from Nevada referred.

Mr. STEWART. It is the amendment I offered a while ago.

Mr. HALE. It is the amendment the Senator offered and I raised the point of order that it had not been reported by a committee. The Senator now says it has been reported by a committee, and let the Senate vote upon it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of line 7, page 38, insert:

And provided further, That the Secretary of the Treasury is hereby authorized and directed to make settlement of the claims growing out of the Government transportation over nonbond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at 4 per cent per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May 12, 1900.

The amendment was agreed to.

Mr. HANSBROUGH. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to insert the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employees of the Senate and House, borne on the annual and general rolls on the 1st day of March, 1901, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra service during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. HALE. I do not suppose there is any power given from heaven or among men to stop this amendment. Therefore I shall not attempt to stop it.

The amendment was agreed to.

Mr. ALLEN. On page 54, line 15, I move to insert what I send to the desk.

The SECRETARY. On page 54, line 15, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry T. Clarke the sum of $5,500, out of any money in the Treasury not otherwise appropriated, for the value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Sarpy County, Nebr., from February 9, 1890, to December 9, 1900, at $480 per year, being for the use of buildings on said land acquired by the United States by condemnation proceedings in the suit against Henry Zurcher in accordance with a proposition made by Henry T. Clarke to the Secretary of War July 29, 1889, which said proposition was for the sale of lands to the United States in Fort Omaha, now Fort Crook, by which proposition all said buildings were retained by Henry T. Clarke, and for the value of said buildings, $5,500. That the said sum of $5,500 is to be accepted and received by Henry T. Clarke in full of all claims and demands on account of said buildings and for the rental thereof, the title of said buildings to remain in the United States.

Mr. HALE. Has the Senator put in the clause that it shall be in full?

Mr. ALLEN. I think it is in the amendment. If not, let it be amended by inserting that it shall be in full.

Mr. PLATT of Connecticut. It is in.

Mr. HALE. The Senator from Connecticut [Mr. PLATT] says that it is in. I was not listening.

Mr. PLATT of Connecticut. It is in the latter part of the amendment.

The Secretary read as follows:

In full of all claims and demands on account of said buildings and for the rental thereof.

The amendment was agreed to.

Mr. THURSTON. I ask unanimous consent to insert directly after the last amendment what I send to the desk, and I will state in a moment the reason for it.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent to insert after the amendment just adopted what will be read by the Secretary.

The SECRETARY. On page 54, line 14, after the amendment just adopted, insert:

For the relief of Rasmussen & Strehlow, contractors on Government work, on account of damages done to the main Government building at the Pan-American Exposition grounds, by the cyclonic storm of September 12, 1900, $15,000, the same to be immediately available.

Mr. HALE. This is a claim, Mr. President.

Mr. THURSTON. I appeal to the Senator to let this go on the bill. I admit it is a claim, but there are circumstances of peculiar hardship.

These contractors reside in my town. They took the contract to erect the building at the Buffalo Exposition. A cyclone came along and destroyed their work when it was partly completed. The Treasury Department, through its architect, has filed a statement, and a bill of this character has been reported favorably in the House, under which the Government officials say that the contractors ought not to stand this loss; that under the plans of the building it was no fault of theirs. The loss was very much more. The Architect of the Treasury recommends the allowance of $15,000.

Mr. HALE. Let the Senator ask unanimous consent.

Mr. THURSTON. That is what I have asked. I ask unanimous consent for the adoption of the amendment.

Mr. DANIEL. Mr. President, no ground has been stated why the Government should pay a man for the act of God any more than it should pay everybody else in the country where misfortunes have happened to them. If the Senator wants to try the point of law in the Court of Claims, I would not object to his constituent being heard. But he has stated no——

Mr. THURSTON. The Supervising Architect of the Treasury Department says as follows:

A cyclonic storm materially damaged the main building at the Pan-American Exposition grounds at Buffalo N. Y.; that such damage was not on account of any carelessness of the contractors, as the construction provided that the building be of very temporary character—

That was the Government plan—

and it was unreasonable to expect the contractors to provide such form of construction as would resist the violence of such unusual storm.

Two representatives from this office, immediately after the damage, made a careful estimate of the cost of replacing the damaged portion, and fixed the sum at $15,000. This office has received a written proposition from the contractors to accept such sum in full for the damage sustained. As it is doubtless an obligation of the Government to reimburse the contractors for the loss, I recommend that the attention of Congress be called to the matter, and that it be requested to appropriate $15,000 to reimburse the contractors, Rasmussen & Strehlow, for the loss sustained by them on account of damage caused by the cyclone referred to.

Mr. DANIEL. That is no legal opinion.

Mr. THURSTON. This is a very deserving case, and if there is not paid now this sum of $15,000, there will probably be a claim for a much larger sum appearing before Congress at every session.

Mr. DANIEL. If the Government owes this gentleman much more it ought to pay him much more, and if a legal ground is shown why it should be paid I will vote to pay it. But no ground has been assigned in any statement of the Senator from Nebraska showing the liability of the Government to pay for storms that sweep away the property of individuals.

Mr. HALE. If this gives rise to debate I must make a point of order against it.

Mr. DANIEL. If the Senator proposes to refer this matter to a judicial tribunal I will vote to do it, so that if I am mistaken in my opinion they may correct me, but as far as I see it it is a mere request that the Government shall pay contractors because a storm destroyed their property. It was not the fault of the Government of the United States that the storm came, any more than it was not their fault. It is a matter without fault.

Mr. HALE. Does the Senator object to this?

Mr. DANIEL. I should object to it in this form, but I do not wish to impede a trial of the matter.

The PRESIDENT pro tempore. The Senator from Virginia objects.

Mr. MALLORY. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 18, after line 16, it is proposed to insert:

For hoisting apparatus for public building at Pensacola, Fla., $6,500.

Mr. HALE. Is that estimated for by the Treasury Department?

Mr. MALLORY. No, sir.

Mr. HALE. Then I make the point of order on the amendment.

Mr. MALLORY. The Supervising Architect of the Treasury has recommended it, but the Department itself does not, so far as I know.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. MALLORY. I ask unanimous consent that the amendment may be adopted.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent that the amendment may be added to the bill. The Chair hears no objection, and the amendment is agreed to.

Mr. MORGAN. On page 4, under the heading "Isthmian Canal Commission," I move to strike out from line 14 to line 18, inclusive. I have submitted the matter to the Senator in charge of the bill. I wish that provision to go out of the bill, so that the conferees may have an opportunity to get all the facts in regard to it.

Mr. HALE. I have no objection to the matter being thrown into conference.

The PRESIDENT pro tempore. The Senator from Alabama moves to strike out, on page 4, the clause from line 14 to line 18, inclusive, which will be read.

The Secretary read as follows:

Isthmian Canal Commission: To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act approved March 3, 1899, $75,000.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. HALE. I wish the Senator from Alabama would please send me the papers in this case.

Mr. MORGAN. I shall do so.

Mr. HALE. The papers may be needed in conference.

Mr. MORGAN. I offer an amendment to which I want to call the attention of the Senator in charge of the bill. It is to pay William Colen, an old colored man, who has been at work in the Capitol grounds, $720 for injuries which he sustained under the circumstances which I will state. He is an old, faithful man, whom I happen to know here, and have known for the last fifteen or twenty years. He has worked a great deal in the public grounds here, and, as I say, is very faithful. He is a very competent old man and is very poor. While engaged in the work here, in the line of his duty, an embankment fell upon him and broke his legs and some bones about his body, I believe, and so injured him that he was unfit for duty for a long time; in fact, he is hardly able to get around the grounds now.

I think this a very meritorious matter and that the Senate should vote him this appropriation. It is to cover the time when he has been under the care of a doctor and has been lying at his house. During that time he has had scarcely the means of existence, and pretty nearly starved; in fact, he would have done so if it had not been for charity. He received this injury entirely without his fault. He was digging under some embankment, which fell upon him and broke him to pieces very badly. I hope the Senate will adopt the amendment.

Mr. HALE. The committee had several cases of this kind and rejected them all on the ground that they are claims.

Mr. BATE. Mr. President, I know something of this matter, and it certainly is a very meritorious claim. It is a very small amount which is proposed to be paid to this old and faithful man who has been at work here around the Capitol. Without his own fault he got injured. He was laid up and has been sick for a long time; in fact, he is in such a condition now that he has hardly recovered from the injuries he received. This is a small matter of only $720, and it seems to me we ought to give it to him. We give sums of $5,000 here and nothing is said about them. I think we might be equally generous in this very meritorious case. I hope the amendment will be put on the bill by the Senate.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The PRESIDENT pro tempore. Will the Senator from Alabama put the amendment in writing and send it to the desk?

Mr. MORGAN. It was in writing, and referred by the Senate to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To compensate William Colen, laborer, for loss of time and expenses while in the service of the Senate, by the caving of an embankment, $720.

Mr. HALE. Mr. President, what became of the point of order I raised on that amendment?

The PRESIDENT pro tempore. The Chair was not aware that the point of order was raised.

Mr. HALE. I raised the point of order. I stated we had several cases of this kind, and that the committee had rejected them because they were pure claims. I made the point.

The PRESIDENT pro tempore. The Chair would be compelled to sustain the point of order if raised.

Mr. MORGAN. The Senate adopted the amendment, and of course the Senator can not raise the point of order now.

Mr. BATE. Not at all. It is too late now.

Mr. HALE. I raised the point of order.

Mr. PETTIGREW. Mr. President——

Mr. BATE. I should like to know what was done about the amendment offered by the Senator from Alabama [Mr. MORGAN]. Was the point of order insisted on?

The PRESIDENT pro tempore. The Chair sustained the point of order.

Mr. BATE. I appeal to the Senate that the amendment may be adopted by unanimous consent.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the amendment offered by the Senator from Alabama be added to the bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 86, at the end of line 17, it is proposed to insert:

To pay T. C. Marson for services as superintendent of construction at the Indian school at Flandreau, S. Dak., for services caused by contractor's failure to complete the buildings within the time specified in the contract, forty-three days, at $5 per day, $215.

The amendment was agreed to.

Mr. PETTUS. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert the following:

For the relief of Agnes and Maria De Leon, as shown in House bill 2619 and Senate report on that bill, No. 1619, $1,600.

Mr. HALE. Let us have a vote on that amendment, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. MORGAN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert the following:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $10,476, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to said Margaret Kennedy is to be in full compensation for all claim or demand of said Margaret Kennedy as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy, in the District of Columbia, being the farm on which Fort Sedgwick was erected.

Mr. HALE. I make the point of order on that amendment that it is a claim.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order made by the Senator from Maine [Mr. HALE.]

Mr. MORGAN. I ask leave to put a report in the RECORD from the Committee on Claims relative to that matter.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The report referred to is as follows:

This is a bill to pay the heirs of Margaret Kennedy, widow and sole executrix of the late John Kennedy, $10,476, less the amount paid her in pursuance of an act heretofore passed.

This bill, or one similar to it, was favorably reported to the House from the Committee on Claims on the 28th of January, 1891, and it was passed by the Senate on the 10th of May, 1891.

In the Fiftieth Congress a bill was passed directing the Quartermaster-General to ascertain "the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, in the District of Columbia, upon which Fort Sedgwick was erected, taken and used by the Government for firewood and in the construction of said fort." The Quartermaster-General stated the value, which amounted in gross to $1,378.44, and this amount was paid.

The items given are 200 cords of wood; whereas the fact is there were 900 cords of wood taken, which, at $10 a cord, would amount to $9,000; 1,936 rails, 200 fruit trees, and timber for the fort. The wood is valued at $2 a cord, the fruit trees at $4 each, and the fence rails at 4 cents each, which would not pay for cutting and splitting, the timber for the fort at the gross sum of $101.

The farm was the sole property of the late John Kennedy. It was stripped of all that made it valuable, it was occupied during the pleasure of the Army, the owner was deprived of its use and income, and it was left in a condition that greatly depreciated its value. At that time firewood was worth $10 a cord; the timber, as it stood, was worth much more, for it gave value to the farm, and no one in the possession of such property would have consented to its indiscriminate destruction at any price. Four cents each for fence rails does not cover the cost of splitting, and they were the more valuable at that time, inasmuch as wire fencing was not then, as now, in general use. Four dollars each for 200 fruit trees did not bear any comparison to their value, estimating their planting and care and their past and future product. No man would consent to have his fruit trees swept from his farm if the despoiler would offer ten times their value.

The committee submits that the sum paid the widow is not by any means adequate; that the Government, in appropriating what she would not have voluntarily parted with and in its occupancy and use of the place, has incurred an amount of indebtedness which in justice it should satisfy.

The bill is reported favorably, with a recommendation that it do pass.

Mr. TILLMAN. I offer the amendment which I send to the desk, to be inserted on page 38, after line 7.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, after line 7, it is proposed to insert:

That all officers and enlisted men of volunteers, war with Spain, who served honestly and faithfully and were honorably discharged for any cause after August 12, 1898, date of the protocol, shall be allowed the extra pay provided by act of January 12, 1899, entitled "An act granting extra pay to officers and enlisted men of United States volunteers," provided such officers and enlisted men shall produce satisfactory evidence showing they were not placed on furlough prior to their discharge, and provided the same has not already been paid: *Provided further*, That any overpayment or other indebtedness to the United States on account of the service of any officer or enlisted man shall be deducted from the extra pay allowed.

Mr. HANSBROUGH. I desire to ask why it is necessary to insert the words "honestly and faithfully?"

Mr. TILLMAN. I have copied the exact language of the two previous acts on the same subject.

Mr. HANSBROUGH. But that does not make it valid.

Mr. HALE. If this amendment gives rise to any debate, I shall have to make the point of order that it is legislation.

Mr. DANIEL. I wish to ask a question about the amendment.

Mr. TILLMAN. I am ready to explain the amendment; but the Senator from Maine [Mr. HALE], who has examined it, has agreed to let it go in. I am perfectly willing to give a very clear and cogent reason why it should go in and remain in.

Mr. DANIEL. I desire simply to ask a question about it.

Mr. TILLMAN. Very well.

Mr. DANIEL. What does the amendment mean by saying "they were not placed on furlough?" Does that mean that an officer or an enlisted man who had a furlough shall not receive the benefit of this legislation?

Mr. TILLMAN. If the Senator from Maine [Mr. HALE] will listen to me—I am going to address myself to the Senator from Virginia [Mr. DANIEL], but I should like the attention of the Senator from Maine.

Mr. HALE. If this amendment takes up two minutes, I shall raise the point of order that it is legislation, as, of course, it is; and the Senator can take his chances of a vote on the amendment. He may do so, if he desires; but I do not wish to interfere longer than I can possibly help with the Senator from Georgia [Mr. CLAY], who has been waiting here in the kindest way to deliver some remarks.

Mr. TILLMAN. I was going to put some documents in the RECORD, and to say nothing about the amendment; but I am asked a question by the Senator from Virginia [Mr. DANIEL], and I can not help making an explanation.

Mr. DANIEL. The Senate is entitled to information on the subjects which come before it. I am not willing to vote in the dark in the closing days of the session.

Mr. TILLMAN. Mr. President——

Mr. HALE. The Senator from Virginia is right; and I raise the point of order on the amendment that it is general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. TILLMAN. Mr. President, you will have to hear me on it again. The Senator from Maine will not gain anything by cutting me off now. I am either going to be heard here and now or some time else.

The PRESIDENT pro tempore. No debate on the matter is in order under the rules of the Senate if objected to. Debate must proceed by unanimous consent.

Mr. TILLMAN. When the bill gets into the Senate I can offer the same amendment, and I can get my hearing then. So it is not worth while to try to shut me off in this way. I know the amendment will go out of the bill if I make the Senator from Maine a little cross, but I am going to have justice and equality done here to these officers, or try at least. I will answer the question of the Senator from Virginia now or hereafter.

Mr. HALE. Mr. President——

Mr. TILLMAN. If I had not been asked the question by the Senator from Virginia, I would merely ask to insert in the RECORD the papers which I hold in my hand and let the Senator from Maine take that as the basis of acting on this amendment in conference; but the Senator from Virginia insinuates that I am putting something wrong in here in the dark.

Mr. DANIEL. I insinuate nothing. I had no reference whatever to the Senator.

Mr. TILLMAN. I am glad the Senator did not have. I will proceed to answer the question.

Mr. DANIEL. I have a right to know what we are voting on, whether it is an amendment offered by the Senator from South Carolina or anyone else.

Mr. TILLMAN. And the Senator from South Carolina is very anxious to give the Senator from Virginia the information, but he was denied the opportunity, when he was about to give the explanation, by the Senator from Maine raising the point of order on the amendment.

The Senator from Virginia has said he does not want to vote in the dark. When we have all been voting in the dark here, I do not see why, when I am anxious to give light, I should be cut off.

Mr. HALE. I hope the Senator will be as brief as possible. He knows how I am situated and how important it is to pass this bill at the earliest moment.

Mr. TILLMAN. I know that, and I have been anxious to facilitate the passage of the bill. I tried to get the amendment on in committee, but the chairman said he would rather have me put it on in the Senate.

I will simply say that on the 12th of January, 1899, Congress passed an act by which officers and men who served in the Spanish war outside of the United States received two months' extra pay, and those who served in the United States received one month's extra pay, unless they had had furloughs a month before muster out. The War Department construed that in a way that caused injustice, so that in the last appropriation act for the Army, approved on the 26th of May, 1900, an additional provision was inserted which sought to clarify the law and give these officers their just dues. Under that amendment all of the claims for the extra month's pay have been settled except a very few, possibly five hundred.

One of the officers of the First South Carolina Regiment wrote

to me saying that his claim had been turned down. I thereupon went to the Auditor for the War Department, and he explained to me that the reason it was turned down was because the War Department itself had changed the basis of judgment on the 22d of last December. All claims from May until December were admitted, provided parole evidence was presented that the officer had not had a furlough. The claim of which I am speaking was rejected because the War Department, or Colonel Ainsworth, rather, now claims that the authority for granting these men furlough was not competent, and the consequence is that every other officer, so far as I know, of that regiment has had this extra month's pay but this one, and the reason is that the War Department has changed its view and has had new light as to what the law meant. The rule in use now was not in use from May to December, 1900, and has only recently been adopted.

I have the letter of the Auditor for the War Department explaining the matter, and also the two acts, one the original act granting the extra month's pay, and the amendment to it, both of which have been construed away by the Auditor for the War Department in his anxiety to protect the Government. I am simply asking that we construe it back, and let every man get the same rights that every other man has already had. I desire to have the letter of the Auditor, together with the original act and the amendment, printed in the RECORD.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The papers referred to are as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT.
Washington, February 27, 1901.

SIR: Referring to your verbal inquiry in the case of Capt. A. D. Hoke, of the First South Carolina Volunteers, relative to the disallowance of his claim for extra pay under the act of January 12, 1899, as amended by the act of May 26, 1900, I have to advise you that the action of this office in determining the rights of officers to extra pay under the acts above referred to depends upon whether the officers were on leave of absence or on waiting orders during the period their organizations were on furlough under General Order 130, of 1898. The laws providing for extra pay directed the payment thereof in lieu of granting furloughs and leaves of absence, and it has been held since the laws were passed that officers or men who received a substantial part of the furlough or leave of absence which was granted to their organization under the provisions of the General Order 130 above mentioned were not entitled to extra pay. The question as to whether officers were on duty or on leave or on waiting orders during the period the organization was on furlough is a military one, to be determined by the War Department, and it is upon the record and evidence in each case that action has been taken by this office. It may be said that in the case of Captain Hoke, the Chief of the Record and Pension Office, under date of January 16, 1901, reported to this office that nothing had been found of record showing that this officer was retained on duty or performed duty by direction of competent authority during any portion of the furlough period of his command.

It may be proper to add that prior to December 22, 1900, the War Department seems to have taken into consideration affidavits and other evidence furnished that officers were held to duty during the furlough period of their command in determining their status for that period, and in such cases as the War Department reported that the officers were held to duty during the furlough period, extra pay was allowed by this office if the other conditions of the act were complied with, but since December 22, 1900, the War Department seems to give no consideration to parole evidence showing that officers were retained on duty during the period the organization was on furlough or waiting orders under the provisions of G. O., 130, of 1898, and amendments.

Respectfully,

F. E. RITTMAN, *Auditor.*

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

An act granting extra pay to officers and enlisted men of United States Volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of granting leaves of absence and furloughs to officers and enlisted men belonging to companies and regiments of United States Volunteers prior to muster out of the service, all officers and enlisted men belonging to volunteer organizations hereafter mustered out of the service who have served honestly and faithfully beyond the limits of the United States shall be paid two months' extra pay on muster out and discharge from the service, and all officers and enlisted men belonging to organizations hereafter mustered out of the service who have served honestly and faithfully within the limits of the United States shall be paid one month's extra pay on muster out and discharge from the service, from any money in the Treasury not otherwise appropriated: *Provided*, That the discharge of all officers and enlisted men from the volunteer service of the United States shall, as far as practicable, take effect on the date of the muster out of the organization to which they belong, and that regiments and other independent organizations shall be mustered out at camps within the limits of the United States, or at the rendezvous of the State, regiment, or independent organization.

SEC. 2. That officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the chief of the division of bookkeeping and warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers, of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment or independent organization, shall warrant their final payment: *Provided*, That officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service: *Provided further*, That mustering officers are empowered to administer oaths in all matters pertaining to the muster out of volunteers.

Approved, January 12, 1899.

That the act approved January 12, 1899, granting "extra pay to officers and enlisted men of the United States Volunteers," shall extend to all volunteer officers of the general staff who have not received waiting orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States, and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations, who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received, or disability contracted in the service and in the line of duty, and who have not received the extra pay granted in said act or in subsequent acts of Congress supplemental thereto. And this act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out.

Approved, May 26, 1900.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 15, on page 86, it is proposed to insert:

To pay James R. Goss, of Billings, Mont., for legal services rendered by him in 1898, in defending two Indian policemen and the interpreter of the Crow Agency, Mont., charged with assault in the local courts of said State, $150.

Mr. HALE. I make the point of order on that amendment.

The PRESIDENT pro tempore. The point of order is sustained.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895; and

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

The message also announced that the House had passed with amendments the following bills, in which it requested the concurrence of the Senate:

A bill (S. 425) for the relief of John M. Davis; and

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The message further announced that the House had passed a bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct a bridge across the Monongahela River; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 11881) to amend the acts for the protection of birds, game, and fish in the District of Columbia;

A bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; and

A bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes.

EXCLUSION OF CHINESE.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, to which he calls the attention of the junior Senator from Massachusetts [Mr. LODGE]. The bill will be read by its title.

The bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases, was read twice by its title.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I ask that it may be retained upon the table until we can examine it. We had a similar measure up before the Appropriations Committee this morning, and there was very serious objection to it. I will look at it, and then the Senator can call it up.

The PRESIDENT pro tempore. The bill will lie on the table for the present.

Mr. LODGE subsequently said: Mr. President, the Senator from

Missouri [Mr. COCKRELL] has withdrawn his objection to the bill which was laid before the Senate a few moments ago.

Mr. COCKRELL. I have withdrawn my objection, and ask to have it taken up.

Mr. LODGE. And I ask unanimous consent that the bill be acted upon at this time.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill referred to by him. The bill will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of $5 for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. DAVIS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 425) for the relief of John M. Davis, which were, in line 4, after the word "revoke," to strike out "and set aside;" in the same line, to strike out the word "General;" in the same line, to strike out all after the word "order" down to and including the word "court-martial," in line 8; and in line 12, after the word "sixty-five," to insert:

Provided, That no pay, bounty, or other allowances shall be paid or become due or payable by reason of or on account of the passage of this act after April 9, 1865.

Mr. COCKRELL. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," to which he calls the attention of the Senator from Montana [Mr. CARTER]. The amendments of the House of Representatives will be read.

The Secretary read the amendments of the House of Representatives, as follows:

Page 2, line 10, strike out "licensed" and insert "license."

Page 3, line 9, after "chapter," insert:

"Fifty per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

Mr. CARTER. I move that the Senate disagree to the amendments of the House and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. CARTER, and Mr. BATE were appointed.

DEPOSITARIES OF PUBLIC MONEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, which will be read by its title.

The bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States was read twice by its title.

Mr. ALDRICH. Mr. President, the Committee on Finance have informally considered that bill. It is a bill of public interest, and I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill. It will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows.

Be it enacted, etc., That section 5153 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Mr. PETTIGREW. Mr. President, this is a House bill?

The PRESIDENT pro tempore. It is a House bill.

Mr. PETTIGREW. It has just come over from the other House?

The PRESIDENT pro tempore. It has just come over.

Mr. PETTIGREW. I object to its present consideration.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

Mr. LODGE. I ask permission to have printed in the RECORD two letters, one from the Attorney-General and the other from the Secretary of the Treasury, in regard to the bill which has just been passed.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letters referred to are as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 2, 1901.

SIR: The House of Representatives bill (H. R. 12665) supplementary to the Chinese exclusion laws passed the House this morning without amendment, I believe. I inclose a copy of the bill and of the House report thereon. I urgently request that it may be called up in the Senate at once, and that favorable action be obtained.

Although other pending Chinese legislation, which I regard as of the utmost importance to the Government and entirely just to the Chinese, may fail at this session, I trust there will be no doubt of the passage of the present bill, because in the existing state of the law and the rulings thereon by the Comptroller of the Treasury, unless the right of United States commissioners to compensation in Chinese cases is made definite, the Government will be powerless to enforce the Chinese exclusion laws in any case arising before a United States commissioner. I can not well express my conviction on this subject too strongly.

Very respectfully,

JOHN W. GRIGGS,
Attorney-General.

Hon. GEORGE F. HOAR,
Chairman of the Judiciary Committee, United States Senate.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 28, 1901.

SIR: I have the honor to inclose copy of a telegram dated the 27th instant, received from Chinese Inspector Izard, in regard to the hearing of cases of Chinese arrested for being unlawfully in this country. It will be seen from the said telegram that, under existing circumstances, it will be impossible to have cases heard and decided by United States commissioners and that, as a result, Chinamen arrested for having entered the United States in violation of law will, after brief detention, be liberated.

This action on the part of the commissioners is the result of a decision by the Comptroller of the Treasury, to the effect that there is no fund available, either in the hands of this Department or the Department of Justice, from which fees may be paid to United States commissioners for hearing and deciding such cases. I regard the matter as one of extreme exigency, and I have, therefore, the honor to request that you recognize Mr. RAY of New York on bill H. R. 12665 (Report No. 2156).

Respectfully,

L. J. GAGE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army;

A bill (S. 3283) for the relief of Isaac R. Dunkelberger; and

A bill (S. 5052) to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.

The message also announced that the House had passed, with amendments, the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;" in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases;

A bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States; and

A bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes.

The message also announced that the House had passed a concurrent resolution instructing the Secretary of War to send to the House of Representatives information as to the information and

recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.; in which it requested the concurrence of the Senate.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes; which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court-house at Aberdeen, S. Dak., from $87,000 to $100,000.

United States post-office and court-house at Abilene, Tex., from $75,000 to $100,000.

United States post-office and court-house at Boise, Idaho, from $200,000 to $250,000.

United States post-office and custom-house at Brunswick, Ga., from $50,000 to $100,000.

United States post-office and court-house at Cheyenne, Wyo., from $250,000 to $325,000.

United States post-office and court-house at Cumberland, Md., from $75,000 to $100,000.

United States post-office and court-house at Butte, Mont., from $200,000 to $225,000.

United States post-office and court-house at Eau Claire, Wis., from $50,000 to $110,000; and the limit of cost of site is hereby fixed at $10,000.

United States post-office and court-house at Elmira, N. Y., from $185,000 to $232,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed $7,000 for the acquisition of additional land for the enlargement of the site heretofore acquired.

United States post-office and court-house at Creston, Iowa, from $50,000 to $100,000.

United States post-office and court-house at Elizabeth City, N. C., from $50,000 to $100,000.

United States post-office and court-house at Fergus Falls, Minn., from $75,000 to $100,000.

United States post-office at Fitchburg, Mass., from $100,000 to $125,000.

United States post-office at Freeport, Ill., from $75,000 to $85,000.

United States post office and court-house at Helena, Mont., from $300,000 to $350,000.

United States post-office and court-house at Jamestown, N. Y., from $75,000 to $115,000.

United States post-office at Janesville, Wis., from $50,000 to $75,000.

United States post-office at Joliet, Ill., from $100,000 to $130,000.

United States post-office and court-house at Joplin, Mo., from $50,000 to $100,000.

United States post-office at Hot Springs, Ark., from $78,000 to $100,000.

United States post-office at Lawrence, Mass., from $100,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Leadville, Colo., from $50,000 to $75,000.

United States post-office and court-house at Lockport, N. Y., from $50,000 to $105,000.

United States post-office and custom-house at Newport, Vt., from $50,000 to $100,000.

United States post-office and custom-house at Newport News, Va., from $100,000 to $200,000.

United States post-office at Norwich, Conn., from $100,000 to $110,000; and the limit of cost of site is hereby fixed at $35,000.

United States post-office at Rome, N. Y., from $50,000 to $70,000.

United States post-office at St. Cloud, Minn., from $50,000 to $68,000.

United States post-office, court-house, and custom-house at St. Paul, Minn., from $1,050,000 to $1,150,000.

United States post-office, custom-house, and court-house at Salt Lake City, Utah, from $300,000 to $500,000.

United States post-office, court-house, and custom-house at Seattle, Wash., from $300,000 to $750,000; and the limit of cost of site is hereby fixed at $200,000.

United States post-office, court-house, and custom-house at Tampa, Fla., from $250,000 to $325,000.

United States post-office at Wilkesbarre, Pa., from $125,000 to $150,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Winston, N. C., from $50,000 to $60,000.

United States post-office at Oskaloosa, Iowa, from $50,000 to $66,000.

United States post-office at Bristol, Tenn., from $50,000 to $55,000.

United States post-office at Carrollton, Ky., from $25,000 to $30,000.

United States post-office and court house at Columbus, Ga., from $156,000 to $159,000.

United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building as authorized by act of March 2, 1899, from $100,000 to $110,000.

United States post-office, court-house, and custom-house at Indianapolis, Ind., from $1,900,100 to $2,200,100.

Mr. FAIRBANKS. I ask for the present consideration of the bill. There is upon the Calendar a Senate bill identical with it, reported from the Committee on Public Buildings and Grounds. This is a bill of great importance, and I ask for its present consideration.

Mr. PLATT of Connecticut. Let us know a little something about the bill. Where is the bill on the Calendar?

Mr. FAIRBANKS. The Senate bill is No. 6070. I do not know the number of the House bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I do not object to the bill, but I desire some explanation of it. When it is before the Senate I should like to have some explanation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. I should like to inquire whether there are any public buildings, which have already been authorized, where the limit of cost is not raised in this bill; and, if so, why there is discrimination, and as to some buildings the limit of cost is raised and as to the others it is not raised?

I know there is no use in opposing this bill. It is like these other bills that come here—omnibus bills. There is so much in them for different States that the whole goes, when, if they were brought here on separate bills they would be carefully considered and very likely rejected. I wish to know whether all buildings which have heretofore been authorized are included in the pending bill; and, if not, why some buildings are confined to the cost that was in the bill originally authorizing them and these other buildings are increased in cost?

Mr. FAIRBANKS. Mr. President, all the buildings heretofore authorized are not included in the increase proposed in this bill. The increases proposed in it are based upon the recommendations of the Treasury Department. Those that are set forth here are regarded, in the opinion of the Supervising Architect of the Treasury Department, as needing immediate consideration. In short, these are the most urgent cases. There are other buildings heretofore authorized by law, the limit of the cost of which will probably have to be increased hereafter.

As the Senator from Connecticut very well knows, the demands upon the present Congress for appropriations are heavy and numerous. It is impossible to include in any bill all the demands that are made. It is impossible to provide for all the public works or all the public buildings which are important, and for which sooner or later increased appropriations must be made.

The Treasury Department and the committees having in charge public buildings have thought that this bill included in a fair way a reasonable proportion of the buildings that are authorized under existing law. There are no bills passed at this session of Congress, or during this Congress, which are embodied in the pending bill.

The buildings that are included in this bill are those which have been authorized by the last Congress or by preceding Congresses. The bill that is before us has passed the House. The Senator from Connecticut very well knows that in the present state of the public business in the Congress it is impossible to modify or amend the bill that is before us without defeating it absolutely. I hope there will be no objection to its favorable consideration.

Mr. PLATT of Connecticut. Mr. President, this bill, I understand, increases the cost of public buildings which have been heretofore authorized, and which are included in this bill, something over $2,000,000. If the same ratio of increase is applied to other public buildings which have already been authorized but are not included in the pending bill, it will amount to as much more, I think, or something over $4,000,000. It has all to be paid for by the Government of the United States. I will not say that this business of granting public buildings has come to be outrageous—for I know that public buildings are needed in very many places—but it has come to involve so large a sum of money to the Treasury of the United States that I think Congress ought to go slowly in authorizing new public buildings, as well as in increasing the cost of those already authorized.

Mr. VEST. Will the Senator from Connecticut permit me to interject one remark as to a matter which seems to have escaped his attention? We are informed by the Architect of the Treasury, and besides it is well known without any official information, that since these buildings were authorized and these estimates as to cost were made the price of building materials has gone up from 35 to 45 or 50 per cent, and it is absolutely necessary to make these increased appropriations or else accept the other alternative of abandoning these buildings, many of which are above the second story and must be finished or left to decay. Besides that, in some of the Western States the price of sites has gone up. For a great many of these buildings the sites are not estimated for especially, but are left in the general appropriation. For instance, in Seattle there has been an enormous increase in real estate values, and where the site that is necessary for the public building could have been bought at the time the estimate was made for forty or fifty thousand dollars, it will now take seventy-five or a hundred thousand dollars.

Without any further argument the Senator from Connecticut, a perfectly fair and just man, can see how, without any mismanagement or miscalculation on the part of the officials, this bill is absolutely necessary.

Mr. PLATT of Connecticut. Very possibly; and yet when an application comes here for a public building the anxiety to get it is such that the cost of the building is very much limited, and the bill is passed here on the supposition, if not upon the contract, that the building is only to cost the amount which is specified in the bill which authorizes its construction; and no sooner has the bill passed, with an understanding on the part of the Senate and the House when it is passed that it shall be limited to a hundred thousand or five hundred thousand or a million dollars, than there come applications to increase the limit of cost. That is not fair to the Senate. It is not fair to the House.

Mr. FAIRBANKS. May I ask the Senator from Connecticut a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. PLATT of Connecticut. Certainly.

Mr. FAIRBANKS. I wish to ask the Senator whether he is now addressing his remarks to the case of Norwich, Conn.

Mr. PLATT of Connecticut. Oh, well, I am glad that question is asked. I would sooner Norwich, Conn., should never have a building than that this bill should pass here; and the increase is $10,000, if I remember, in Norwich, Conn., on a hundred thousand dollar building, and the increase at Indianapolis is four or five hundred thousand dollars on a million and nine hundred thousand dollar building. No argumentum ad hominem applies to me in this matter. I am trying to look out for the public interest and the public Treasury, and when our friends tell us hereafter that this is a billion-dollar Congress I want it to be known that I lifted my voice against this $2,200,000 increase in public buildings.

Mr. WELLINGTON. Mr. President, it strikes me that it is a little late in the Congress for the Senator from Connecticut to raise his voice against the enormous expenditures which have been provided for by this Congress. He has not taken offense at over $750,000,000, but when it comes to providing public buildings that are necessary in every portion of the land, all at once he has an attack of economy.

I wish to call the attention of the Senate to one particular item in this bill. Four years ago there was passed by Congress, both by the Senate and the House, a bill appropriating $75,000 for a court-house and post-office in Cumberland. In the State of Maryland there is to-day only one public building which the Government of the United States has ever erected. We had the temerity to come and ask Congress for $75,000 to begin a public building in the second largest city in that State.

Four years ago it was appropriated, first in the bill, afterwards in the appropriation bill. The site for the building was purchased for $20,000. That left $55,000 to erect a court-house and post-office in a city of 20,000 inhabitants. The authorities in the Architect's office said it would not do to begin the building there with $55,000 remaining, and it is for that reason we ask $50,000 more. The bill was passed a year ago by the Senate, and it should pass now. I merely cite this as one of the incidents of this matter. We are entitled to have this building. The public necessities require it, and I for one hope that it will be permitted to go through; and I believe that Indianapolis and other cities have the same just claims that we have. I therefore insist that in all justice and fairness this measure ought to pass.

Mr. PLATT of Connecticut. I do not choose to defend myself particularly against not having resisted appropriations. I think I may say, though, without egotism, that one appropriation bill carries $5,000,000 less than it would have carried if it had not been for the efforts of myself and my colleagues on the committee.

Mr. KYLE. Mr. President, I favor the passage of this bill because I believe the Government of the United States should carry out its contracts with the people. This a straight and flat contract between the Government and citizens of these several towns for which appropriations for buildings were made during the last Congress. The first building upon the list relates to my own town, that of Aberdeen, S. Dak., the appropriation for that city being $87,000. We supposed that the matter was settled and that the contract would be let a year ago. In order to save the money for the building proper, our citizens subscribed money from their own pockets for the purpose of assisting in the purchase of a site. They paid from their pockets several thousand dollars, which, added to the sum the Government appropriated for the site, enabled them to secure a tract of ground within one block of the center of the city. This, Mr. President, was done upon the part of the people of our town with the understanding, certainly, that the Government would carry out its contract.

But we were informed by the Architect of the Treasury that it was absolutely impossible to carry out the contract, in view of the advance in the price of material. In other words, that $87,000 would not erect a building large enough for the purposes required. We are not by this bill asking an appropriation for a new public building, but for the purpose of carrying out the provisions of the law enacted last Congress. These are not new public buildings, and in all fairness to the parties who assisted in the purchase of sites the bill ought to be passed.

In my judgment this sum should be increased according, to the recommendation of the Secretary of the Treasury, to $150,000. This sum is necessary to erect a building to house the United States court, the post-office, and the United States land office. But I recognize that this bill must pass as it came to us from the House. To amend it is to send it to conference and ultimate defeat. We at Aberdeen will take the $100,000 and do the best we can with it, trusting that the Architect of the Treasury will so arrange the plans that the building can be enlarged without destroying the symmetry.

Mr. CARTER. Mr. President, no Senator on this floor fails to sympathize with the suggestions of the Senator from Connecticut [Mr. PLATT]. The appropriations have reached a point calculated to challenge the attention of the country and the serious consideration of every member of either branch of Congress. It is known to those who figure upon the appropriation bills in the respective committees of this body that the most strenuous efforts have been made to keep down the appropriations at the present session of Congress; but, through a combination of circumstances, it happens that the appropriations of this year are unusually large. It is difficult now to conceive where any serious decrease could have been entertained.

It is true that we might have left off the sum of five millions appropriated for the great exposition to be held beyond the Mississippi River, at St. Louis; but it is questionable whether, omitting any reference to the law requiring that we do that, it would have been sound public policy to have discouraged that great exposition. It is intended to commemorate one of the greatest events in American history—the acquisition of a territory which was subsequently carved into many imperial States, some of them of greater extent and resources than many of the first-class powers of Europe. Five million dollars, however, was appropriated for the exposition at St. Louis.

In conjunction with the operations of the Army and Navy, large appropriations have been absolutely necessary. I think the pension appropriations of this session are larger than ever before.

Mr. GALLINGER. They are just the same.

Mr. CARTER. About the same.

Mr. GALLINGER. Just the same.

Mr. CARTER. But the number of private pension bills that have been passed as a charge upon the public Treasury for a number of years to come will be found greater, I think, in this Congress than during any previous Congress.

We are now about to close the Congress, and I do not think we can make a record for economy by indulging in the most unfortunate class of economy that can be indulged in by Congress, to wit, the construction of ill-fitted and inadequate public buildings at points where Congress has heretofore authorized the construction of buildings. Each and every building included within this list is to be constructed either as a fit and proper public building for the place or as an inadequate and unsatisfactory structure.

The conditions rendering these appropriations necessary we all understand. At the time the estimate was made for each building a certain amount of floor space was figured out as indispensable for the accommodation of the United States officers at the places designated. Subsequent to the passage of these various public building bills it is known that the prices of all classes of materials and rates of wages and all the elements entering into the cost of public buildings have materially and very rapidly increased, so that when bids were called for for the erection of the buildings such as were contemplated when the acts were passed the prospective contractors submitted bids in each and every case in excess of the limit fixed by law. It is for the purpose of meeting this unexpected and unusual condition that these increases are now to be made if the Senate shall adopt this bill.

Mr. PLATT of Connecticut. Will the Senator from Montana permit me?

Mr. CARTER. Certainly.

Mr. PLATT of Connecticut. Suppose there is a further increase in materials and labor, are we to have another bill increasing the limit of cost?

Mr. CARTER. We have ascertained through the proper agency of the Government that the buildings originally designed can be constructed for the amounts named in these respective items. The figures, I think, have been computed and arranged with care, and contracts will be promptly let after the passage of the bill. I know of cases that have come under my personal observation where repeated advertisement has failed to bring forth bids within the limit allowed by the law. The Architect of the Treasury is driven to the situation either to have the limit in each case extended or else to modify the plans, producing in each case the same amount of floor space, but omitting the necessary and essential fireproof features of each building. I believe there is not a building in the list which will not yield to the Government something in the neighborhood of 4 per cent per annum on the money invested.

In many cases the sites have been contributed freely or for a nominal consideration by the cities or the communities in which the buildings are to be erected. I know that one building, to be erected in the city of Butte, in the State of Montana, is to be erected upon a building site sold to the United States for the sum of $1, which could be sold in the open market to-day for one-half the total amount the building is to cost. The sites, upon the average, have been purchased at much less than the current value of real estate in the vicinities where the proposed building is to be erected.

Where the United States can preserve its records in fireproof vaults and have adequate and commodious quarters and can erect

a building upon such conditions as will yield to the United States an income upon its money invested of more than 4 per cent, it is wise and economical and sound policy to erect the building instead of having, as occurs in most instances in this schedule, the public records of the United States left subject to destruction by fire at any moment that fire may occur.

Mr. PETTUS obtained the floor.

Mr. FAIRBANKS. Will the Senator from Alabama yield to me for a moment that I may make a statement following the one just made by the Senator from Montana?

Mr. PETTUS. I will yield to the Senator from Indiana provided I can have leave to say a word after he has concluded.

Mr. FAIRBANKS. Upon calling up this bill, I did not deem it necessary to consume the time of the Senate in any elaborate statement with respect to it. I supposed the necessity for it was so generally recognized by the Senate that it would be unnecessary to go into any very extensive account of the reasons why the bill should pass.

All the bill is designed to accomplish is to increase the limit of cost of certain buildings the erection of which has heretofore been authorized by law. The increase to which the Senator refers is the increased limit of cost and not the increased amount of appropriation that will be necessary at this session of Congress. In round figures, the increase of the limit amounts to $2,259,000. This is much less than the amount recommended by the Treasury Department as necessary to construct the buildings authorized in a manner adequate for the public service.

Mr. HOAR. Can the Senator state what percentage, or about what percentage, that is of the total cost of the buildings?

Mr. FAIRBANKS. I do not have that computation at hand, and I am unable to advise the Senator.

Mr. HOAR. I should judge, from a hasty glance, it is not over 12 or 15 per cent.

Mr. FAIRBANKS. It may not be over 12 or 15 per cent; but as I have said before, I do not have any computation before me from which I can now answer. The increase in the limit is due largely to the increase in the cost of material and labor which has occurred during the last few years, and since the original acts were passed by Congress.

Mr. PLATT of Connecticut. Will the Senator from Indiana allow me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. FAIRBANKS. I do, with pleasure.

Mr. PLATT of Connecticut. I take at random, "United States custom-house and post-office at Brunswick, Ga., from $50,000 to $100,000." Has the cost of materials doubled?

Mr. FAIRBANKS. In some places the increased cost is because of the increased costs of sites as well as the increased cost of labor and material. I think, Mr. President, I am not ungenerous when I say——

Mr. PLATT of Connecticut. Does the Senator think that at Elizabeth City, N. C., the cost of site and materials together has increased so that the amount is to be doubled from $50,000 to $100,000?

Mr. FAIRBANKS. Mr. President, I did not say that the increased limit is due alone to the increased cost of material and labor.

Mr. PLATT of Connecticut. And site.

Mr. FAIRBANKS. Yes; in some cases the increase is necessary because of the increased cost of site. The Senator himself knows how difficult it is to estimate accurately the cost of sites for public buildings where it is necessary to condemn them and have the damages awarded by juries. The increased limit in some cases is due also to a change in the architect's designs from what they originally contemplated, as the Senator from Montana has said.

Mr. CLAY. I desire to ask the Senator whether it is not true that the architects in the Treasury Department have made careful investigations in regard to each one of these items, and that they have made reports stating that these increases are necessary, and if it is not true that all the items contained in this bill have been recommended by the Treasury Department?

Mr. FAIRBANKS. I am very glad the Senator has asked the question. In answer I will say that these increases have been recommended after careful examination by the Treasury Department. Not only that, Mr. President, but the Treasury Department recommends that the increase shall be $1,471,000 more than the amount that is embraced in this bill.

Mr. QUARLES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. FAIRBANKS. Certainly; I yield with pleasure.

Mr. QUARLES. I should like to inquire of my distinguished friend whether it is not true, in three instances named in the bill where the increases seem to be the largest, that we are now called upon to provide for courts that were not estimated for when the original appropriation was made and provision for courts is required now, whereas originally we were only supposed to take care of post-offices?

Mr. FAIRBANKS. The Senator's statement is in accordance with the facts. The Senator from Connecticut referred to the Indianapolis increase of $400,000. That is not accurate. The increase there is $500,000. Not only that, Mr. President, but the Treasury Department, after a careful investigation, recommended that the increase should be $500,000, but the committee, upon my motion, reduced the amount so recommended to $300,000.

It is well to bear in mind that while the limit of cost upon these buildings is increased in the amount, in round numbers, of $2,259,000, the amount of the increased appropriation for the coming fiscal year will be only $473,000, and the residue of the increase, if it shall become necessary to expend so much, will be appropriated and expended during the next two, three, four, five, and six years.

Mr. President, when the expenditure contemplated by this bill is made, and I invite the attention of the Senator from Connecticut to my statement, there will be a saving to the United States Government of thousands and tens of thousands of dollars now paid out for the rent of inadequate accommodations for the public business. It were money well invested for the Government to construct buildings in several important commercial centers of the United States that are not contemplated even in this bill.

I append a statement showing the location of buildings, present limit, limit proposed by pending bill, and the amount needed to complete them according to the Treasury estimate.

Location.	Present limit.	Pending bill.	Treasury estimate.
Aberdeen, S. Dak	$87,000	$100,000	$150,000
Abilene, Tex	75,000	100,000	125,000
Boise, Idaho	200,000	250,000	325,000
Brunswick, Ga	50,000	100,000	100,000
Cheyenne, Wyo	250,000	325,000	350,000
Cumberland, Md	75,000	100,000	125,000
Butte, Mont	200,000	225,000	300,000
Eau Claire, Wis	50,000	110,000	175,000
Elmira, N. Y	185,000	232,000	232,000
Creston, Iowa	50,000	100,000	150,000
Elizabeth City, N. C	50,000	100,000	125,000
Fergus Falls, Minn	75,000	100,000	125,000
Fitchburg, Mass	100,000	125,000	125,000
Freeport, Ill	75,000	85,000	125,000
Helena, Mont	300,000	350,000	400,000
Jamestown, N. Y	75,000	115,000	125,000
Janesville, Wis	50,000	75,000	125,000
Joliet, Ill	100,000	130,000	150,000
Joplin, Mo	50,000	100,000	100,000
Hot Springs, Ark	78,000	100,000	100,000
Lawrence, Mass	100,000	135,000	200,000
Leadville, Colo	50,000	75,000	125,000
Lockport, N. Y	50,000	105,000	125,000
Newport, Vt	50,000	100,000	125,000
Newport News, Va	100,000	250,000	250,000
Norwich, Conn	100,000	110,000	125,000
Rome, N. Y	50,000	70,000	75,000
St. Cloud, Minn	50,000	68,000	75,000
St. Paul, Minn	1,050,000	1,150,000	1,150,000
Salt Lake, Utah	300,000	500,000	500,000
Seattle, Wash	300,000	750,000	1,000,000
Tampa, Fla	250,000	325,000	350,000
Wilkesbarre, Pa	125,000	150,000	225,000
Winston, N. C	50,000	60,000	125,000
Oskaloosa, Iowa	50,000	66,000	75,000
Bristol, Tenn	50,000	55,000	55,000
Columbus, Ga	150,000	159,000	159,000
Carrollton, Ky	25,000	30,000	30,000
Dubuque, Iowa	100,000	110,000	110,000
Indianapolis, Ind	1,900,100	2,200,100	2,400,000
Total	7,061,100	9,340,100	10,811,000

Amount of increase asked by Treasury Department	$3,729,800
Amount of increase granted by pending bill	2,259,000

Mr. PETTUS. Mr. President, this is about as good a place as I can find to put into the RECORD a small scrap of legislative history.

Four years ago, about that time, the Senate was gracious enough to pass a bill for a public building in Alabama in the town in which I live. That bill went to the south [indicating], and it stayed in the south. At the next session, in the Fifty-fifth Congress, the Senate was gracious enough to put the building of that small house on an appropriation bill, and that went into the third branch of the Legislative Assembly and died there. At the beginning of the present Congress, in the first session, about a year ago or more, the Senate passed another bill for building that same house in that same town, and that bill went south [indicating], and it never came back. And neither one of those bills, although they remained a year, ever had the slightest consideration of any sort whatever there.

Mr. President, there are some people whose vision is so affected by the heat of the sun that they can not see that far at all. Those gentlemen so affected do not reside in the Senate or stay here, but they live in the south.

I wanted to put this much of legislative history into this amendment. Why, a little fragment cut off of one of these bills would have built that house—just a small fragment. But we live too near the sun.

Mr. HOAR. Mr. President——

Mr. ALLISON. I ask the Senator from Massachusetts to yield a moment.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. HOAR. Very well.

ORDER FOR RECESS.

Mr. ALLISON. I think the business of the session is such that for the convenience of Senators we should now make arrangement practically for a recess to-day and to-morrow. Therefore I ask unanimous consent that at half past 5 this afternoon the Senate shall take a recess until 8, and that at half past 10 this evening the Senate shall take a further recess until 3 o'clock to-morrow afternoon.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the Senate shall take a recess from half past 5 this evening until 8 o'clock, and that at half past 10 this evening a further recess shall be taken until 3 o'clock to-morrow afternoon. Is there objection to the request? The Chair hears none, and such is the order of the Senate.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13947) increasing the limit of cost of certain public buildings.

Mr. HOAR. It seems to me, Mr. President, that the criticism which the Senator from Connecticut [Mr. PLATT] makes on this bill is a criticism on all human experience. Here is a bill which requires from 12 to 15 per cent of increase out of several millions over the original estimates for buildings, occasioned in considerable part, as has been suggested by the Senator from Wisconsin [Mr. QUARLES], because they have ordered, since the orignal estimates, that provision for court-houses shall be included.

Now, did ever a man in his life build a dwelling house or a block of stores, or any other considerable building, without an increase of at least 12 or 15 per cent over his original estimate? New conveniences are thought of, not thought of when the building was designed, which have got to be put in later, at much larger cost. There are changes in wages, changes in prices, and oversights. There is one public building—that is our Library here—which is regarded as almost a miracle among such buildings, because the architects built it from the original estimate and turned a few thousand dollars back into the Treasury out of six or seven millions of dollars.

Of course if the Senator from Connecticut had undertaken to build one of these buildings himself, after getting the best architectural advice he could get, he would be a much less wise man than he is—and we know he is a very wise man—if he did not say to himself, "As a matter of course there will be 10 or 15 per cent at least more than that that I shall have to provide for before I get through."

We are having a large annual expenditure, and I think there are some luxuries we might leave off, to the entire satisfaction of the people. I can tell the Senator how to cut off more than $100,000,000 of the annual expenditures. Stop taxes on bank checks; stop taxes on successions; stop taxes on beer. Just stop the Philippine war. Bring your troops home and put yourself on a peace basis, and we shall not be pinched and irritated and sore and trembling all over the frame by reason of disagreeable taxation or large expenditure.

Mr. TELLER. Mr. President, I intended to move an amendment to this bill because there is an error in it, but the Senator who has it in charge assures me that if I should do so, and succeed, very probably the bill would not pass at all, and I do not desire to interfere with the passage of the bill.

We have an appropriation of $50,000 for a public building at Leadville, Colo. The Department made an estimate that they could not build a building there for less than $117,500. On a careful revision of that statement they found that it would require $125,000, and they so recommended.

Now, this bill increases the appropriation for the post-office building at Leadville, Colo., from $50,000 to $75,000, when it should be $125,000. If I could knock out that and not have any advance at all on the limit, I would prefer to do that, but to do it would probably embarrass this bill.

I therefore simply want the RECORD to show that we have not consented to a limit of $75,000 when the Department was insisting that it should be $125,000, I make this statement with no intention to embarrass the bill, but in the hope that the committee will at the next session relieve us.

Mr. FAIRBANKS. Mr. President, the statement made by the Senator from Colorado is quite accurate. There has been an error in that instance. It was not made, however, by the committee.

Mr. TELLER. It was not made by our committee. It was made by the House, I suppose—probably in copying the bill in the House.

The PRESIDENT pro tempore. The bill is in the Senate in Committee of the Whole and open to amendment. If there be no amendment, it will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. CLAY. Mr. President, I have an amendment sent to me by a member of the House to perfect the bill. I will offer it, anyhow:

For the purchase of contiguous ground for the extension of the United States court-house, post-office, and custom-house at Atlanta, Ga., $175,000.

I hope the amendment will be adopted.

Mr. FAIRBANKS. I appreciate the zeal of the Senator from Georgia in endeavoring to secure the increase he has proposed by his amendment. I regret to say that it would be impossible for the committee to accept the amendment. If the Senator persists in it I will have to move to lay the amendment on the table; but I hope he will withdraw it.

Mr. CLAY. I exceedingly regret that the Senator will not accept it. I succeeded in passing the bill through the Senate. It is in the House, and I have not been able to get action there. If the Senator will not accept it I can not, of course, help it.

The PRESIDENT pro tempore. The amendment is withdrawn.

The bill was ordered to a third reading, read the third time, and passed.

DEPOSITARIES OF PUBLIC MONEY.

Mr. ALDRICH. The Senator from South Dakota has withdrawn his objection to House bill 13195, to amend section 5153 of the Revised Statutes of the United States, and I report back the bill from the Committee on Finance without amendment and ask that it may be read and put upon its passage.

The PRESIDENT pro tempore. The bill has been read.

Mr. PETTIGREW. I understand that a unanimous consent has been given which will prevent us from having another morning hour during this session of Congress. Am I correct?

Mr. ALDRICH. If the Senator from South Dakota desires to get a vote upon the resolution to discharge the Committee on Education and Labor from a certain bill, I suppose there will be no objection to that course. I certainly have none.

Mr. PETTIGREW. I am the victim of a unanimous consent agreement under those circumstances.

The PRESIDENT pro tempore. The information given the Chair, who was not present when the unanimous consent agreement was made, was that at half past 5 o'clock to-day the Senate takes a recess until 8 o'clock, and at half past 10 it takes a further recess until 3 o'clock to-morrow afternoon. If the Senate should adjourn at the close of the business of the Senate after meeting to-morrow there would be a morning hour on Monday, if the Chair has stated the unanimous consent agreement correctly.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HOAR. Unless there were an affirmative vote of the Senate changing the hour of meeting, is not this the last legislative day? Monday is the 4th of March, and our authority ends on the 3d of March under the Constitution.

The hours of Monday forenoon are only in our contemplation the hours of the previous day. We will not have adjourned. We are on the last day of the session now, without any unanimous consent, as I understand it.

The PRESIDENT pro tempore. The Senator is correct in h[illegible] statement.

Mr. PETTIGREW. I wish to say that to-day, when I consented that the morning hour should be abolished and that the resolution should not come up to be voted upon, it was clearly, universally understood that I should have a vote upon the resolution.

Mr. HOAR. That is true.

Mr. ALDRICH (to Mr. PETTIGREW). Ask for unanimous consent.

Mr. PETTIGREW. I think that is equivalent to a unanimous consent.

Mr. HOAR. I should like to say just one thing further, because it is an important matter for us all to understand. As I understand it, the last day of this Congress began at 11 o'clock this morning, and up to 12 o'clock on Monday next, if we sit so long, we shall be engaged on that day.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct in his statement.

Mr. PETTIGREW. That can only be possible in view of the fact that we do make the day continual by taking a recess. Otherwise we have until the 3d of March always, and to-morrow noon will begin the 3d of March.

Mr. HOAR. The 3d of March is Sunday, and it is a dies non.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that he may have a vote on his resolution at some time. At what time does the Senator indicate?

Several SENATORS. What resolution?

Mr. ALDRICH. It is the resolution to discharge the Committee on Education and Labor from the eight-hour bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SEWELL. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. PETTIGREW. Then I will object to the consideration of the bill now pending.

Mr. ALDRICH. I can hardly see how the Senator can——

Mr. PETTIGREW. I yielded my right in the morning hour this morning to finish the deficiency appropriation bill with the understanding that I should have an opportunity, and I am not to be cheated out of it.

HOUSE BILL REFERRED.

The bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct a bridge across the Monongahela River, was read twice by its title, and referred to the Committee on Commerce.

DEPARTMENTAL EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of the Interior; which was read, and ordered to lie on the table and be printed:

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1901.

SIR: Acknowledging receipt of a resolution of the Senate of February 25, 1901, calling for the age, the salary, and the length of service of each employee in Washington and elsewhere, I have to say that to collect and compile this information for the Interior Department—a total of about 15,000 persons—will make a large amount of work, which will require several months and much correspondence, and for which an appropriation for additional clerks will be necessary.

The three different items asked for will render intelligible grouping very difficult, and will almost necessitate a separate showing for each person.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The PRESIDENT OF THE SENATE.

THE OLEOMARGARINE BILL.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PROCTOR on the 1st instant, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House and 10,000 copies for the use of the Senate. The usual number shall not be printed.

Mr. MONEY. I simply want to understand the order about printing the hearings and report of what is known as the Grout oleomargarine bill. Does it include all of the hearings and the majority report and the minority views?

Mr. COCKRELL. Let us ascertain exactly what it does include. Let the resolution be again read.

The Secretary again read the resolution.

Mr. MONEY. I move to amend the resolution by adding the words "including the majority report and the minority views."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, is hereby authorized and required to visit Porto Rico during the recess of Congress for the purpose of investigating and inquiring into conditions existing there and bearing upon the relations of the United States with Porto Rico and its duty to the people thereof; and that the expenses of said committee or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate, upon vouchers signed by the chairman of the committee.

PROPOSED CONSIDERATION OF UNOBJECTED HOUSE BILLS.

Mr. CLAY obtained the floor.

Mr. GALLINGER. Will the Senator from Georgia kindly yield to me to make a request?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. I yield for that purpose.

Mr. GALLINGER. Mr. President, I have been importuned by a great many Senators to request that at the conclusion of the remarks of the Senator from Georgia [Mr. CLAY] the Senate proceed to the consideration of unobjected House bills on the Calendar. I think that may take the remainder of the afternoon, until half past 5 o'clock, and as my colleague [Mr. CHANDLER] has given notice that he will speak at 8 o'clock, possibly I may be able to coax a few minutes out of him this evening, if we shall not before that time have quite gone through with the Calendar. I think it will not take more than an hour or an hour and a quarter.

Mr. CLAY. I desire to say to the Senator from New Hampshire that I shall not occupy over fifteen or twenty minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] asks unanimous consent that at the conclusion of the speech of the Senator from Georgia [Mr. CLAY] the unobjected House bills on the Calendar may be considered. Is there objection?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. The Senator from South Dakota objects.

RIVER IMPROVEMENTS AT ST. JOSEPH, MO.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendation contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

Mr. VEST. I ask for the present consideration of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

NICARAGUA CANAL BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans, on which the Senator from Georgia [Mr. CLAY] is entitled to the floor.

Mr. CLAY. Mr. President, I desire to make a few remarks on the importance of the early construction of the Nicaraguan Canal. The bill has already passed the House, is now in the Senate, and can be taken up and passed in thirty minutes, and to longer delay the construction of this great waterway is inexcusable and indefensible. There is little new that can be said upon the value and importance of the construction of this canal. For years our Government has given the most careful investigation to this subject, and we all know that the facts are undisputed that its construction is both practicable and feasible.

The question of a waterway connecting the Atlantic and the Pacific oceans so that ships can pass from one ocean to the other, we all know to be of vast importance. Nature was not much disappointed in her efforts to make a strait between the two oceans at Nicaragua, in Central America. While she failed to complete this job she placed within the reasonable capacity of men the means of such connection. Engineer after engineer, under the instructions of the Government, have demonstrated that the route is practicable and can be made successful, and every investigation that has been made confirms this indisputable fact. If we can trust to the judgment of those skilled in civil engineering and who have been untiring in their efforts to locate a route to connect the two oceans by means of a waterway, then it may be assumed as a fact, an indisputable fact, that the Nicaraguan route is both feasible and practicable, and after its completion it will be profitable. These fact are confirmed by the recent commission, whose report we all have had the opportunity of examining.

This route will begin at Greytown, on the Atlantic Ocean, and end at Brito, on the Pacific. The total distance from port to port will be 169.448 miles. While the entire length of this canal will be a little over 169 miles, 121 miles of this distance is unimpeded navigation in the river San Juan and Lake Nicaragua, and 21 miles through basins, making a total of 142 miles in which ships can travel with little or no restriction. This leaves only about 21 miles of actual excavation. This canal, it is estimated, on the average, will accommodate from thirty-two to forty vessels per day, or about twelve thousand annually, which will give a tonnage equal to about 20,440,000 per year. In order to appreciate the importance of this great enterprise it is essential that we have some idea of the geography of the world and what distances will be saved to commerce both in our own country and with foreign countries. We know that transportation by water is always considerably cheaper than transportation by rail, and we know that the shorter the routes from one important port in our country to another the cheaper we can convey the products of farm and factory from one port to another.

We know that London at the present time is the commercial center of the world. Later on I propose to take the figures and facts given us by the distinguished senior Senator from Alabama and demonstrate why this is true. I shall show that by the construction of this canal the advantages which London now enjoys in the distances from that great metropolis to the leading commercial ports of the world will be transferred to the United States. Before, however, I attempt to do so I desire to present to the Senate the advantages which we will enjoy at home in trading with our own people by the construction of this great waterway.

We know now that in order to reach New York from San

Francisco by water we must travel 14,840 miles, and that so soon as this canal is constructed and put in operation the distance will be reduced to 4,907 miles, a clear saving of 9,933 miles. The distance from New York to Hongkong, by Cape Horn, is 18,180 miles; cut the canal and the distance is reduced to 10,983 miles, a clear saving each trip of 7,197 miles. We have acquired and now own the Hawaiian Islands, out in the middle of the ocean. The distance from New York to these islands by the present water route is 14,230 miles; cut the canal and the distance is reduced to 6,417 miles, a saving of 7,813 miles. The distance from New Orleans by water to San Francisco, by way of Cape Horn, is 13,776 miles; when this waterway is constructed, connecting the two oceans, the distance is reduced to 4,107 miles, a saving of 9,669 miles. The distance from Mobile, Ala., to San Francisco is 13,763 miles; cut this canal and the distance is reduced to 4,120 miles, a saving of 9,643 miles. The distance from Savannah, in my own State, to San Francisco, is 13,289 miles; dig this canal and the distance is reduced to 4,366 miles, a saving of 8,923 miles. The distance from Galveston, Tex., to San Francisco is 13,892 miles; cut the canal and this distance is reduced to 4,230 miles, a clear saving of 9,662 miles.

The distance from Charleston to San Francisco is 13,260 miles; cut the canal and the distance is only 4,389 miles, a clear saving of 8,871 miles. Trace if you will the route which a ship must follow to pass from our Atlantic and Gulf seaports to any one of the harbors on the Pacific within the boundary of the United States. We can scarcely realize the enormous distance which a ship must travel to make a journey, leaving San Francisco, on the Pacific, to reach Boston or New York, on the Atlantic. We must travel along the coast of Central and South America, around Cape Horn, then sail back by the coast of Central America. Before we will have reached New York we will have traveled a distance of nearly 15,000 miles; when, as I have said before, if this waterway had been made, connecting the two oceans in Central America, the same trip could have been made by traveling less than 5,000 miles. It is only necessary to observe this new route between our Atlantic and Gulf ports and those upon our western shores, the route by Central America, to fully realize the advantages to accrue to our country by the construction of this waterway joining the two oceans in Central America.

How we can any longer afford to permit a gap to exist between our eastern and western coasts that is 13,000 miles in length I can not understand, and how our Republican friends on the other side of the Chamber can any longer postpone action on this important legislation, so necessary to the building up of the commerce of our country, I do not believe they can explain or justify. How they can any longer permit our Pacific States to pay one-half of the value of their wheat and lumber exported to Europe in cost of transportation I do not understand.

Who will justify the Republican party in longer postponing this great enterprise, which, as has often been said, will bring into the utmost possible near communication the eastern and western shores of North America, and in like manner into the utmost possible short communication the eastern and western shores of South America, and which will bring the western shores of South America into direct communication with the eastern shore of North America and the eastern shores of South America into direct communication with the western shores of North America, thus making that passage of the Isthmus the key and common gateway of communication between the republics that now substantially occupy the whole habitable parts of North and South America?

A canal which, when built and completed, will furnish for ages ample waterway convenience and security for the fleets of all nations that may pass through it from ocean to ocean. Speaking of the construction and completion of this canal, Mr. Harvey said when the locks and dams have taken form Lake Nicaragua will become a central rendezvous for fleets engaged in the commerce of the world. Electric lights will render the dark canyons of the "divides" and the entire route of the canal as possible by night as by day, and by the far-reaching wires the telegraph will convey dispatches from every section of the noble waterway to the commercial centers of both hemispheres. It is astonishing to me that any political party claiming to represent the most intelligent thought and the best interests of the American people should hesitate, procrastinate, and defeat legislation of paramount importance in developing and maintaining our commercial supremacy.

First, let us consider the benefit to accrue to the American people by putting our eastern and western coasts in direct communication with each other by the shortest practical route. Let us endeavor to give to our merchants and our farmers cheap transportation by water; then an immediate benefit will accrue to them in finding a market for our goods and wares. Let us put our Pacific coast in touch with European markets by the shortest and most practicable routes. Let us use every reasonable and just means to cheapen the cost of transportation of farm products and manufactured goods to the markets of the world. Let us give to the continental lines of railroads competition in carrying freights; then you reach the farmer, merchant, and manufacturer and benefit the American people.

It is an undisputed fact that so soon as this waterway is completed the entire Pacific coast trade will be put in direct connection with European markets by the cheapest possible transportation. Later on in my argument I will present to the Senate the benefits which will accrue to the Southern States by reason of the construction of this canal. The South is rapidly developing and will become at no distant day a great manufacturing section. The South, instead of manufacturing 20 per cent of the cotton crop, I predict will in the near future manufacture 75 per cent of the crop, and we expect to ship these goods to the markets of the world. We want cheap transportation by the most direct and shortest route to enable us to meet competition. The people of the South do not want the Government to give them anything. All we want is to be able to compete with other sections, and then we will work out our industrial problems.

A distinguished Senator said to me a few days ago that it had always been a mystery to him why Great Britain, a little island containing less than 90,000 square miles of territory, should control the markets of the world; that it was a mystery to him why Liverpool was the commercial center of the world, controlling and manipulating the sale and manufacture of cotton. But the distinguished Senator said that he had at last been able to solve the problem, and he has solved it well. In a report which Senator MORGAN, as chairman of the Committee on Interoceanic Canals, presented to the Senate on January 3, 1901, report No. 1337, part No. 6, he presents facts which are startling to me and which deserve consideration at the hands of the statesmen of the country endeavoring to shape and mold the policy of the nation.

It is a fact which can not be disputed, and which any intelligent man knows to be true, that in developing commerce the cost of transportation is a very important element. If one city or nation has a shorter route and consequently a cheaper one to convey freight than another, the city or nation at a disadvantage can never compete with their rivals enjoying a superior advantage. This fact solves the problem why England to-day enjoys commercial supremacy over any nation in the world—a supremacy which some day will be transferred to the United States. If wise and thoughtful statesmanship shall direct the policy of this nation, that supremacy, at no distant day in the future, will be ours. The distinguished Senator and the committee of which he is chairman tell us that all the seacoasts of the world, except about one-tenth part of their length, are nearer to Liverpool than they are to New York by the usual route of sea travel.

This committee tells us the length of sea voyages from New York and from Liverpool to all the points of importance, based on the charts of the Bureau of Navigation, of the Navy Department. In making these calculations, they take 18 of the leading seaports of the world. They then give the distance from Liverpool to these different seaports; also the distances from New York to these important points, showing a great advantage in favor of Liverpool. I do not know when I have found a subject of more importance and discussed in a more intelligent way than is presented by this committee. The 18 ports of the world which they have selected are as follows:

Yokohama, Tientsin, Kinchoo, Shanghai, Hongkong, Bombay, Calcutta, Singapore, Colombo, Manila, Melbourne, Auckland, San Francisco, Panama, Honolulu, Valparaiso, and Cape Town. We all know that these eighteen important ports had an enormous business and trade with Liverpool and New York, and that commercial points situated between them furnish a very important commerce to both places. The common mind will readily grasp the proposition that if vessels, in passing from Liverpool to each of these ports through the Suez Canal, travel a shorter distance than vessels sailing from New York to the same points, then freight can be conveyed cheaper to these points from Great Britain than from the United States.

Say, for instance, that eighteen vessels were to leave Liverpool on to-morrow morning, loaded with the products of Great Britain, one vessel going to each of these ports; and, at the same time, eighteen vessels were to leave New York, with American products, going to the same ports. Now, if the route from Liverpool was shorter and cheaper than the route from New York to the same places, evidently the United States could not compete with Great Britain in conveying goods to foreign markets. The distinguished Senator from Alabama tells us that eighteen vessels passing from Liverpool to each of these ports above named, through the Suez Canal, would sail 110,329 miles; that these same vessels, sailing from New York to the same ports, would cover a distance of 130,168 miles. This would be a difference in favor of Liverpool of 19,839 miles. The distinguished Senator also tells us that if the same ships made the voyage to the same ports by the way of the Cape of Good Hope the distance from Liverpool would be 135,000 miles, and the distance from New York would be 136,647 miles.

On page 7 of this report I find a most interesting and instructive table, which, to my mind, solves the reason why Great Britain has made such wonderful strides in controlling and directing the commerce of the world. I have just pointed out the fact that the distance from Liverpool to these eighteen ports of the world, by existing routes, is shorter by nearly 20,000 miles than from New York to the same ports. Now, what will be the result in the event of the construction of the Nicaraguan Canal? Take the facts and figures of the distinguished Senator from Alabama. This new route will reverse the entire situation in favor of the United States by 32,051 miles. The Senator from Alabama tells us that when this canal is constructed the distance from Liverpool to Honolulu will be by the Nicaraguan route 9,165 miles, and that the distance from New York to the same point, by the same route, will be 11,507 miles.

The distinguished Senator tells us that the distance from Liverpool to Manila by the Nicaraguan route will be 14,008 miles, and from New York to the same point will be 11,260 miles. The Senator tells us that the cutting of the canal will throw the advantage of shorter lines of travel in favor of New York, that now exists in favor of Liverpool, by at least 21 per cent. I desire to insert, as a part of my remarks, the table prepared by the distinguished Senator, which I regard of supreme importance, which table is as follows:

Distance from Liverpool via Nicaraguan Canal to—

	Miles.
Honolulu	9,165
Manila	14,008
San Francisco	13,685
Shanghai	13,685
Calcutta	17,197
Melbourne	12,753
Auckland	11,433
Hongkong	13,731
Yokohama	12,611
Kinchoo	14,255
Valparaiso	7,935
Tientsin	14,349
Singapore	15,171
Total distance	163,948

Now, to show the comparison, we will take the same table furnished by the same Senator giving the distances from New York via the Nicaraguan Canal route to—

	Miles.
Manila	11,260
San Francisco	4,107
Shanghai	10,937
Calcutta	14,449
Melbourne	10,065
Auckland	8,685
Hongkong	10,983
Yokohama	9,863
Valparaiso	5,187
Honolulu	6,417
Kinchoo	11,507
Singapore	12,423
Tientsin	11,001
Total distance	128,224

These figures show a difference of 21 per cent in favor of New York by the Nicaraguan Canal route, while the difference against New York in favor of Liverpool, by the present route, to the several ports mentioned was largely in favor of Liverpool.

These distances, by the Suez Canal, in favor of Liverpool, have undoubtedly operated seriously to the disadvantage of American commerce; and so long as these distances continue to favor the commerce of Great Britain we can not expect American commerce to receive its share of the world's trade, and there can be no justification for failure or delay on the part of the Republican party in removing the barrier which inflicts these burdens and disadvantages on our commerce. The distinguished Senator from Alabama, in the very able report prepared by him and now printed as a Senate document, tells us with great force that if that isthmian barrier is to remain we can never have ships of sufficient number or speed to overcome the average length of more than 4,000 miles in favor of Liverpool on each voyage to and from our Atlantic and Pacific ports.

He truthfully tells us that no legislative expedient can save New York from the competition of Liverpool with a shorter line of navigation to the same ports to which New York must trade. His logic is sound and his argument, I trust, may have sufficient force to arouse the conscience of our friends on the other side of the Chamber, and to lead them to see the interests of the American people and to advance and protect American interests. Is it possible that our friends will longer neglect this important work and suffer this little strip of land to separate the two great oceans and continue to inflict irreparable loss on American trade?

New York is a great distributing point, where American products, both of the farm and factory, are shipped to all parts of the world. They go from the south, east, north, and west to all ports of the world, and when these ports can be reached from New York by the shortest practicable routes cheap transportation will follow, resulting in greatly benefiting the American people. It is astonishing to me how any political party conversant with the situation can longer wait for the construction and completion of this great waterway.

Well did the Committee on Interoceanic Canals tell us that the Nicaraguan Canal is an indispensable factor in American commerce, because it will shorten the route of our travel, and is the only possible way to meet the advantages that have fallen to Liverpool by her geographical situation. When I study the geography of the world, and remember that at the point where this canal is to be constructed for the passage of ships between the two oceans the strip of land that separates the two oceans is so small, and the canal can be cut through it with so little expense to the Government, taking into consideration its importance to commerce, I am astonished that the American people have submitted to delay so long in demanding legislative action providing for its construction.

I appeal to the national chairman of the party in power to come to the support of the bill providing for the construction of this waterway which means so much to American commerce. Does the distinguished Senator from Ohio recognize that this great waterway is of more importance to the people of the United States and to American commerce than his ship-subsidy scheme? Does the Senator recognize that the construction of this canal will give us a shorter and cheaper transportation to the markets of the world? Does the distinguished Senator recognize that when the canal is completed the United States can send her products of the farm and factory to the markets of all countries with much cheaper freight rates than we can enjoy to-day?

Does the distinguished Senator recognize that when this advantage is transferred from Great Britain to us that New York City will become the great distributing point of the world, and the advantages which Liverpool enjoys to-day will be transferred to New York, and that every section of our common country will be the recipient of this advantage which New York enjoys? I again, with all the earnestness of my nature, appeal to the distinguished Senator from Ohio to lend us his influence in securing this important legislation before Congress adjourns. Will not the Senator for one day forget his ship-subsidy scheme and unite with us in giving to the country a waterway that will be a blessing to the American commerce?

I appeal to the Senator from Ohio because I know the influence which he exerts among his party associates. I realize that a word from him would mean success to this great enterprise.

Mr. President, the distinguished Senator from Ohio, chairman of his party, has achieved a national victory of which he should be proud. Will the Senator lend his influence to an enterprise of incalculable and untold benefit to the American people? Is it possible that my appeal to the Senator will be in vain? If the Senator will but speak a word, we all know his party will gladly heed. We all know the influence which he exerts among his party associates. We all know that he largely shapes and molds the policy of his party. We know the influence he has exerted in keeping before the Senate this ship-subsidy scheme, which has consumed so much of the time of the Senate.

A few words, Mr. President, in behalf of this important enterprise, speaking from a Southern standpoint.

Mr. President, the arguments which I have so far advanced in favor of the early construction of the Nicaragua Canal apply largely to the entire country, and now I desire to advance a few reasons from a Southern standpoint why this important, great waterway should be completed at an early day. Before I do so, Mr. President, I desire to insert as a part of my remarks an article written by Mr. Cuyler Smith, of Atlanta, and published in the Atlanta Constitution of January 27, 1901, which gives the wonderful development of the manufacture or raw cotton in my own State.

This article is headed—

PROGRESS OF GEORGIA IN VARIOUS TEXTILE ARTS.

[By T. Cuyler Smith.]

In the annual report of The Textile World, of Boston, Mass., the publishers, Messrs. Guild & Lord, have made an accurate estimate of the past year's industrial progress of Georgia in the textile arts. Their figures are substantially correct, and give the Empire State of the South a splendid standing in the mighty march of industrial progress that is now being entered into by all the States, and more especially the Southern. On September 1 The Constitution printed a review of the progress in mill building in Georgia, in which the first accurate list of the new cotton mills was given to the public. In this list it was stated that Georgia had built during 1900 38 new cotton mills, with 278,000 spindles and 4,710 looms, with an annual consumption of 200,000 bales of cotton. These mills represented an investment of $5,000,000, more than 75 per cent of which was home capital. The average grade of goods was in cloth, sheetings and duck; in yarns, 12s and 20s.

Care was given to show the exact progress of the work on these various factories, most of which have begun operations since that date. In this list Georgia led in the total number of new mills built and came second in the list of the largest number of spindles and looms installed. It is well to note that The Constitution's article stated that nearly all of the new mills were of the "expansion" kind, with either capacity in their buildings for double the looms and spindles installed or drawn to double by adding to the mill building, which was usually left unfinished at one end. The accuracy of this has been proven by subsequent development, as, for instance, at Pelham, Dublin, and Hawkinsville. According to The Textile World, we have four new mills at Atlanta, all in operation at this time; two at Eatonton, while only one is

noted at Griffin, the Spalding, when there are two in that progressive industrial center—the Spalding and the Rushton. At Columbus only one is reported, yet there are two out on the river operated by the power from the new electrical development now nearing completion. All the other towns are down as having one mill each.

In somewhat reduced form The Textile World's report is as follows:

Name and location.	Capital.	Product.	Looms.	Spindles.
Atlanta, Elizabeth Cotton Mills.	$100,000	Hosiery yarns		5,000
Atlanta, Gate City Cotton Mills.	100,000	do		5,000
Atlanta, Piedmont Cotton Mills.	60,000	Warp yarns 14-2		2,500
Atlanta, Scottdale Mills		Export sheetings	300	10,000
Baldwin, Baldwin Cotton Mills.	60,000	Yarns	100	3,000
Canton, Canton Cotton Mills	100,000	Sheetings	150	5,000
Cochran, Cochran Cotton Mills.	50,000	Warps, 10s to 30s.		3,136
Columbus, Bibb Manufacturing Co., branch of Macon, Ga.			600	20,000
Cordele, Cordele Cotton Mills	50,000	Yarns		3,600
Covington, Covington Cotton Mills.	100,000		60	5,000
Dallas, Paulding Cotton Mills	100,000	Hosiery yarns		5,000
Dublin, Dublin Cotton Mills	100,000	3-yard sheetings	170	5,000
Eastman, Eastman Cotton Mill Co.	100,000	Sheetings and yarns.	160	5,000
Eatonton, Eatonton Electric Co	75,000	Sheetings and shirtings.	100	2,500
Eatonton, Middle Georgia Cotton Mills.	100,000	Sheetings	125	5,000
Fort Valley, Marshal Mills		Back bands	1	
Gainesville, Pacolet, branch South Carolina Mills.		Sheetings		50,000
Gainesville, Woodside Cotton Mills.	200,000	Cotton goods	350	10,000
Geneva, Community Cotton Mills.	50,000	Yarns		
Griffin, Spalding Cotton Mills.	200,000	Drills, etc	240	9,000
Hampton, Hampton Cotton Mills.	60,000	Hosiery yarns		3,000
Hawkinsville, Hawkinsville Cotton Mills.	50,000	Yarns		
Lagrange, Unity Cotton Mills.	200,000	Duck and osnaburgs.		10,000
Lawrenceville, Gwinnett Cotton Mills.	100,000	Yarns		4,000
Madison, Madison Cotton Mills.	100,000	do		
Millen, Millen Cotton Mills	100,000	do		
Monroe, Walton Cotton Mills	75,000	Sheetings, drills, duck.	100	3,300
Moultrie, Moultrie Cotton Mills	100,000	4-yard sheetings.	160	5,000
Union Point, Union Point Manufacturing Co.		Addition to knitting mill, hosiery yarns.		2,500
Rome, Anchor Duck Mill	20,000	Duck	30	
Tennile, Tennile Cotton Mills	70,000	Yarns		4,000
Tifton, Tifton Cotton Mills	75,000	do		5,000
Toccoa, Capps Cotton Mills	50,000	Hosiery yarns		5,000
Valdosta, Strickland Cotton Mills.	175,000	3 and 4 yard sheetings.	325	10,000
West Point, Langley Manufacturing Co.		Portieres and fancy goods.		
Winder, Winder Cotton Mills	100,000	Print cloths	300	5,000
Totals (36 mills)	2,820,000		3,291	210,536

In addition to this list I add the following mills and the figures thereto, which raises the total number of mills, looms, and spindles all to our industrial credit during the past twelve months. The importance of having these figures correct can not be overestimated, as both capital and spinners are largely influenced in their selection of locations for investment and mill building by such publications.

Location and name.	Capital.	Product.	Looms.	Spindles.
Griffin, Rushton Cotton Mills	$100,000	Sheeting and drills.	200	5,000
Thomaston, Thomaston Cotton Mills.	100,000	4-yard sheetings.	175	6,600
Jefferson, Jefferson Cotton Mills.	80,000	Sheetings	80	3,000
Greensboro, Mary-Lelia Cotton Mills.	100,000	4-yard sheetings.	160	5,000
Hogansville, Hogansville Mfg. Co.	80,000	Heavy duck	100	5,000
Juliette, Glover Mfg. Co	70,000	Yarns		2,040
Carrollton, Mandeville Mfg. Co.	100,000	Yarns and sheeting.	200	6,000
Pelham, Pelham Mfg. Co	100,000	Sheeting	160	5,000
Cedartown, Standard Cotton Mills.	100,000	Carded hosiery yarns.		10,000
Thomaston, John E. Smith Mfg. Co.	60,000	Hosiery yarns		2,500
Newnan, Newnan Cotton Mills.	150,000	Fine yarns		3,000
Total (12 mills)	1,040,000		1,135	58,140

Recapitulation of both my estimate and that of the Textile World, combined:

New mills	48
Capital invested	$3,860,000
Spindles	268,676
Looms	4,406

I have just returned from a tour of inspection of the new mills and find them all of the latest type, both in construction and equipment. They are in the hands of superintendents of ability and experience. The management is composed of the most progressive business men of the towns, men who have made a success of their individual business, and while they lack experience in cotton manufacturing, yet their character is such that they insure the success of any enterprise they may undertake. They have bought their first year's supply of cotton at low prices and carefully selected the staple, so I do not think their products will suffer by comparison with the output of the older mills. These new mills are light, perfectly ventilated, and as clean and neat as can be, presenting an admirable appearance in every respect.

The operatives' cottages are usually of the modern four-room type, clean, sanitary, and far enough apart to make the mill villages healthy. Generally there is a small plat of ground around each which will admit of small gardens. The idea of painting them different colors tends to beautify these serried rows of houses and give a homelike individuality to each. Company stores are not installed save where the mill is some distance from town. It has been claimed that we can not get enough operatives for these new mills. There never was a greater error, and I learn that there are from four to five applications for every possible place in the mills, coming not only from the country people of the vicinity, but from former residents of the county who have moved to other mill towns, acquired skill in their work, and are now anxious to return to their homes and work in the new mill.

Regarding the outlook for new mills in 1901-2, I think that the number proposed does not exceed a dozen, and the number that will be actually built will scarcely reach that figure. Our people seem disposed to go slow in this matter and learn more about the markets for their products before making any more goods. Expansion of the new mills may be looked for inside of two years, so we will have some 100,000 spindles more before the opening of our textile exposition, which is talked of by all these spinners, of both the new and old mills, who applaud the idea as one calculated to benefit their business as well as induce other spinners to locate among us, declaring, with a total absence of the "dog in the manger" spirit, "We want more cotton mills in Georgia, whether we build them or not."

I also desire to insert, as a part of my remarks, the leading parts of a most instructive and interesting address delivered by Hon. W. A. Hemphill, of Georgia, in Chicago on February 4, 1901, and published in the Atlanta Constitution of that date. Mr. Hemphill is one of the leading business men of Georgia and has made a remarkable record in developing the resources of the South:

NORTH AND SOUTH AS THEY ARE NOW UNITED—BRILLIANT ADDRESS OF HON. W. A. HEMPHILL, OF ATLANTA—GEORGIA JOURNALIST DISCOURSES ON THE GREAT PROGRESS MADE BY HIS SECTION OF THE COUNTRY DURING THE LAST TWENTY YEARS, AND PLEDGES HIS SECTION TO TAKE A LEADING POSITION IN THE PROGRESS AND INDUSTRIAL ADVANCE OF THE COUNTRY—GROWTH REMINDS ONE OF ALADDIN'S LAMP.

Hon. W. A. Hemphill, of Atlanta, prepared an address recently for delivery at the meeting of the National Business League in Chicago, which had so much of interest to the Northern business men that the Commercial reproduces some portions of it.

It is by far the most eloquent and able plea for the new South which has been delivered since the famous speech of Henry W. Grady. Mr. Hemphill is president of the Atlanta Constitution Company, of which he was the founder.

The address is a pledge of the South to the march of advancement in which the North and West are now engaged. Among the bright parts of the address were the following:

"In the great commercial and industrial struggle of this country the enterprising and industrious North has rushed forward and placed the standard of progress, of trade, of manufacture, and finance far to the front. We do not ask you to bring back the standard to us.

"The command has been given, and the South is rushing eagerly to the front, and, it seems, from the wonderful progress that has already been made, she will not only reach the standard, but will help carry it forward until the commerce and trade of the world is captured.

SOUTH TWENTY YEARS AGO.

"Twenty years ago Henry Grady told about the burial of a Confederate soldier in Pickens County, Ga. They buried him in the midst of a marble quarry; they cut through solid marble to make his grave, and yet a little tombstone they put above him was from Vermont. They buried him in the midst of a pine forest, and yet the pine coffin was imported from Cincinnati.

"They buried him within touch of an iron mine, and yet the nails in his coffin and the iron in the shovel that dug his grave were imported from Pittsburg. They buried him by the side of the best sheep-grazing country on earth, and yet the wool in the coffin bands and the coffin bands themselves were brought from the North.

"The South didn't furnish a thing on earth for that funeral but the corpse and the hole in the ground.

A PICTURE OF THE PRESENT.

"Gentlemen, that has all been marked by a wonderful change and great improvement. In that section there are hundreds of cotton and woolen mills, the products of which have been shipped to the uttermost parts of the world. There are shoe factories almost in sight of that soldier's grave. The iron ore on that mountain side has been converted into pig iron and shipped in hundred carload lots to Pittsburg.

"The timber that gave shade to the humble grave has been cut down and manufactured into coffins for other sections and other people.

"And more wonderful still is the history of that marble quarry in which his grave was cut. A million-dollar Chicago company was organized to develop it. Almost within sound of my voice millions have been spent in marble decorations taken from its precious depths. The marble for the Corcoran Gallery of Art at Washington came from it.

CONTRAST WITH THE PAST.

"Behold the contrast!

"On the day that Grant and Lee met at Appomattox there was a barren waste to the south of them.

"Property valued at nearly $6,000,000,000 four years before was completely destroyed.

"Not a single business enterprise was in existence.

"From Appomattox hopeless and defeated men wended their weary way, on foot and heartbroken, to the Carolinas, to Georgia, Tennessee, and Kentucky, farther west to Alabama, Mississippi, and south to Florida; across the Mississippi to Louisiana, Arkansas, and Texas.

"For fifteen years the people remained hopeless; aliens and the ignorant ruled, and $3,000,000,000 of debt was added. So the case stood in 1880.

COTTON KING OF THE SOUTH.

"There were then in existence 180 cotton mills. The sound of rejuvenation was made by Atlanta in the Cotton Exposition of 1881. Soon the mills doubled, and to-day they number, including those in actual course of erection, 700.

"The story of the spindle age will be best explained. In 1883 there were in the South 800,000 spindles, crossing the 2,000,000 mark in 1893, and reaching 3,987,735 one year ago, with 2,000,000 spindles under contract to-day.

"With this attraction of manufacturing possibilities came the great

revival in the price of cotton. This year we have sold for $500,000,000 a crop which two years ago we had to sell for less than $250,000,000.

WHAT MANUFACTURING DOES.

"What will manufacturing do for the South? The crop this year was worth $500,000,000. In manufacturing the first turn into plain brown sheetings doubles the value of the product, making it $1,000,000,000. Raised one grade more in quality the value doubles again, going to $2,000,000,000. Gentlemen, I am talking billions now, not millions.

"In this we are fighting the commercial battle of America. On a hot July day in the early sixties I pulled the lanyard which opened the Confederate artillery fire on Gettysburg, and never felt more American than I did at that moment. The scene changes, and, in God's providence, different conditions prevail, and I stand here to tell you that I am now engaged in America's battle for commercial supremacy."

THE GREAT IRON PRODUCTS.

Mr. Hemphill told of the recent utterances of the English statesmen, Lord Rosebery and Joseph Chamberlain, upon the victories of American manufacturers:

"I could tell you a wonderful story of the progress in the product of pig iron in the South. This has increased since 1880 from 397,301 tons to nearly 3,000,000 tons.

"The South was a pioneer in this industry. In evidence of this there were 12 furnaces in full blast in Bartow County, Ga., prior to the civil war.

"The coal fields of the South cover 60,000 square miles, seven times as large as those of Great Britain—more than those of Russia, Great Britain, Germany, and Belgium combined.

"Another wonderful product of the South is its timber. It is about equal in value to that of the balance of the Union. The golden Georgia pine has made for itself a national reputation.

"In nothing does the South show its great advancement more than in railroad building.

"In 1880 the railroad mileage was 19,170 miles; in 1890, 41,384 miles; in 1900, 49,627 miles."

The discoveries of oil wells in Texas and the great growth of the cotton seed, mineral, animal, and vegetable products of the South were also commented upon.

"It would seem that Aladdin's lamp had found a resting place here. The South is, indeed, a land where the mocking bird sings its sweetest notes, where the magnolia blooms in its perennial beauty. It is a land where the rivers flow to the sea, where the mountains are filled with precious metals.

"The soils of its fields are as fertile as those of the ancient land of Goshen. Its men are brave and true, and its women are as fair and beautiful as any the sun ever shone upon.

"Gentlemen, I would not take one star from the diadem that intellectual and manufacturing New England so proudly wears.

LIKE ALADDIN'S MAGIC LAMP.

"I would not have the great financial central section of this country lose one jewel from its beautiful crown. I would not have the great western section of these United States, which has been so well called the 'granary of the world,' lose one sheaf from the golden wreath of her wealth and beauty.

"The hope of my life has been—and I rejoice to-night in its glad fruition—to see not only the great sections of our beloved country crowned with these beautiful diadems of prosperity and wealth, but above all, my heart is made glad and my pulse beats with joy to see one jeweled crown uniting and blessing all, and the jewels in that united crown furnished by the South as bright and lustrous and as valuable as the jewels furnished by any other section of this great Republic."

I hold in my hand an article written by Mr. Barrett, our former minister to Siam, important to the development of the South and to the entire country. I deem it consistent with the line of argument which I am now presenting in favor of the early construction of this canal to quote the leading features of this important paper. Mr. Barrett says:

Does the South appreciate her opportunity in the Far East? Does she realize that the mighty markets of Asia's millions await her best efforts at exploitation? If not, she should. The Far East is not reserved for our Pacific coast alone, not for the manufacturing cities of our Atlantic seaboard only, not for the exclusive control of Europe; no, not by any means, but for the South of the United States as well, provided the opportunity is seized before it is too late.

Some parts of the South and some Southerners, more enterprising than their competitors, are already at work; and, if they are reading what I write, can doubtless foretell my proposition. The average Southerner, however, will be skeptical in accepting my suggestion, that this particular portion of the United States has any particular interest in the Far East.

To get to my point, King Cotton can tell the story.

The Far East wants the South's cotton; it wants a lot of it. It wants it now, and it wants a lot of it. It wants it now, and in years it will want twenty times what it demands now.

There are nearly 500,000,000 inhabitants of these lands—far surpassing the United States in area—whose shores are washed by the Pacific, and are directly across the sea from our Western coast.

The demands of these millions, though small individually, are vast in the aggregate, and are increasing with great rapidity—even more rapidly than the chief experts in commerce and trade have dared prophesy in their wildest moments of hypothetical reasoning—and still China is hardly awake yet. When she does move, look out for her. It will be like an avalanche.

Of this half billion population, 350,000,000 wear almost nothing but cotton clothing and use nothing but cotton materials for the hundred and one other uses that cotton is put to. * * * It is noticeable that the demand for cotton goods of all kinds has increased during the last few years far more rapidly than the population, and that sales are on an ascending scale, which means a brilliant future for the trade in cotton goods and raw cotton.

The supply of raw cotton in China is so small, compared to the total consumption of cotton goods, that it could never meet the demand if supplies from other lands, like India, Egypt, and America, were cut off. It is true that China even exports cotton, but that goes only to Japan, and simply for manufacture, to be shipped back as cotton yarn or piece goods. Then, again, cotton growing is not a science in China, while the soil and sun do not seem to suit it like our own favored Dixie's warmth and fertility. The product of 1 acre of good cotton land in the United States will equal that of 5 to 10 in China. The time may come when China's millions will learn how to grow all their cotton in China's numberless acres, but that day is so far distant as not to discourage the planters and manufacturers of the South in exploiting these Asiatic markets. And mind, please, I have only spoken of China. Japan can never supply her own mills with the raw product, now over 100 in number and being added to every year. Eastern Siberia, Korea, Formosa, Cochin China, Siam, Straits Settlements, Java, Borneo, and the Philippines are great purchasers of cotton goods, and even if mills should be started in their cities the raw product must still be imported.

The tendency of the Far East, illustrated by the development of cotton manufacturing in Japan with headquarters at Osaka, and by the working and construction of numerous mills at Shanghai and other points in China, is to supply the market on the spot with the finished product instead of depending entirely on Europe and America. So the demand for raw cotton in Japan and China has suddenly jumped ahead into considerable proportion; and now comes the question: Can and will the South meet this demand and so provide herself with a vast new market, eventually free herself from absolute reliance on those of Europe and home, and making her great staple an increased source of wealth to every cotton-producing State, and hence collectively to the entire South?

The field is not one to be controlled without competition. Far from it. The cotton merchants of India, China, and Egypt are making a vigorous effort to supply the Far Eastern demand. Egypt counts on her near route by the Suez Canal and her cheap labor to eventually rule the market, while India and China contend that they have even a greater advantage in both these respects; but there are certain conditions favorable to American cotton, which, if followed up properly, will more than counterbalance the nearness and cheapness of Indian, Chinese, and Egyptian supplies. One is the quality of American cotton. Both the Japanese and the Chinese manufacturers distinctly prefer it. It is manufactured more easily and seems to make more and better cloth. Then, when placed on the market, the buyers prefer both the yarn and the cloth made from it.

The only serious difficulty in the way of American cotton is the price, which is made high solely by the freight rates from the South to Japan and China. I have visited every cotton manufactory of any importance in these two countries, and wherever I found them using Indian, Chinese, or Egyptian cotton the managers frankly told me that they would buy American cotton exclusively if the combined rail and steamer charges were not often prohibitive. The American cotton now shipped to the Far East is consumed by mills which have a special market, but they represent a small proportion of the total. In short, were freight rates favorable and did the Southern exporters push the market, American cotton would monopolize the supply for the mills of trans-Pacific lands. What then remains to be done?

The supreme advantage to be gained, which will, with "one fell stroke," accomplish the end desired, is the early construction and operation of the Nicaragua Canal. Unless that waterway is dug I can not see how the South can ever win permanently even a fair share of this mighty Pacific trade, and that is the opinion of nearly all experts in the Far East whom I have consulted. A trans-Isthmian canal is the key to the trans-Pacific. The long rail haul from the South to the Pacific seaboard will always keep the delivered cost of American cotton just beyond the point of general and successful competition. Dig the canal, and a large fleet of steamers will carry cotton in bulk from all Southern ports to the Far East for the same rate that is now charged from San Francisco to Kobe and Shanghai. As this statement is read I can imagine a skeptical look on many faces and an insinuation that I am indulging in exaggeration.

Let us see. In the first place, the rates charged by steamers crossing the Pacific are equal to or greater than those charged by steamers from the Mediterranean going a greater distance, and not much less than the through rates from London, Liverpool, Hamburg, Bremen, and Amsterdam, thus showing that there is yet a large margin on the Pacific route that can be taken off if necessary.

In the second place, I desire to lay before the planters and exporters of the South two most important statements made to me, respectively, by leading stockholders of the Nippon Yusen Kaisha, Japan's great navigation company, and the Peninsular and Oriental Steamship Company, England's chief foreign line, which two companies combined control more steamers than any other three, barring one German and one French system, in the world.

The representative of the former said to me that the moment the Nicaragua Canal was opened this company would put on a fleet of at least 10 large steamers to run from Japan and China to the leading ports of the South, the principal object of which would be to carry cotton. In order to have outward cargoes they might touch en route at San Francisco, and then possibly on the Atlantic side, go on to Baltimore, Philadelphia, New York, and Boston, but their chief destination would be the Southern ports, like Galveston, New Orleans, Mobile, Tampa, Charleston, Savannah, and Norfolk. He said this plan had been carefully considered by the company, and in expressing surprise that the United States had not already dug the canal, added with pride: "If Japan controlled the opportunity or concession, the canal would have been completed and opened to the world's traffic before this."

The representative of the Peninsular and Oriental informed me, almost in a confidential way, that his company had long considered the revolution of the trade of the world that would be accomplished by the construction of the isthmian canal, and intended to put on a special line of large carriers to run practically around the world via the southern ports of the United States and through the canal to Asia, in order to carry the cotton of the South to Japan and China. From the latter they would take cargoes via Suez to Europe, from Europe to America, and so on. Certainly both these are practical schemes, while they show the importance of the South's opportunity in the Pacific. Both authorities told me that their steamers would carry cotton from Southern ports to Japan and China at competitive rates with other sources of supply, and less than those now charged from San Francisco, Portland, and Seattle to Yokohama, Kobe, and Shanghai.

* * * * * * *

In conclusion, therefore, I would appeal to the South to look carefully to the Far East, to prepare to supply its demands and vigorously meet competition; to send capable and untiring agents to deal directly with Asiatic buyers, to sell at the lowest prices possible for the successful introduction of cotton; to place samples on exhibition in the principal markets; to urge the construction of a Pacific cable and the annexation of Hawaii; to try in the meantime to make railway and steamship companies to quote the lowest rates possible in order that she may keep what little hold she already has, and finally, and above all other considerations, bend her energies for the immediate construction of the Nicaragua Canal.

The Far East, with uncounted millions to clothe and feed, and with wealth to pay for such clothes and food, invites the United States to supply her wants. The Pacific coast is awakening to the knowledge that she can supply the food in the form of flour. Will the South realize that she can supply the clothes in the form of cotton?

The South's great opportunity to win new markets for her chief staple lies in the trans-Pacific lands. Will she seize the opportunity?

Mr. Barrett has demonstrated by the arguments which he has presented that he is thoroughly conversant with the situation, and the facts are conclusive that unless this waterway is dug he can not see how the South is to win permanently a fair share of this trade. Exporters have found to their sorrow that the long rail haul from the South to the Pacific seaboard will always keep the cost of American cotton and cotton goods beyond the point of general and successful competition.

I believe that it is true, as he says, that when this canal is

completed a large fleet of steamers will carry our manufactured cotton goods from all Southern ports to the Far East for the same rates that are now charged from San Francisco to Shanghai. The South now produces 10,000,000 bales of cotton, and the time will come when we will treble this production. We not only produce three-fourths of the cotton of the world, but we expect at no distant day to manufacture 75 per cent of the crop.

There is no legislation that I deem of so much importance to the section which I have the honor in part to represent as this great waterway, which will give us an outlet to the markets of the world and which will put our Southern ports in connection with the leading ports of the world.

To longer delay the construction of this great waterway is to neglect and disregard the interests of the American people.

I introduce the joint resolution which I send to the desk, and ask that it may be referred to the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. The joint resolution submitted by the Senator from Georgia will be read.

The Secretary read the joint resolution (S. R. 166) to complete the agreement entered into with the Governments of Nicaragua and Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized by law to complete the agreement entered into by him with the Governments of Nicaragua and Costa Rica in the words following:

"Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

"It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

"As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica."

The PRESIDENT pro tempore. At the request of the Senator from Georgia the resolution will be referred to the Committee on Interoceanic Canals.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893; and

A bill (S. 5351) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate No. 2 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes;

A bill (H. R. 7603) to correct the military record of James A. Somerville;

A bill (H. R. 12175) to correct the military record of Harrison Clark;

A bill (H. R. 12807) for the relief of James M. Stradling;

A bill (H. R. 13396) to amend section 5546 of the Revised Statutes;

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns;

A bill (H. R. 13973) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River;"

A bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River at what is known as the Cascades of said river;

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city;

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901;

A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps; and

A bill (H. R. 14093) to authorize the Paris, Choctaw, and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county; and it was thereupon signed by the President pro tempore.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of Calendar No. 2413, in pursuance of a notice I gave the Senate yesterday, being a resolution to discharge the Committee on the Judiciary from the further consideration of what is known as the anti-trust bill.

Mr. CHANDLER. After the resolution is taken up, I wish to present a privileged question.

The PRESIDENT pro tempore. The Senator from Arkansas asks the Senate to proceed to the consideration of the resolution which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on February 16, 1901, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

Mr. CHANDLER. Mr. President, I present a privileged question.

Mr. ALDRICH. Has any request been made in regard to the resolution which has just been read?

Mr. JONES of Arkansas. I have moved that the Senate proceed to its consideration.

Mr. CHANDLER. Mr. President, I present a privileged question.

The PRESIDENT pro tempore. The Senator will state his privileged question.

Mr. CHANDLER. There is a bill on the table which has been sent over from the House of Representatives, which I ask may be laid before the Senate.

THOMAS LUTZ STITT.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy. The Secretary will read the amendments.

Mr. JONES of Arkansas. Mr. President, can the Senator take me off the floor to have a bill read?

Mr. CHANDLER. I do not take the Senator off the floor. I present a privileged question, to be disposed of while the Senator's motion is pending.

The PRESIDENT pro tempore. The Secretary will read the amendments of the House of Representatives to Senate bill 4787.

The Secretary read as follows:

Page 1, line 5, after "Navy," insert "as ensign."

Page 1, line 8, strike out "on" and insert "at;" and in the same line, after "the," insert "foot of the."

Page 1, line 8, strike out all after "list" down to and including "list," page 2, line 1.

Page 2, line 2, after "pay," insert "or allowances."

Mr. CHANDLER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] has moved that the Senate proceed to the consideration of the resolution which has been read.

Mr. ALDRICH. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. The motion made by the Senator from Arkansas is not now in order; it is not in order after 2 o'clock. I ask that Rule IX may be read.

The PRESIDENT pro tempore. The Secretary will read Rule IX.

The Secretary read as follows:

RULE IX.

ORDER OF BUSINESS (CONTINUED).

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. ALDRICH. Mr. President, the motion made by the Senator from Arkansas is not included in the motions which can be made after 2 o'clock, and I submit that his motion is not now in order.

Mr. JONES of Arkansas. I did not hear the Senator from Rhode Island very well; but this is not the morning hour, and Rule IX applies to business in the morning hour. It is entirely competent for the Senate to take up any measure on the Calendar at any time, by a vote of the Senate, after 2 o'clock, and to proceed with it.

Mr. ALDRICH. This is not the morning hour, and Rule IX applies to what motions can be made after the morning hour, and applies to nothing else. The Senator is mistaken in his understanding of the rule.

Mr. JONES of Arkansas. I have never before heard the point made that the Senate can not take from the Calendar, by a vote of the Senate, anything it chooses, and consider it.

Mr. ALDRICH. It can take up anything on the Calendar; but this bill is not on the Calendar.

Mr. JONES of Arkansas. This proposition is on the Calendar. It is Order of Business No. 2413, that being a resolution.

Mr. ALDRICH. The resolution may be on the Calendar; but the rule reads: "A motion to proceed to the consideration of any bill on the Calendar."

Mr. JONES of Arkansas. My motion was to proceed to the consideration of that resolution, which is on the Calendar.

The PRESIDENT pro tempore. The Chair overrules the point of order.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 13973) to amend section 147, act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across Niagara River;"

A bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River at what is known as the cascades of said river;

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River in the State of Texas; and

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 7603) to correct the military record of James A. Somerville;

A bill (H. R. 12175) to correct the military record of Harrison Clark; and

A bill (H. R. 12807) for the relief of James M. Stradling.

The bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes was read twice by its title and referred to the Committee on the Revision of the Laws of the United States.

The bill (H. R. 13396) to amend section 5546 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate proceed to the consideration of executive business.

Mr. JONES of Arkansas. I hope the Senate will vote that down and give me a vote on the resolution.

Mr. TELLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote. If he were present I should vote "nay."

Mr. SPOONER (when his name was called). I have a pair with the Senator from Tennessee [Mr. TURLEY]. I should like to ask the Senator from Tennessee [Mr. BATE] if he knows how his colleague would vote on this proposition.

Mr. BATE. No, sir; I do not.

Mr. SPOONER. I have a pair with the Senator's colleague. If I was at liberty to vote, I should vote "yea." I understand the Senator from Tennessee would vote "nay."

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Nebraska [Mr. THURSTON], who is absent. I will have to withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I suggest to the Senator from Wisconsin [Mr. SPOONER] that we transfer our pairs, leaving the Senator from Tennessee [Mr. TURLEY] paired with the Senator from Nebraska [Mr. THURSTON], and he and I vote. I vote "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

The result was announced—yeas 40, nays 29; as follows:

YEAS—40.

Aldrich,	Dolliver,	Hawley,	Penrose,
Allison,	Elkins,	Jones, Nev.	Perkins,
Bard,	Fairbanks,	Kean,	Platt, Conn.
Beveridge,	Foraker,	Kearns,	Proctor,
Carter,	Foster,	Kyle,	Quarles,
Clapp,	Frye,	Lodge,	Scott,
Clark,	Gallinger,	McComas,	Sewell,
Cullom,	Hale,	McMillan,	Simon,
Depew,	Hanna,	Mason,	Wetmore,
Dillingham,	Hansbrough,	Nelson,	Wolcott.

NAYS—29.

Bacon,	Culberson,	Mallory,	Tillman,
Bate,	Daniel,	Martin,	Turner,
Berry,	Harris,	Pettigrew,	Vest,
Butler,	Hoar,	Rawlins,	Warren,
Chandler,	Jones, Ark.	Stewart,	Wellington.
Chilton,	Kenney,	Sullivan,	
Clay,	Lindsay,	Taliaferro,	
Cockrell,	McEnery,	Teller,	

NOT VOTING—19.

Allen,	Heitfeld,	Morgan,	Shoup,
Baker,	McBride,	Pettus,	Spooner,
Burrows,	McCumber,	Platt, N. Y.	Thurston,
Caffery,	McLaurin,	Pritchard,	Turley.
Deboe,	Money,	Quay,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CORRESPONDENCE RELATIVE TO GUNNER CHARLES MORGAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to the resolution of the 28th ultimo, copies of the letter of Gunner Morgan, gunner in the United States Navy, addressed to Admiral W. T. Sampson in the month of February, 1901, asking for a recommendation to the Secretary of the Navy for promotion to the office of ensign in the Navy, together with Admiral Sampson's indorsement thereon, and other letters and communications on the subject; which, with the accompanying papers, was ordered to lie on the table and be printed.

SENATOR FROM MONTANA.

Mr. CHANDLER. Mr. President, I ask the Chair to kindly lay before the Senate Senate resolution 284, Order of Business 1038.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution referred to by the Senator from New Hampshire, which will be read.

The Secretary read the resolution reported by Mr. CHANDLER from the Committee on Privileges and Elections April 23, 1900, as follows:

Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. ALLEN. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll.

The PRESIDENT pro tempore. The Secretary will call the absentees.

The Secretary called the names of absent Senators.

After some little delay, the following Senators having answered to their names:

Allen,	Dillingham,	Kyle,	Proctor,
Allison,	Fairbanks,	Lindsay,	Scott,
Bate,	Foster,	Mallory,	Simon,
Berry,	Frye,	Money,	Spooner,
Beveridge,	Gallinger,	Morgan,	Stewart,
Burrows,	Hale,	Nelson,	Sullivan,
Butler,	Hansbrough,	Perkins,	Teller,
Carter,	Harris,	Pettigrew,	Thurston,
Chandler,	Heitfeld,	Pettus,	Warren,
Clapp,	Jones, Ark.	Platt, Conn.	Wolcott.
Cockrell,	Kean,	Platt, N. Y.	
Deboe,	Kenney,	Pritchard,	

The PRESIDENT pro tempore. Forty-six Senators have responded to their names. A quorum is present.

Mr. CHANDLER. I offer an amendment to the resolution, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. It is proposed to amend the resolution by striking out all after the first word "*Resolved*" and inserting:

That William A. Clark, who recently occupied a seat in the Senate under color of an election by the legislature of the State of Montana, made on the 28th day of January, 1899, and who vacated said seat on the 15th day of May, 1900, during the pendency in the Senate of a resolution unanimously reported from the Committee on Privileges and Elections declaring that he was not duly and legally elected, based upon a report asserting that said election was null and void on account of briberies, attempted briberies, and corrupt practices by the agents of said William A. Clark, with knowledge of which he was chargeable, is hereby declared to have been personally responsible for said offenses, and also in connection therewith of gross violations of the statute of said State of Montana, which limits the expenditures of candidates for the office of United States Senator and requires returns to be made of all expenditures in political canvasses within said State.

Mr. PETTUS. Mr. President——

Mr. CHANDLER. Mr. President, ex-Senator William A. Clark——

Mr. PETTUS. I desire to ask the Senator from New Hampshire simply a question. I ask whether the substitute which he has offered is offered by the authority of the Committee on Privileges and Elections or on his own responsibility?

Mr. CHANDLER. On my own responsibility, Mr. President.

Mr. JONES of Arkansas. I desire to raise the question of order against the resolution.

The PRESIDENT pro tempore. The Senator from Arkansas will state his question of order.

Mr. JONES of Arkansas. The resolution relates to nothing that is pending in the Senate. It is a matter of past history; it has no relation to anything that can be considered by the Senate, and it seems to me that it ought not to be in order.

Mr. CHANDLER. Mr. President, the resolution is on the Calendar of the Senate, and the Senate might pass it if it wants to do so. I will relieve the perturbed soul of the Senator from Arkansas [Mr. JONES] by saying that, having offered an amendment to the resolution, after I have made my remarks I shall not ask to have a vote.

Mr. JONES of Arkansas. It seems to me the sole purpose of this resolution is to attack a man who is not a member of the Senate; who is not present; who has no opportunity to defend himself.

Mr. CHANDLER. That is a question of taste and not of order, Mr. President, and I will be responsible for my remarks.

Several SENATORS. Go on!

Mr. MORGAN. I object that it is not a question of taste, but that it is a question of order,

Mr. CHANDLER. I will wait, of course, for the question of order to be decided, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire gave notice on yesterday that he would address the Senate at 8 o'clock this evening, and the Chair would not feel at liberty to interfere with a courtesy that never has been refused to any Senator within his knowledge.

Mr. MORGAN. That notice was given upon a resolution that had been reported from a committee and was on the Calendar. The resolution offered here now the Senator avows is his own personal, private matter, and I suppose it might be taken in the nature of a personal and private accusation.

Mr. CHANDLER. I propose to address the Senate on public matters.

Mr. MORGAN. I suppose this will lead to a Chinese decapitation. That is about the way of it.

Mr. CHANDLER. Not of myself, Mr. President.

Mr. MORGAN. It is the decapitation of a man before you try him.

Mr. CHANDLER. Not of myself.

Mr. President, ex-Senator William A. Clark, in a carefully written speech read by him in Helena, Mont., on the evening of January 16, 1901, after his nomination for election as United States Senator, which speech was published far and wide in the newspapers of the country, saw fit to allude to me by name as having been—in connection with the investigation during the first session of the present Congress into the legality of his election as United States Senator by the legislature of Montana on January 28, 1899—"the principal factor, prosecutor, and persecutor."

He also made the following statement:

It is a matter of world-wide notoriety that in all of the proceedings of that committee, which was composed almost exclusively of lawyers and constituted one of the highest judicial tribunals of the land, there was an utter disregard of all legal methods in the admission of testimony and in the treatment of witnesses and their examination.

As attempted proof of the correctness of this sweeping arraignment, he also said:

Hearsay statements of the grossest character were admitted without stint or restriction in behalf of the prosecution by the distinguished chairman, in spite of the continual and forcible protests of the counsel for the defense, as well as those of some of the members of the committee, who afterwards alluded to the remarkable conduct of the chairman in a minority report submitted by them.

Then came a characterization of my conduct as chairman of the committee:

Indeed, the whole proceedings were denounced by hundreds of eminent lawyers familiar with them as being unworthy of even a police court, and the record of the high-handed, vicious, and browbeating tactics exercised by the chairman of the committee will ever remain a stigma and disgrace in the annals of the Senate as judged by all fair minded men.

Next, the ex-Senator rejoiced over my failure to receive reelection from the legislature of New Hampshire, and boasted of his own renomination in words as follows:

It is gratifying to learn that he has, in his recent effort to be returned to the Senate, been repudiated by the caucus of his own party by an overwhelming majority, and not a single vote was cast for him yesterday in the legislature of New Hampshire, a rebuke more stinging, but not more emphatic, than that recently pronounced by the people of Montana. The disposition of this man and that of myself by the people of our respective States is a striking illustration of that theory which has been aptly termed "the irony of fate."

The foregoing uncalled-for and unwarranted, vindictive and exultant assault upon me justifies, even requires, suitable notice from me before I retire from the Senate, which Mr. Clark on the 4th of March will attempt to again enter under what I charge was an unlawful and corrupt election.

It is first to be remarked that no single word has been uttered by me in this Senate in debate on the merits of Senator Clark's case. My statements and comments are contained only in the two Senate reports—that on April 23, 1900, No. 1052, and the supplemental report, No. 1052, on June 5, 1900. In these reports, written by me, there is not a single harsh or vituperative word, nor has any such word been spoken by me outside these reports or outside the Senate Chamber. When Mr. Clark, on May 11, vacated his seat without waiting for the action of the Senate upon the resolution reported by the committee, which declared that he was not legally elected, because his pretended election was null and void on account of briberies and violations of the laws of Montana, I said nothing in debate even in reply to his lengthy speech of withdrawal.

I had no desire, as the Senate was to be purged of his presence, to add the least humiliation to his pitiful exit.

Most of the averments made by him in his speech of withdrawal are denied in the supplemental report of June 5. Nothing shown by the reports, or by anything ever said or done by me anywhere, justifies his assertion, deliberately made in Montana on January 16, that I was a prosecutor or persecutor, or resorted to high-handed or browbeating tactics, or that there was in connection with the inquiry which drove him from the Senate any disregard of legal methods, or that hearsay evidence was admitted without stint or restriction.

These formidable charges are without any reasonable justification. The report that Senator Clark's election was null and void by reason of bribery was the unanimous action of the nine members of the committee, without distinction of party; and of the character and standing of the eight members besides myself I will shortly speak more at length. The criticisms of two members of the committee, Senators PETTUS and HARRIS, concerning the methods adopted by the majority of the committee, were fully answered in the supplemental report of June 5, which was concurred in by all the members except those two. By this supplemental report it is clearly shown—

(1) That no hearsay testimony was received except after deliberate decision by the committee for the purpose of ascertaining what additional witnesses it might be necessary to summon, as stated by the chairman on page 432 of the report, as follows:

"The CHAIRMAN. It would only be admissible as laying the foundation for sending for other witnesses."

(2) That no single finding of the committee was based upon hearsay testimony.

It must be further borne in mind by all impartial persons that in all inquiries ordered by Congress there is always something done by the committees in addition and anterior to the decisions which are at the last made by them, based on the facts which they believe they have ascertained; that something else besides decision is investigation. The members of the committee are investigators. It is their duty to give all their powers and faculties to searching for and recording the truth. After the testimony is taken they assume the function of judges and seek to reach just opinions and conclusions, to be reported by them to the body which has directed them to make the inquiry.

If this union of functions, that of investigation in the first place and that of decision and recommendation in the second place, is a wrong practice, Congress is to be blamed and not the chairman or any member of a Congressional investigating committee. There was in this inquiry absolutely nothing unusual or erroneous in the methods or the conduct of the chairman or of any other member of the committee.

The result unanimously reported by the committee was as follows:

Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

The decision to report the foregoing resolution was based upon the finding of the committee, as follows:

The finding of the committee is that the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise.

After the submission of the resolution to the Senate, and while it was upon the Calendar awaiting action, Senator Clark vacated his seat and left the Senate without allowing an opportunity for a decision upon the merits of the case against him or of the merits of his defense, if he had any defense. This departure of his, notwithstanding his farewell speech of many denials and of fault-finding with the committee, is an admission of the substantial truth of the finding of fact made by the committee and of the justice of the resolution unanimously reported.

Words of denial, complaint, and reproach were to be expected from the fleeing Senator. Naturally he would not have a good opinion of the law and facts which condemned him. But the confession made by him through his acts can not be avoided. If he had not felt that he was a guilty man, he would have awaited the issue of debate and decision, and would have endeavored to convince the Senate of his innocence of wrongdoing. His flight in the face of the deliberate accusations made against him by the committee fixed upon him a stigma of criminality which can never be blotted out.

I ask the Senate and the country to consider who were the persons who made against William A. Clark the accusations contained in the report of the committee.

Senator WILLIAM A. HARRIS, of Kansas, is a Virginian by birth, of gallant military service, great experience as a skillful engineer, once engaged in the construction of a portion of the Union Pacific Railroad; an agriculturist of repute; a citizen of unimpeachable honor and integrity. He served in the House of Representatives for one term, and has been a member of the Senate four years. His character throughout his whole life stands unsullied by any weakness or unworthiness. Was he induced by the chairman of the Committee on Privileges and Elections to make, against his own judgment, a decision that the Senatorial election of William A. Clark was null and void for bribery?

Senator EDMUND W. PETTUS, of Alabama, has had, perhaps with one exception, the longest and most distinguished career of any member of the committee. He became a lawyer in his youth, was an officer in the Mexican war, a judge before the civil war, a major when he entered that war, and at its close a brigadier-general. Although possessing in the highest degree the respect and confidence of all the people of Alabama, yet he always refused to hold political office until he was chosen to this Senate four years ago. His integrity, his intellectual strength, his independence of thought and action, never have been impeached during the whole course of his prolonged life. Did the chairman unduly influence his decision against the validity of the election of Senator Clark?

Senator THOMAS B. TURLEY, of Tennessee, became a lawyer at an early age, served as a soldier during the civil war, and has practiced law all his life. He never held any civil office until he came to the Senate in 1897. Probably no Senator in this body has a clearer or sounder idea what is correct practice in judicial or semijudicial inquiry, or what is a just judicial conclusion. Doubtless he is as little likely as any Senator who ever served in this Chamber to be influenced to a decision against his well-considered judgment upon any question pending before him. Did the chairman substitute his own opinion in the Montana case for the real opinion of this Senator?

Senator DONELSON CAFFERY, of Louisiana, was educated as a lawyer, served in the Southern army, after the war practiced law, has been a member of a constitutional convention and of the senate in his own State, and has been a United States Senator since 1893. Those who know that Senator as well as do all his present associates will consider him as perhaps the last man in this Senate to tolerate or yield to pressure upon him to adopt an opinion of the correctness of which he was unconvinced. Did the chairman of the committee force him to the adoption of the positive conclusions which he expressed at the end of the Montana investigation?

Senator LOUIS E. MCCOMAS, of Maryland, received a college education, was admitted to the bar in 1868, practiced law until 1892, was a member of the House of Representatives during four Congresses, became an associate justice of the supreme court of the District of Columbia in 1892, and took his seat in this Senate in 1899. The accuracy of his legal knowledge and the value of his legal judgments have been asserted, to my knowledge, by the ablest lawyers in the Senate. Did the chairman succeed in imposing his opinion in the Montana case upon the learned Senator from Maryland?

Senator J. C. PRITCHARD, of North Carolina, was a newspaper editor in his youth and afterwards a lawyer; was repeatedly a member of the North Carolina legislature; has always been prominent in the political life of his State, and entered this Senate in 1897. Although the youngest member of the committee, no one who knows his mental strength and force will dare to say that he accepted the judgment of any other person for his own in the decision which he made as to the weight of the evidence in the Montana case.

Senator J. C. BURROWS, of Michigan, is a lawyer by profession; served in the Union army; has been a prosecuting attorney in his home county; served as a Representative in eight Congresses; became United States Senator in 1895, and has been once reelected. His legal experience and his long familiarity with semijudicial questions arising in Congressional service make him as sure as any Senator in this body to reach and to adhere to his own conclusions upon all questions before the Committee on Privileges and Elections, of which he will soon be chairman. Was he induced by the present chairman to make a decision in the Montana case against his own deliberate judgment?

Senator GEORGE F. HOAR'S legal attainments, judicial temper, and conscientious desire for right official action no more need description from me than do the well-known events of his long and honorable career as a lawyer and as a legislator during four terms in the House of Representatives and as a United States Senator since 1877. Like all the other members of the committee, he gave unremitting attention during the many weeks of the investigation, participated actively in the interlocutory conferences and decisions of the committee, and supported without hesitation every act of the committee during the course of its proceedings. Did the chairman of the committee, or any of his suggestions, have the slightest influence in forming the opinion given by the Senator from Massachusetts, that Senator Clark's election was null and void by reason of proven briberies, attempted briberies, and violations of the Montana statutes?

Ex-Senator Clark and some of his friends have been persistent ever since the 10th day of April, 1900, in attributing to the chairman of the committee an influence in bringing about a decision adverse to Mr. Clark which the chairman never possessed. The decision was carefully and deliberately made by the whole committee, and is to-day adhered to by everyone of them. It would, indeed, be a cause of pride in me if I could think that I had such influence over my friendly associates upon the committee as that which is ascribed to me; but the notion is a mistaken one, and Senator Clark stands arraigned before the country of the crimes charged against him, not by the chairman of the committee alone, but by everyone of the eight other members—distinguished and honored and honorable and impartial Senators, my association with whom I shall always consider as among the most helpful and pleasant experiences of my life.

Mr. President, if the character throughout this country of the foregoing Senators is not sufficient to stamp the accusations as true which Senator Clark did not venture to meet in this Senate, let us consider the facts as they appear from the testimony and the report. In order to understand the conditions in Montana on January 28, 1899, when Mr. Clark was chosen Senator, it is necessary to consider the political history of the State from its admission ten years before. Mr. Clark was then a rich man and has grown richer ever since through fortunate mining enterprises, his property being variously estimated as from fifty to seventy-five millions. His son, Charles W. Clark, his active and ever-present agent in all his political adventures, swore before the committee that he personally had an annual income of $250,000, which would make him worth at least $5,000,000. From 1889 to 1899 Mr. Clark's connection with politics was mainly the spending of vast quantities of his money in corrupting and attempting to control the politics of Montana.

There are six chapters in the history of his pursuit of a United States Senatorship. The first was in 1889–90, when there were two legislatures and the Democratic legislature elected him and Mr. Maginnis as his colleague, and the Republican legislature elected Messrs. Sanders and Powers, who were admitted to their seats in the Senate. The second was in 1892–93, when the legislature was so close that no Senators were elected.

The third was in 1894–95, when the legislature was Republican and Senator CARTER was chosen, Mr. Clark being the Democratic candidate before the legislature. The fourth was in 1898–99, when Mr. Clark was elected, but abandoned his seat at the close of the recent Senatorial inquiry. The fifth was in 1900, when Lieutenant-Governor Spriggs undertook to appoint Mr. Clark as Senator to fill the vacancy which existed after he left the Chamber. The sixth was in 1900–1901, as the result of which he was elected on January 16, 1901.

CHAPTER I.

Mr. Clark had been a candidate for Delegate in 1888 and was defeated by Mr. CARTER by 5,126 plurality. The election in 1889 was the first after the State was admitted into the Union, and

ex-Governor Hauser has testified that in connection with this election the big four, so-called, consisting of himself and Senator Clark and two others, gave as first contributions $40,000 each. The result of the election was very close. A Democratic governor was chosen by 576 plurality, a Republican lieutenant-governor by 1,566, a Republican secretary of state by 1,755, and Mr. CARTER, Republican, Congressman, over Mr. Maginnis, by 1,648.

The Republicans organized a legislature with 38 Republican members present and 32 Democratic members entitled to admission. The Democrats organized a legislature of 37 Democrats. The Democratic legislature was created by means of members from Silver Bow County, which the Democrats claimed to have carried by a small majority, created by counting the votes at precint No. 34, which were returned 3 Republican, 171 Democratic. The Republicans claimed that these votes were cast by workmen on a railroad who had no right to vote and were mainly unnaturalized citizens. The history of this case is fully reported in the records of the Senate of the first session Fifty-first Congress, Taft's Senate Election Cases, page 631, and as the result of a contest Messrs. Wilbur F. Sanders and Thomas C. Power were, on April 16, 1890, admitted against the claims of Messrs. William A. Clark and Martin Maginnis.

CHAPTER II.

Mr. Clark's next effort was in 1892 and 1893. President Harrison carried the State by about 1,300 majority—18,851 against 17,581 for Mr. Cleveland. The Republican candidates for governor and Representative in Congress were elected by smaller majorities, but the Republicans, owing to the expenditure of money by Senator Clark, failed to carry the legislature, which had 33 Republican members, 35 Democratic members, and 3 members of the Populist party. The Democrats and Populists were unable to agree upon a United States Senator, and although Senator Clark was a persistent candidate, voted for in the legislature many weeks, there was a failure to elect.

CHAPTER III.

The next candidacy of Mr. Clark was after the election of 1894, when the Republicans carried the State overwhelmingly, there being 57 Republican members as against 25 for all others, Senators CARTER and Mantle being elected without a contest.

CHAPTER IV.

Mr. Clark's fourth candidacy for the Senate was in 1898–99, his election being that which has been recently investigated by the Senate, with facts disclosed as follows:

THE PREPARATION.

In the summer of 1898, after Mr. Clark had consulted with Governor Hauser and other supporters, a committee of his friends was created outside the State committee of the Democratic party, which was in the hands of persons not favorable to him; this, his committee, being organized for the purpose of controlling the politics of the State and securing the legislature to meet in January, 1899. This committee consisted of his son, Charles W. Clark, William McDermott, and A. J. Davidson, agent.

Charles W. Clark was made treasurer, and the assistants of the committee were John B. Wellcome, Walter M. Bickford, A. J. Steele, John S. M. Neill, Frank E. Corbett, E. L. Whitmore, and Walter Cooper. To this committee Senator Clark gave unlimited authority to expend money which he agreed to furnish, an estimate, however, being made that at least $35,000 would be necessary to secure the State convention, and that $75,000 might be needed to secure the State legislature.

The story of this plan for unlimited expenditure was told on oath unblushingly and boldly by Governor Hauser and Mr. Clark.

THE EXPENDITURES.

In the canvass which ensued the approximate expenditures admitted by the various members of his committee and their assistants were as follows: By Charles W. Clark, $25,000; by McDermott, $22,000; by Davidson, agent, $22,000; by Wellcome, $25,000; by Steele, $11,000; by Corbett, $5,000; by Whitmore, $4,000; by Cooper, $2,900, mainly furnished by Charles W. Clark; and the amount of these expenditures Senator Clark himself paid to his son. The advances and payments made by Senator Clark to his committee and agents, as admitted by him, amounted to about $139,000, of which sum Charles W. Clark received from him on August 12, 1898, $35,000; October 17, $20,000; November 23, $40,000, and February 13, 1900, $20,592; and in addition to this $139,000 Senator Clark paid $5,000 to McDermott, one of his agents; $5,000 to Wellcome, his attorney, and $5,000 to E. C. Day, a member of the legislature.

THE PURCHASE OF M'LAUGHLIN.

In December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills, and on the 9th day of December bought all Mr. McLaughlin's property for the sum of $24,684, paying $10,000 down, and on the 12th of March paid him $8,000 cash and $8,684 in stock of a new lumber company to which the property was transferred, which lumber company employed Mr. McLaughlin as its agent, with a salary of $200 per month.

THE PURCHASE OF WOODS.

On December 31, 1898, Mr. Walter M. Bickford received from Mr. Charles W. Clark five $1,000 bills and four $500 bills, and went to Missoula for the purpose of purchasing a supposed indebtedness on account of his ranch of one E. P. Woods, a member of the legislature, but, not succeeding in meeting Mr. Woods, he returned the money to Mr. Charles W. Clark. In February, 1899, Mr. Massena Bullard paid to Mr. Kemper the amount due upon the ranch and a deed was made running to Mrs. Woods, which was not recorded, but in January, 1900, the property having been sold to other persons for $9,750, the deed to Mrs. Woods was destroyed and new deeds made to the new purchasers.

Senator Clark knew of Mr. Bickford's attempts to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark. Mr. Bickford testified: "In pursuance of that letter (the letter of November 21 from one Ector) and of the invitation which I at that time received, I made arrangements to obtain, for the purpose of using it to prevent the indebtedness of Mr. Woods going into the hands of Mr. Daly's friends, the sum of $7,000 with which to take up that indebtedness." On November 12, 1898, Mrs. Woods mortgaged their sheep and cattle for $1,000, payable in one year, and on April 22, 1899, paid the mortgage debt. Mr. Woods has left Montana and gone to New Mexico.

THE CORRUPTING OF TIERNEY, EVERSOLE, AND SHOVLIN.

Mr. W. E. Tierney was senator and W. C. Eversole and Michael Shovlin were representatives from Broadwater County. Mr. Tierney voted for Mr. Clark on the first ballot, and Eversole and Shovlin came over on the sixth. Mr. Tierney was a dealer in general merchandise in three small firms—Miss A. M. Darcy & Co., Tierney & Co., and Eversole & Co.—which had moderate capital and were in debt. After the legislature adjourned, on March 3, Mr. Shovlin deposited $8,500 in the Montana National Bank. Eversole, who had in fact been only a clerk, bought out Mr. Tierney, paying him $1,600 in cash and a credit with his new firm of $3,000.

On June 1 Mr. Tierney organized the State Bank of Townsend with a capital stock of $25,000, of which he took $5,800. Mr. Shovlin took $1,000 and Mr. Eversole $1,000, nearly all the $25,000 passing through Mr. Tierney's hands in currency. His $5,800 he says he took from the money drawer in a safe in the office of Miss Darcy & Co., but whence this $5,800 came he did not show by any writing whatever.

THE PURCHASE OF WARNER.

Mr. E. L. Whitmore, the confidential agent and employee of Mr. Charles W. Clark, purchased of D. G. Warner, a member of the legislature, certain lots in the town of Boulder, Jefferson County, and a small ranch near by and took the deed in his own name, paying the amount of $7,500 in bank bills in Helena in the first week of January, 1899, the deed being recorded February 1, 1899. Mr. Warner left Montana and went to California.

THE CORRUPTING OF H. H. GARR.

Mr. H. H. Garr, member of the legislature, lodged a package during the session with Mr. Peeler, of the bank of Kalispell. After the legislature adjourned he obtained the package, went to his home, and in the name of Miss Wickham, his wife's aunt, a milliner, who had lived with him for seven years, purchased a ranch for $3,500, for which he paid in currency, including a thousand-dollar bill, which money he said he obtained from his wife's aunt, believing she had accumulated and kept it in a box in her room in his house.

Mr. Garr had been a poor man, with little or no property, earning sometimes $50 or $75 a month as a notary public, sometimes nothing. He had in cash $75 or $80 when elected, and borrowed $25 to go to Helena with. His wife's aunt paid board in the family at the rate of $2.50 a week. He had no previous knowledge of how she had accumulated this money. Mr. Steele had obtained interviews with him before the legislature met, with a view to securing his vote, and after his arrival he figured in the Whiteside exposure.

THE CORRUPTING OF GEIGER.

Mr. John H. Geiger was a Republican who, after Mr. Whiteside's exposure, was seated in the legislature as a senator, in place of Mr. Whiteside, on the 26th day of January, by the votes of the Republicans and the Democratic supporters of Senator Clark, on the ground that his name on a few of his ballots had been marked at the wrong end, and on the 28th Mr. Geiger voted for Senator Clark. He was a man with no regular occupation, was entirely without means, and a borrower of small sums. During the session of the legislature he received and carried home with him $3,600. After accounting for one or two petty sums, he claims that he obtained this money by faro gambling and through $1,100 in bills which he found in his room and believed came in connection with some bills pending in the legislature which Mr. John B. Wellcome was carrying through as attorney.

THE PAYMENT TO FINE.

Mr. B. F. Fine, a member of the legislature, and a mining operator with no property, in May after it had adjourned, in pursuance of an agreement made during the session by Senator Clark after his election as Senator, received $2,000 from Senator Clark's bankers, and since that date has received other moneys, making the sum of $5,000 in all, which has been all his earnings since his nomination, his only business being the hunting up of testimony to disbar or impeach Mr. W. A. Clark, of Madison County, one of the principal witnesses against Senator Clark, to do which no steps have yet been taken.

THE PURCHASE OF BYWATER.

Mr. Stephen Bywater, a Republican, 30 years of age, and a railroad conductor, voted for Mr. Clark for the first time on the eighteenth ballot, when he was elected. On the 3d day of March, immediately after the legislature adjourned, he deposited in the Montana National Bank $15,000. He accounts for it by saying that he brought from Kalispell, his home, $6,000, which he kept with him during the whole session of the legislature, and by saying that he received on March 3 $9,000 from his brother for the purchase of stock in a mining company in British Columbia, but he produced no writing in confirmation of his statement as to either the $6,000 or the $9,000.

THE PAYMENT TO LAWYER E. C. DAY.

Mr. E. C. Day was Senator Clark's candidate for speaker and was defeated in the Democratic caucus, receiving 25 votes against 30 votes for Mr. Stiff. Mr. Day was the leader of Mr. Clark's forces in the legislature during all the ballotings after the second. On February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. This amount was received by Mr. Day through Mr. Wellcome and Mr. Davidson on the 3d day of March, the day after the legislature adjourned.

Mr. Day testified that the services for which he received the $5,000 were as follows: "I had acted as the manager, you might say, or leader of his forces upon the floor of the house. I attended to keeping a quorum present and seeing that friends of his were sent for that were not present at roll call, and made motions and attended to the ordinary parliamentary—perhaps you would call it—procedure of his friends in that body." Later Mr. Day received from Charles W. Clark $2,000 as fees in the Wellcome proceedings and $1,000 in two suits brought by Mr. Whiteside against the Butte Miner and the Helena Independent.

In reference to this case of Mr. E. C. Day, it is difficult to avoid the conclusion that Senator Clark endeavored deliberately, while on oath, to deceive the committee when he testified before the committee, in answer to questions, as follows (page 1828):

Mr. FAULKNER. Please state to the committee, if you have the information, all the items of political expenditure made by you from the 1st day of August, 1898, to the 1st day of September, 1899.

Senator CLARK. I have a schedule of all the payments made by me for political purposes during that time.

Mr. FAULKNER. That is what I ask for.

Senator Clark produces the papers.

Mr. CLARK. Mr. Chairman, shall I read this?

The CHAIRMAN. I think you had better do so, Senator Clark. Yes.

Senator CLARK (reading). "Disbursements made by W. A. Clark for political purposes from August 1, 1898, to September 1, 1899. August 12, 1898, C. W. Clark, $35,000; October 17, 1898, C. W. Clark, $20,000; October 20, 1898, Walter Cooper, $200. I am somewhat in doubt as to that being for political purposes, and I would like the privilege of recalling it if I find I am mistaken about it."

And so Senator Clark went on with all the items, closing with—

"July 31, 1899, C. W. Clark, $950. I have not added this up to get the total of it, but that can be done."

There was not included in this statement a sum of $5,000 which had been paid to Mr. William McDermott, as Mr. McDermott had testified.

The testimony proceeds, page 1829:

The CHAIRMAN. Senator Clark, was the $5,000 which was given to William McDermott paid by you or by somebody else?

Senator CLARK. It was paid by me, but that was simply a gift, and I did not put it down because I did not consider it was for any political purpose.

The CHAIRMAN. What did you think it was for?

Senator CLARK. Mr. McDermott had been a very warm personal friend of mine for many years. He never would accept any compensation for anything. He spent about eight months of his time, when he began to organize the State down to the end of the disbarment proceedings, without any compensation, of course losing time; and I urged upon him, against his own inclination, the acceptance of $5,000, which I thought was a very small compensation for the work which this man had done for me.

The CHAIRMAN. Now, you may mention any other donations of a like character which you made during that period in addition to these payments which you have made, and the donation of $5,000 to William McDermott.

Senator CLARK. I made a donation to Mr. John B. Wellcome for the same reason.

The CHAIRMAN. How much?

Senator CLARK. Five thousand dollars; and a donation to Mr. E. C. Day, who had done a great deal of work for me, and was a warm and steadfast friend, and was retained to attend to any political work that we might have to do. He has been in my employ more or less ever since.

The CHAIRMAN. How much did you give him?

Senator CLARK. Five thousand dollars.

The CHAIRMAN. These are all you remember, are they?

Senator CLARK. Those are all that I can remember; yes, sir; those three donations.

Senator BURROWS. Are those on that paper?

Senator CLARK. They are not on that paper.

The CHAIRMAN. If they were political they would go on the end of it.

Senator CLARK. Yes, sir; I would not consider them political at all, because it was entirely apart from and after my election to the Senate, and had nothing to do with it, except as to the work they performed. I did not consider that political or I should have put it down.

It is perfectly clear from the foregoing facts that Senator Clark meant, if possible, to conceal from the committee the fact that he had paid his principal floor manager in the legislature $5,000 for his services. The fact never had been known before by anyone except the parties to the transaction. The pretense used as an excuse for not disclosing the payment to Mr. Day as a part of the statement of all Mr. Clark's payments for political purposes, namely, that the payments to McDermott, Wellcome, and Day were not political, is utterly absurd.

THE CORRUPTING OF BEASLEY.

Mr. W. W. Beasley, a Republican representative, first voted for Senator Clark on the eighteenth ballot, when he was chosen, and that night or the next night he left Helena for St. Paul, having in his possession about $5,000 in currency, at least $1,000 of which was a thousand-dollar bill. He claimed that he had taken this money with him to Helena and carried it in his vest pocket during the whole session. By no writing did he show whence he received it or what he did with it. He claimed that he kept the money with him because he was in embarrassed circumstances in the sheep business and was afraid of lawsuits. When he was elected he owed a board bill of nearly $400, and while in Helena took out a life-insurance policy and gave a note for the premium. All the time he had a bank account in the Thomas Cruse Savings Bank at Helena.

Upon the foregoing admitted and undisputed facts, with their attendant circumstances standing alone, the committee reported that they made their finding that Senator Clark's pretended election was null and void on account of briberies, attempted briberies, and corrupt practices, of which he was to be charged with knowledge. He had received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he obtained through illegal and corrupt practices 8 votes which would otherwise have been cast against him, he was not legally elected. More than this number of votes, the committee found from all the evidence, was thus obtained. The committee also stated that their judgment was strengthened by many additional facts outlined in their report, some of which I will now narrate:

THE $30,000 DEPOSITED FOR STATE SENATORS CLARK, MYERS, AND WHITESIDE, AND FOR REPRESENTATIVE GARR.

The case of W. A. Clark, State senator from Madison County, is one of those embraced in the Whiteside exposure. Mr. Clark and Mr. Whiteside testified that Mr. Wellcome placed $10,000 in an envelope and handed it to Mr. Whiteside, Mr. Clark's initials being written by the latter on the back of the envelope, the amount to be delivered to Mr. Clark in case he voted for Senator Clark. This money was part of the $30,000 produced by Mr. Whiteside before the legislative committee.

State Senator H. L. Myers testified that in like manner $10,000 was placed in an envelope, upon the back of which he wrote his initials, and the package was retained by Mr. Whiteside to be delivered to him in case he voted for Mr. Clark. Mr. Whiteside testified that the $10,000 was furnished by Mr. Wellcome. Mr. M. L. Hewett testified that Mr. Charles W. Clark authorized the payment of $10,000 to Myers.

As to Representative H. H. Garr, Mr. Whiteside testified that in like manner $5,000 was furnished him by Mr. Wellcome for Mr. Garr and placed in an envelope, on the back of which Mr. Garr wrote his initials, Mr. Whiteside retaining the package as in the other two cases. Mr. Garr admits seeing the money and writing his name upon the back of the envelope, but says it was for purposes of identification, and that he did not know what the transaction meant.

Mr. Whiteside, who was a State senator, testified that in like manner $5,000 was given to him by Mr. Wellcome as part of $10,000 which he was to receive for his vote for Senator Clark, which he placed in an envelope and later produced before the legislative committee. The lapse of time only confirms my conviction that Mr. Whiteside's testimony was substantially true in all particulars. I know when the legislature met Mr. Clark had the utmost confidence in Mr. Whiteside and refused to have his faith in him in any way impaired. The bank bills which constituted the $30,000 were nearly all $1,000 bills, and the evidence showed that Mr. Clark's committee was in possession of numerous $1,000 bills.

The five $1,000 bills and four $500 bills which Mr. Bickford took from C. W. Clark and carried to Missoula on December 31, in connection with the E. P. Woods transaction, were returned to Mr. C. W. Clark on January 1, and during the ensuing week, when the alleged briberies were attempted, large sums in currency were in the hands of Mr. C. W. Clark and Mr. Wellcome, including various $1,000 bills.

Mr. C. W. Clark, on January 3, had brought to him by a Mr. Hirshfield $9,000 in currency, in which were three $1,000 bills, and from this $9,000, or the money returned by Mr. Bickford, he gave Mr. Wellcome three or four $1,000 bills. On December 28 Mr. Wellcome drew from bank $10,000, of which he says one, two, three, four, or five were $1,000 bills, and he carried them in the inside pocket of his vest until he used them. There were on the 3d or 4th of January three $1,000 bills and eight $500 bills in the possession of Mr. Whitmore, Mr. Charles W. Clark's confidential agent in the purchase of D. G. Warner's property.

Concerning the bringing of the $1,000 bills from Butte to Helena, Mr. Whiteside, before the grand jury (p. 14), said:

Mr. Wellcome said they had hustled for large-sized bills, but that the old man (referring to W. A. Clark) was coming from Butte that evening and that he would bring a supply. When he did come, that night, in one of those cases the money was paid over.

This statement is also alluded to on pages 177, 185, and 215 of the testimony before the committee. On page 202 of the testimony before the committee this appears:

Senator MCCOMAS. I should like to ask one question of the witness. You have detailed this transaction between Mr. Wellcome and Senator Clark, of Madison, and in the room of Senator Clark, of Butte, United States Senator. How long prior thereto had you last seen Senator Clark, of Butte?

Mr. WHITESIDE. As I remember it now, I had seen him in the evening, a few hours before that, as he came into the hotel with a valise in his hand, if I remember rightly.

THE APPROACH TO THE SUPREME COURT.

The undisputed facts are as follows:

Proceedings having been instituted against John B. Wellcome for the purpose of securing his disbarment for attempted bribery in connection with Senator Clark's election, it appears that on August 5, 1899, after a preliminary decision by the supreme court that the court had jurisdiction, one Dr. William Treacy, a Republican advocate of Senator Clark, at Helena, approached Mr. Justice William H. Hunt, one of the three members of the supreme court, being his family physician, bearing a proposition which he said was from a party in town that Judge Hunt could have $100,000 if the court would dismiss the proceedings against Mr. Wellcome, and he advised Judge Hunt to accept the amount.

This proposition was first mentioned to Judge Hunt about noon. At half past 10 in the forenoon a special train had arrived from Butte bringing Charles W. Clark, Frank E. Corbett, and E. L. Whitmore, who went to the Helena Club, where, during the day, they saw Mr. John S. M. Neill, Mr. Davidson, Mr. Steele, Mr. Steve Carpenter, and Mr. Thomas Miller. They said they came to see Mr. B. Platt Carpenter, to induce him to put in an answer for Wellcome in the proceedings pending, and they returned in their special train to Butte in the afternoon, after Mr. Corbett had also had an interview with Mr. Justice Pigott, narratives of which were given to the committee by both parties thereto.

On three occasions Dr. Treacy approached Attorney-General C. B. Nolan, who was in charge of the proceedings against Mr. Wellcome, and proposed to him to accept $100,000 and dismiss the proceedings.

During the pendency of the proceedings against Mr. Wellcome Rev. A. B. Martin, president of a school at Great Falls, Mont., in which Senator Clark and Chief Justice Brantley were trustees, visited the chief justice with a letter in his hand dated October 7, 1899, from Senator Clark, wherein the latter urged him to see the chief justice and endeavor to prevent the disbarment of "that splendid man," John B. Wellcome.

THE MONTANA CORRUPT PRACTICES ACT.

Now, I wish to call earnest attention to a point which has not been hitherto sufficiently considered by the Senate and the country, and to which, I believe, controlling instead of partial weight should have been given by the Committee on Privileges and Elections in the late investigation. In the legislature of 1895, by which the present Senator CARTER was chosen, the State of Montana, in order to protect her people against such corruptions as had characterized the campaigns in that State prior to that date, passed a stringent law against corrupt practices in elections which law would have protected the State against the corruptions of 1888 and 1889 if it had been obeyed, and certainly would have prevented the corruptions of 1900 and 1901 if the law had been properly regarded and enforced by the present Senate, and Senator Clark's seat had been vacated when he appeared before the committee and admitted that he had deliberately defied that law by the expenditure of a vast sum of money, contrary to its provisions, and that he and his agents had willfully refused to make any returns as required by the law.

This Montana law of February 25, 1895, limited in purpose and amount the political expenditures which could be made in any election, either by a political committee or a candidate, especially naming a candidate for United States Senator, who could not give more than $1,000 to any one committee in one county and could not pay more than $1,000 for his personal expenses in lawful ways specified, and provided that every political committee should make a public return of its expenditures, stating from whom every dollar was received and to whom every dollar was paid, and that every person acting otherwise than under a political committee should make a similar public return, and further provided a fine and imprisonment against persons omitting to make the return required by law.

A concise but correct and complete analysis of this law of 1895 is as follows:

The Montana Penal Code, in Title IV, headed "Crimes against the elective franchise," in section 85 of the act of February 25, 1895, provides that no person, to aid in his election to a public office, shall, directly or indirectly, by himself or through another person, expend or promise to expend any money or other valuable thing, except, as later provided, "for personal expenses and to a political committee."

Section 86 provides that a candidate may pay—

(1) His own personal expenses for traveling and purposes properly incidental to traveling.
(2) For sending out special publications giving his position and views.
(3) For stationery and postage, telegraph and telephone and other public messenger service, and other petty personal expenses. "And in no other case whatever" shall the total sum for his own personal expenses as authorized exceed the sum of $1,000 by any candidate for United States Senator.

Section 87 provides that a candidate may pay money to a political committee, not exceeding $1,000 by a candidate for United States Senator, nor to more than one committee in any county.

Section 88 applies the term "political committee" to "any combination of persons" who shall aid a party, principle, or candidate, and every such committee or combination must have a treasurer, who shall keep its accounts.

Section 90 requires every treasurer to file his account within thirty days after an election, stating in detail his receipts and expenditures.

Section 91 requires every person who, acting otherwise than under the authority of a committee, expends money to file such a statement as is required of a treasurer "in the county in which he is a legal voter."

Section 98 requires every statement to be made on oath.

Section 104 punishes violations of sections 90 and 91 by fine not exceeding $1,000 and imprisonment for not more than three months.

After the passage in 1895 of this law punishing crimes against the elective franchise there was no serious occasion to test its provisions until 1898. In 1896 the coalition of the Silver Republicans with the Democrats made the State overwhelmingly Democratic, the plurality for Mr. Bryan being 32,043, and for Mr. Hartman, the Bryan Congressman, 24,503. In 1898, when Senator Clark renewed his canvass for the United States Senate, and his friends determined to directly disregard the law, he had no right to expend more than $1,000 through his one committee, nor more than $1,000 for his own personal expenses.

The failure to comply with the law is stated in the report in two separate paragraphs, the first as follows:

None of the members of his committee or their assistants made the sworn returns required by law, nor did Senator Clark himself make any return.

The second statement is made thus:

He expended a sum vastly in excess of the limit provided by law, and failed to render any return; and no such return was made by the aforesaid persons acting in his behalf.

On the other hand, returns were made, as appears in the book of testimony, by the Republican State committee of expenditures of $4,291.31, by the Democratic State committee of $9,161.49, by the Silver Republican State committee of $1,708.25, by the People's Party State committee of $1,193.50, by the Silverbow County Democratic committee of $10,005.06, by the Silverbow County Silver Republican committee of $1,453.05.

Mr. Marcus Daly testified that he contributed to the State committee $4,500, to the Silverbow County committee $2,500, to the Deer Lodge County committee $500, to the Missoula County committee $250; making his total contributions $7,750. Mr. Daly was not a candidate and has never been a candidate for any office. Mr. W. G. Conrad, who was the principal opposing Democratic candidate for United States Senator against Mr. Clark, swore that he contributed to the State and various county committees between $5,000 and $10,000, not over $1,000 to any one committee, and after the election he spent between $200 and $300 outside of hotel bills; but paid no money in aid of his candidacy for Senator.

In view of the foregoing precise and stringent provisions of the Montana corrupt practices act, which had been carefully drawn and deliberately passed in order to prevent Senator William A. Clark from corrupting the elections of the State, the moment it appeared before the Committee on Privileges and Elections that Senator Clark, who had the right to spend only $1,000 for personal expenses, and not exceeding $1,000 in each county in the State, which would have made at the most $25,000, not only by his own admission expended over $150,000 and made no return whatever, and that his chosen committee had made no return, the committee should have considered the case as ended, and should have reported to the Senate that, no matter what the apparent result in the legislature was, Senator Clark had not been chosen Senator in accordance with the laws of the State of Montana.

The committee should have treated the failure of Senator Clark and his committee to make returns under the statute as conclusive evidence of corruption and should have made a report that his apparent election was null and void. This view of the law I will not enlarge upon, but submit it with the utmost confidence to the lawyers of the Senate as a sound position which could have been safely adopted by the Senate and ought to govern in every case of such a nature. It is this:

That the Senate and the committee are not bound to go forward and make a long and weary investigation in order to test the truth of allegations of corruption when the truth or the falsity of the charges may be instantly apparent if the indispensable returns of expenditures are made in obedience to the law of the State.

CHAPTER V.

The fifth effort of Senator Clark to obtain admission to the Senate was under an appointment from Lieutenant-Governor Spriggs. It will be remembered by the Senators that Senator Clark, after delivering a valedictory, abandoned his seat on May 15, 1900. He had sent to Montana a resignation with a blank date, which was held by his son Charles, to be deposited with Lieutenant-Governor Spriggs whenever the conspirators should be informed that Governor Robert B. Smith had been enticed out of the State, so that the lieutenant-governor could lawfully act. Senator Clark carefully timed his farewell speech and his departure from the Senate according to the plans of his Montana coadjutors.

Governor Smith was induced by Thomas Hinds, one of Senator Clark's employees, to go to California on legal business. At the right moment Lieutenant-Governor Spriggs was recalled from Sioux Falls, where he had gone to attend a Populist convention. Shortly before or shortly after Senator Clark delivered his parting oration his resignation was dated and handed to the lieutenant-governor, and the latter signed an appointment of Mr. Clark as Senator to fill the vacancy which it was learned by telegraph he had endeavored to create by retiring from the Senate. Governor Smith, learning of the deceit which had been practiced upon him, hastened back to Montana, and on May 18, 1900, appointed Martin Maginnis to fill the vacant seat in the Senate, and the governor also sent to the President of the Senate a telegram, as follows:

BUTTE, MONT., *May 18, 1900.*

SIR: This will inform you and the Senate of the United States that, on account of collusion and fraud by Hon. W. A. Clark in resigning and securing an appointment to the Senate by the lieutenant-governor, I have this day disregarded and revoked said appointment by the lieutenant-governor and have this day appointed Hon. Martin Maginnis, of Montana, United States Senator to fill the vacancy caused by the resignation of Hon. W. A. Clark. His credentials will be forwarded in due course.

ROBT. B. SMITH,
Governor of Montana.

Hon. WILLIAM P. FRYE,
President of the United States Senate,
Washington, D. C.

The two certificates of appointment, one by Lieutenant-Governor Spriggs of Mr. Clark and the other by Governor Smith of Mr. Maginnis, were presented to the Senate, and an effort has been made by the Committee on Privileges and Elections at the present session to secure an investigation into the truthfulness of the allegations made by Governor Smith in the foregoing telegram and also into the question of the legality of Mr. Clark's appointment, but all efforts to secure authority to make an investigation has been resisted by Senatorial friends of Senator Clark, and he has

never appeared here to claim his seat under the appointment of the lieutenant-governor.

CHAPTER VI.

Such being the strange political history of Mr. Clark's five advances toward the United States Senate prior to the summer of 1900, and of his brief sojourn therein, let us consider the events which have since transpired—his sixth attempt. He had ended his fourth effort of money spending to further his political ambitions by obtaining an illegal and corrupt temporary lodgment in the Senate and by running away from it in disgrace and dishonor, not daring to meet open debate upon the issue between himself and the committee upon the floor of the Senate, either himself or through any Senators who were willing to espouse his cause.

He had not ventured to appear to claim his seat under the appointment given by Lieutenant-Governor Spriggs after Governor Robert B. Smith had been, by a trick of Mr. Clark's agent, Thomas Hinds, enticed out of the State. But he still possessed his enormous wealth, and he and his agents had learned how to be cunning in its expenditure—what methods to avoid and what methods to adopt and pursue. What has he accomplished since? On this point pains have been taken to keep me carefully advised. On the evening of November 6 I received the following telegram:

BUTTE, MONT., *November 6, 1900.*

W. E. CHANDLER, *Concord, N. H.*:
Montana is vindicated to-night.

WILLIAM A. CLARK, Jr.

Since that date I have received the following telegram:

BUTTE, MONT., *January 16, 1901.*

Our people congratulate themselves over the general result, both in New Hampshire and Montana. How does it suit you?

BUTTE COMMITTEE.

On the 11th day of January, 1901, the Helena Independent published the information that I had failed of a renomination as Senator in New Hampshire under the heading, "One scoundrel is disposed of."

If it appeared that Mr. Neill was a man of independent means, it would be reasonable to suppose that he told the truth when he said that he spent his own money in an effort to elect Mr. Clark to the Senate, but the records of the Comptroller of the Currency's office show just the opposite to be the fact. Between the time he made the supposed disbursements out of his own funds for Mr. Clark and the time he testified to that effect Neill, as shown by the records of the Comptroller's office, made a settlement for $1,000 of a large claim due and owing from him to the Merchants' National Bank of Helena. That bank was in the hands of a receiver. Neill was one of its debtors to the amount of about $70,000.

He settled with the receiver of the bank, the receiver states, by threatening to go through bankruptcy unless the thousand dollars should be accepted in full settlement. He said to the receiver that his expenses of going through bankruptcy would be about $1,000, and that he would pay that amount to the receiver instead of paying it for his expenses in the bankruptcy process. He made his settlement upon the ground that he was an insolvent man and entitled to the benefit of the bankruptcy act. He had received in principal and interest $70,000 of the money of the depositors in that bank. He paid back $1,000.

This Helena Independent is the newspaper of John S. M. Neill, who was one of Senator Clark's agents in corrupting the legislature of 1899, whose paper was then mortgaged to Senator Clark for $25,000, and who, as the agent of Senator Clark, on the evening of August 4, 1899, telephoned from Helena to Frank E. Corbett, in Butte, to come over to Helena because he believed that they could do business with the supreme court. Senator Clark is as much morally responsible for the heading in Mr. Neill's paper as if he had written it himself.

Mr. Neill also had a record as surveyor-general in Montana. Mr. A. R. Greene, inspector of the General Land Office, on May 7, 1898, made a report to the Commissioner of the General Land Office, supplemental to a prior report of June 3, 1897, concerning the administration of the surveyor-general's office at Helena, under Mr. Neill. The report is lengthy. It sets out that—

Surveyor-General Neill rendered no equivalent service to the Government for the salary he received and neglected his duties in the most scandalous manner. He also deliberately entered upon and throughout his term maintained a policy of speculation and fraud in the management of his office. * * * Almost every account I have examined is tainted with the odor of corruption.

Then follow the details through many pages. The conclusion is as follows:

Summing up the matter, I conclude that the following amount, unlawfully expended for unnecessary clerk hire and obtained on fictitious and forged vouchers, should be charged back to John S. M. Neill:

Clerk hire	$16,023.91
Contingent fund, as itemized on pages 41 and 42 of inspector's report.	566.60
Total	16,590.51

Neill has had his day. It is time the Government was reimbursed for the funds he has absorbed. I recommend that John S. M. Neill be prosecuted on his bond for the amounts above shown to have been wrongfully taken and that criminal proceedings be instituted against him and Edward D. Neill and Samuel McMurran for making false certificates, for fraud, and forgery. As they have been confederates in crime, so they should be companions in prison.

Very respectfully,

A. R. GREENE, *Inspector.*

Proceeding further to inquire how Senator Clark has secured another election to the Senate as the result of his sixth attempt, upon which he will seek to enter this body on Monday next, it is first to be said that it is notorious throughout Montana that his expenditures, or those of his son, Charles W. Clark, in connection with this new election, far exceed those made in 1898 and 1899. Then, after comparatively moderate expenditures before the State election, he went on to corrupt the legislature after that election. He was personally solicitous to know exactly how his money was expended, and his curiosity in this regard enabled the committee to report that he is to be charged with knowledge of the acts done in his behalf by his committee and his agents in conducting his canvass.

Governor Hauser, on page 1402, explains this trait of Mr. Clark:

He is a close business man and he does not like to let go, and campaigning in that country is very expensive.

He further says, on page 1405:

He is a close man, and does not like to take politicians' words.

Senator Clark and his son, Charles W. Clark, having learned a lesson through the recent investigation, adopted a different method in 1900. This time Senator Clark corrupted the politics of the State and the voters in the counties of the State prior to the State election by the expenditure, as I charge, of about $1,000,000. Before doing this, three fundamental rules of action were agreed to.

First rule. That Charles W. Clark, nominally, and not William A. Clark, openly, should furnish the money and make the expenditures, and that the latter should endeavor to be able, in case of investigation, to swear that he knew very little concerning the facts.

Second rule. That the expenditures should be made, as far as possible, before the November State election, and to as slight an extent as possible after that election. The complaint had been made of Mr. Clark in the previous contest that he had been too niggardly prior to election and that this course had made it exceedingly expensive for him after the election, and had also led him in his search after votes to enter into Whiteside's trap. Therefore the foregoing rules were deliberately adopted and have been, so far as possible, followed in the expenditure of the $1,000,000 used in Mr. Clark's present attempt to enter the Senate.

Third rule. That no returns of expenditures should be made under the Montana corrupt practices act by Mr. William A. Clark or Mr. Charles W. Clark; that the expeditures to be made by the regular committees and reported under the law should be kept at a low figure, and that the larger expenditures should be so made that returns thereof might be omitted with impunity.

Thus guarded, the work went on regularly. The first step was the capture of the regular organization of the Democratic party, whose convention was to nominate delegates to the Kansas City convention. This was shamelessly done by sending to the State convention a bogus delegation from Silverbow County.

The Independent Democrats held a new State convention and two delegations went to Kansas City. Mr. Clark and his delegates were accompanied by brass bands and gangs of roughs, and he secured the recognition of his delegation by the Bryan convention. The contributions which he then and afterwards promised to make and did make to the Democratic national committee can easily be ascertained if the Senate deems it necessary. There are rumors that $300,000 was promised and only $100,000 was paid.

Next begun the purchase of newspapers. The Helena Herald, the only Republican daily paper at the capital, was bought, and, while nominally published during the canvass as a Republican organ, it was in fact a most deadly enemy of the Republican party. The Great Falls Tribune was bought; the Libby News was bought; sundry other small papers were bought, and many newspaper editors and publishers were employed legitimately and illegitimately. The Democratic State committee, which had a majority of Independent Democrats upon it, had to be captured, and was captured by the use of money.

Attempts were made to seize the county organizations and to control the county conventions, not only to elect delegates to the convention to choose delegates to Kansas City, but also to control the county conventions to nominate officers and members of the legislature. There was no limit to the expenditures made for these purposes. The Republican organizations continued to be the objects of Mr. Clark's pursuit—and persistent and corrupt efforts were made to secure control of the Republican conventions in Silverbow County. The Republican chairman was told to name his own price, and five members of the committee succumbed to money brought by Mr. Charles W. Clark from his country place near Deweys Flats.

The Labor party and its candidates and committee were obstacles in the way of Mr. Clark's success, and so their influence was

corruptly secured. To the best of my knowledge and belief the Labor candidate for governor and all the other Labor nominees, except the candidate for superintendent of public instruction, were induced to withdraw by the use of money; and the Democratic candidate for superintendent of public instruction was in like manner induced to withdraw in favor of the Labor nominee for that office. These expenditures were about $15,000. Next came the expenditures in carrying on the canvass before the people. It was a carnival of noise, drunkenness, gambling, and corruption of all sorts. Governor Hauser has described the Montana methods on page 1408, and he said he thought over a million dollars was expended in the fight over the attempted removal of the capital from Helena to Anaconda.

Called upon to specify what the methods were, he said that working the saloons and the bosses was a very common thing; that the gamblers had "considerable influence with the fellows around them. It is pretty nice to get the saloons." "If you get them on your side it is quite an element."

As in 1899, so in 1900. Sums of money were carefully apportioned out as the expenses of carrying the counties, and furnished, sometimes to the county committees, but inasmuch as those committees might feel called upon to make returns under the statute, oftener to private committees in the counties, who spent the money, but who, not admitting themselves to be committees, any more than did Senator Clark's corruption committee in 1889, went on to spend the money but made no returns. It has been estimated by good judges that the allowances to the counties, taking the whole State through, of sums sent out by Mr. Charles W. Clark, or his agents, amounted to $8 each for 60,000 voters, reaching nearly half a million dollars.

After these expenditures were made, with the apparent result that the complexion of the legislature was as follows: Republicans, 32; Clark Democrats, 38; Independent Democrats, 9; Labor Party men, 9; Populists, 6; it was not thought by Senator Clark that it would be necessary for him to make any considerable payments of money which he might be obliged to admit before a Senatorial committee. Obstacles, however, arose. A gang of men elected by corruption never cease to make demands.

A movement was made to prevent the election as speaker of the house of Mr. Frank E. Corbett, Mr. Clark's attorney and one of his chief corruptionists and manager of the attempt in 1898 to corrupt the supreme court in favor of John B. Wellcome. These obstructions to Mr. Corbett's selection were removed, the scruples of five men were overcome, and Mr. Corbett was elected, I charge, as the result of an expenditure by Mr. Clark's agents of about $40,000, and Mr. Clark was finally elected United States Senator.

There never was in history such a cunningly contrived and adroitly carried out attempt to corrupt a whole State by the use of money without stint as that made by William A. Clark and Charles W. Clark in this sixth attempt to secure for the former his seat in the Senate and his apparent vindication from the stigma which prior transactions had placed upon him.

Now, I call the attention of the Senate to the returns to the county treasurers which have been made in connection with the State election of 1900 and the Senatorial election on January 16, 1901. More than thirty days have elapsed since that date, and all the returns should be in.

Montana returns under corrupt practices act, 1900-1901.

Name of committee.	Date.	Amount received.	Amount expended.
Silverbow County Democratic county committee	Dec. 11,1900	$29,986.00	$29,986.00
Silverbow County Independent Democratic county committee	do	10,330.00	10,330.00
Silverbow County Republican county committee	do	9,208.00	9,208.00
Democratic State committee	Dec. 6,1900	24,880.00	24,777.71
Independent Democratic State committee.	Dec. 12,1900	14,399.62	14,399.62
Republican State committee	Dec. 6,1900	24,698.00	24,646.53
Carbon County Democratic Fusion committee.	Dec. 5,1900	1,085.00	1,085.00
Cascade County Republican committee.	Feb. 23,1901	1,155.00	1,155.00
Cascade County Democratic committee.	do	2,176.55	2,176.55
Chotean County central committee	Feb. 20,1901	306.00	306.00
Deerlodge County Republican committee.	Feb. 25,1901	902.00	902.00
Deer Lodge County Independent Democratic committee	Feb. 25,1901	1,250.00	1,250.00
Gallatin County Republican committee.	Dec. 6,1900	1,461.25	1,461.25
Gallatin County Democratic committee.	Dec. 15,1900	1,397.49	1,397.49
Lewis and Clarke County Democratic committee	Dec. 5,1900	3,326.75	3,326.75
Madison County Democratic committee.	Feb. 25,1901	459.50	459.50
Park County Democratic committee	Dec. 6,1900	510.60	1,051.30
Park County Republican committee	Dec. 1,1900	760.00	760.00
Sweet Grass County Republican committee	Feb. 23,1901	685.00	685.00
Yellowstone County Democratic committee	Dec. 5,1900	685.00	685.00
Yellowstone County Independent Democratic committee	Dec. 7,1900	102.00	102.00

Montana returns under corrupt practices act, 1900-1901—Continued.

Name of committee.	Date.	Amount received.	Amount expended.
Statement of personal expenses of—			
Wm. Clancy, candidate for judge, Second judicial district, county of Silverbow	Dec. 8,1900	37.50	.....
J. K. Toole, candidate for governor (fusion)	Nov. 20,1900	337.02	.....
A. H. Barrett, candidate for State treasurer	Dec. 8,1900	975.50	.....
Geo. M. Hays, candidate for secretary of state	Dec. 5,1900	609.50	.....
J. H. Calderhead, candidate of People's Party and Democratic party for State auditor	Dec. 3,1900	139.70	.....

The first return is that of the treasurer of the Democratic county committee of Silverbow. Under the law we are entitled to know exactly who contributed the money and exactly the persons to whom it was paid. This says:

RECEIPTS.

October 1. Subscriptions, assessments, etc., $29,986.

EXPENDITURES.

October 1 to December 1, 1900. Stationery, stamps, office expenses, office salaries, renting of headquarters, photographs, banners, bill posting, bill distribution. livery and band wagons, registration checkers, checkers on election day, hall rent, music, speakers, etc., census takers, badges, printing, $29,986.

There is not a name in the whole return, and it is not a return which in any way complies with the law.

The next is the return of the Independent Democratic county committee, which gives the names of the contributors and the expenditures.

The next is the return of the treasurer of the Republican county committee of Silverbow, which gives the names of the contributors and the expenditures.

The next is the return of the Democratic State central committee.

Statement of Thomas C. Kurtz, assistant and acting treasurer of the Democratic State committee of the State of Montana, showing all the receipts and disbursements of the committee for the year 1900.

The receipts were as follows:

T. R. Hinds	$2,000.00
G. H. Casey	1,000.00
J. K. Clark	1,000.00
W. A. Clark, jr	1,000.00
H. L. Frank	2,500.00
C. W. Clark	2,500.00
A. H. Barret	100.00
George C. Fitschen	25.00
John T. Murphy	100.00
Thomas C. Kurtz	50.00
John S. M. Neill	100.00
R. S. Ford	100.00
A. J. Davidson	100.00
R. A. Bell	25.00
J. K. Clark	5,000.00
C. Hoffman	20.00
J. Martin	10.00
H. H. Sappington	10.00
J. Walsh	10.00
A. Leonard	10.00
F. Norman	10.00
J. L. Patterson	6.00
J. D. Hart	10.00
J. Losskamp	10.00
O. Grinwell	10.00
P. Nelson	1.50
H. Edwards	2.50
R. Martin	15.00
E. B. Lorme	5.00
Walter Cooper	20.00
J. B. Clayberg	250.00
N. W. McConnell	250.00
T. R. Hinds	100.00
C. W. Clark	8,500.00
Sale of furniture	30.00
Total	24,880.00

The expenditures were as follows:

Expenses, incidentals, including rent, stamps, stationery, salaries, etc	$4,481.51
Printing	4,711.00
Bands, halls, advertising, etc	9,880.13
Expenses of speakers, transportation, etc	1,448.64
Fees and court costs	3,617.85
Telegraphing	316.18
Telephoning	322.40
Total	24,777.71
Balance on hand	102.29
Outstanding indebtedness	49.50

STATE OF MONTANA,
County of Lewis and Clarke, ss:

Thomas C. Kurtz, being first duly sworn, deposes and says: That he is the person named as assistant and acting treasurer in the foregoing instrument;

that he has carefully read the same and knows the contents thereof, and that the same is in all respects correct and true to the best of his knowledge and belief.

THOS. C. KURTZ.

Subscribed and sworn to before me this 30th day of November, A. D. 1900.

[NOTARIAL SEAL.] W. H. DIKINSON,
Notary Public in and for Lewis and Clarke County, Mont.

Filed December 6, 1900.

T. S. HOGAN, *Secretary of State.*

Now, here we see the return made, after expenditures by Mr. Clark, in my belief amounting to a million dollars in the whole campaign. The receipts are given as $24,880. The expenditures are given as $24,777.71.

The only evidence of any contribution by Senator Clark or any member of his family in the whole canvass is in the above return. C. W. Clark, $2,500; C. W. Clark, $8,500; J. K. Clark, $1,000; J. K. Clark, $5,000; W. A. Clark, jr., $1,000; making $18,000 in all.

Mr. President, there are all the returns that have been made under the Montana statute, in a campaign where it is notorious that thousands, even hundreds of thousands, of dollars were expended by Mr. Clark and his agents; and no man in his sober senses can contend that there has not been a gross, deliberate, and willful violation of the Montana statute.

If Senator Clark expended one dollar in the canvass the law required that a return should be made, while, for all that the returns show, Senator Clark has neither directly or indirectly expended one dollar.

The situation therefore is this: An opulent mine owner, possessing $50,000,000 and upwards, conceived the desire to be a United States Senator, and for years pursued his object through large expenditures of money used to control the legislature of his State. The people of his State became aroused to his corruptions and the legislature passed a most stringent corrupt practices act, forbidding a candidate for United States Senator to spend more than $1,000 for personal expenses, or to spend more than $1,000 through any one county committee, and requiring all candidates and committees to make sworn returns of their expenditures, and punished them by fine and imprisonment for not making such returns.

The mine owner continued his pursuit of the Senatorship, and at last appeared to claim a seat through an election by a small majority in a legislature which it was alleged he had corrupted. A committee of the Senate unanimously reported that the charge was true; that the pretended election was null and void; that he had expended large sums of money to obtain this election, and that neither he nor his committee had made any returns of their expenditures as required by the law.

Without waiting for the action of the Senate he retired from his seat and began a new canvass for another election. He spent vast sums of money in his contest and appears again in the Senate with a certificate of election. It also appears that he has made no returns under the law of his State; that the only returns by the committees of his party are of the payment of comparatively insignificant sums, while it is notorious that expenditures have been made of tens of thousands of his money. There has been, in fact, another deliberate and defiant disobedience of the corrupt-practices act.

The question is whether this person who has once secured an election to the Senate by corrupt expenditures, of which he made no return, thus standing guilty of a double offense which has prevented his taking his seat, and who has undoubtedly obtained another election by the lavish use of money, and has again made no return, shall be admitted as a Senator.

My answer is that it is palpable that he has not been elected in accordance with the laws of his State. The presumption, through his failure to make returns, is overwhelming under the circumstances that he has obtained his election by corrupt expenditures and that he has no right to his seat until he removes that presumption by evidence on his part.

Moreover, it is a question whether, even if now honestly elected, he is not an unfit person to be allowed to remain a Senator, and whether he should not, therefore, be excluded from the body.

Article 2, section 4, of the Constitution is as follows:

> The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

While technically that provision of the Constitution does not apply to a Senator of the United States, it would be most astonishing if a Senator could be admitted to this body who had been once in fact convicted before the Senate and the country of bribery.

Mr. President, it has seemed to me to be my duty to submit an estimate, made up from the best information which I can obtain—evidence of record and from other sources—of Senator Clark's expenditures in his six pursuits of the Senatorship.

First, in 1889 and 1890, $40,000 was his first subscription, as testified to by Governor Hauser, and it is reasonable to presume that there were additional expenditures made. Governor Hauser said (p. 1408) "that did not begin to pay what we had to pay in the early part of the campaign. The expense of registering the vote is enormous." A reasonable estimate as to Mr. Clark's total expenditures in his first Senatorial venture is	$150,000
Second, in 1892 and 1893. The best estimate I can make places Senator Clark's expenditures by which he carried the legislature Democratic notwithstanding President Harrison was elected and the Republican State ticket, is $250,000; and there was probably expended by Mr. H. L. Frank, Mr. Clark's disbursing agent at that time and now his candidate before the Montana legislature for the short-term Senatorship, not less than $50,000, a moderate estimate of Mr. Clark's expenses in this canvass being	300,000
Third, in 1894 and 1895, when the Republican legislature chose Senator CARTER and the corrupt practices act was passed. A fair estimate of Senator Clark's expenditures during the whole campaign is	50,000
Fourth, in 1898 and 1899. Mr. Clark's payments, admitted before the committee, were over $150,000. His additional expenditures made to newspapers and in other directions doubtless were not less than $150,000 more, making his total expenses for that campaign not less than	300,000
The Whiteside $1,000 bills are not included in the above estimate, amounting to	30,000
Fifth, the Spriggs appointment. The cost of this we were not permitted to ascertain by Senatorial inquiry.	
Sixth, in 1900 and 1901, a careful estimate is as follows: Newspapers: The purchase of the Helena Herald, the only Republican daily paper, $100,000; Great Falls Tribune, purchase price and expenses of improving the plant and carrying on the paper, $100,000; the Libby News and other small papers purchased and subsidized, $50,000; free distribution of the Butte Miner, $25,000; miscellaneous payments to newspaper agents, $25,000; making for newspapers	300,000
Expense of controlling the Democratic State committee	68,000
Expense of preliminary canvass of the various counties	24,000
Expenses of the bolting State convention which elected delegates to the Kansas City Democratic national convention	26,000
Special train to Kansas City and other expenses connected with the train	15,000
Disbursements at Kansas City, including contributions from the first to the last to the Democratic national committee	114,000
Expenses of second round of county conventions to nominate county officers and members of the legislature, 20 counties at $4,000 each and 4 smaller counties at $3,000 each	83,000
Expenses connected with efforts to break down the Republican county organization and secure the control of the Republican convention in Silver Bow County, including money furnished by Charles W. Clark for 5 members of the committee; in all	65,000
Distribution of money for election purposes among the counties—to individuals, candidates, and county committees, at an average of $8 for 60,000 voters	480,000
Expense of securing the withdrawal of the Labor candidates, including the amounts paid to other candidates to withdraw and their committees to cooperate, and also for inducing a Democratic candidate for one office to withdraw, according to memorandum furnished to me from Montana	14,850
Amounts paid in securing control of the organization of the legislature and in connection with the election of Corbett as speaker	40,000
Making in all, for the 6 attempts, expenditures of not less than	2,059,850

Mr. President, it is not a pleasant duty to myself and to the Senate which I have thus performed by narrating imperfectly but at some length the six attempts made by Senator Clark to obtain an enduring title to the office of United States Senator. That such enormous sums of money as have been expended should be corruptly poured out in persistent attempts by a man of enormous wealth to reach high power in the Government is startling to the world and is ominous of vast evil to the country.

Other great dangers to the Republic in connection with contested elections may perhaps be readily overcome as the people

become enlightened and alarmed in their presence. Violence and fraud being exposed may be counteracted, and the Government of the people may be preserved, but the expenditure of enormous sums of money in the corrupt control of elections may possibly go forward unchecked until the downfall of pure government shall be accomplished. This is the greatest danger which menaces us with the opening century.

There is even a more deadly form of political corruption than the expenditure of vast sums of money by millionaires like Mr. Clark; that is, the payment of moneys for election purposes directly from the treasuries of corporations. This form of raising campaign moneys was not known six years ago. It is a product of very recent years. There is need of little exposition from me to show what a menace it is to popular suffrage and government by the people.

Usually such contributions have been prevented because the directors of corporations were divided in politics and neither side would consent to political contributions from the treasuries of the companies; but when it so happened that all the directors in huge corporations became of one political faith these contributions were made, because it was simpler and easier and more equitable, it was argued, to take the money from all the stockholders than to impose the burden of the large payments upon the heavier stockholders alone. Thus so large a control of the politics of the country by money agencies, and especially by vast money contributions from corporation treasuries, has come to pass and threatens the life of the Republican party and even the stability of the Government.

There is a bill reported unanimously by the Committee on Privileges and Elections on February 7, 1901 (S. 5849), now on the Calendar of the Senate, which ought to be passed without objection by both Houses of Congress, in order to ward off a growing evil in this country of such deadly portent. The language of the bill is as follows:

That it shall be unlawful for any national bank, or any corporation engaged in interstate or foreign commerce, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which a Representative in Congress is to be voted for or with any election or attempted election of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer, stockholder, director, or employee of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be subject to a fine of not exceeding $1,000.

The members of the Committee on Privileges and Elections in this Congress can not be reproached with any failure of duty in connection with the important questions committed to them by the Senate. Whether the members of the next Senate can avoid allowing Mr. Clark to again enter what has been called the most distinguished legislative body on earth, it is not for me to determine. Is it possible, where such a man has once corrupted a legislature and been driven from the Senate for his briberies, that the same man can make a second attempt and corrupt and bribe a whole constituency by the expenditure of a million of dollars in all the ways which cunning and crime can devise, continuing to openly defy a special law of the State made to fit his case, and can return to a Senate and find it powerless to again redress the wrong and once more relieve Montana from her shame and degradation? Is it possible that the only remedy is that suggested by the Senator from Massachusetts in his address delivered before the legislature of his State on February 12, 1901, in acknowledgment of his reelection, as follows:

SENATOR HOAR'S OPINION.

"A greater danger still, which I think we shall find means to deal with, is the corrupt use of money to carry elections or to get high office or influence legislation. Of this we have had some most disgraceful recent examples. These things can not always be proved so that their object is defeated, even if the men who have done them not only do not deny them but boast of them. One remedy must be found in an aroused and indignant public opinion. The millionaire who would corrupt a great State to get a great office must be made to feel that his success will bring with it neither joy nor honor. Let public contempt and scorn blast him. Let him be avoided as one with a leprosy. We shall not, probably, revive the ignominious punishments of the past.

"But if they are ever revived, let him be their first victim. The whipping post, the branding on the forehead, the cropping of the ears, the scourging at the cart's tail, are light punishments for the rich man who would debauch a State, whether it be an old State with an honorable history or a young and pure State in the beginning of its history. If we can not apply them literally and physically, let the aroused public sentiment of his countrymen pillory and brand and scourge the infamous offender. Leave him to his infamy. Let him be an outcast from the companionship of freemen.

"Give him a cloak to hide him in,
And leave him alone with his shame and sin."

Mr. President, on Monday next will come the sequel to the foregoing six chapters in the Senatorial candidacies of William A. Clark. He may again enter the Senate, and if he does he can make reply to these remarks of mine, and I shall not be here to make rejoinder. He will stand up before the Vice-President—if the Senate shall permit—and will make oath faithfully to perform the duties of the office (which has cost him $2,000,000) in company with WILLIAM P. FRYE, GEORGE F. HOAR, and SHELBY M. CULLOM, with JOHN T. MORGAN, AUGUSTUS O. BACON, and BENJAMIN R. TILLMAN, and with other Republicans and Democrats whose elections did not cost one of them so much as $200.

His castle in Dupont Circle he will decorate with statues and paintings which are among the marvels of modern art, in the presence of which his fellow-Senators, with their families and the élite of Washington society, will eat, drink, and be merry. The most observed picture to be seen in the gallery, painted by a competent artist, will be that of a man with a mute inquiry on his face, holding in his hand two papers, and every guest will see that one paper is a certificate and the other an expense account—in 1890, $150,000; in 1893, $300,000; in 1895, $50,000; in 1899, $330,000; in 1900 $1,230,000; and that this is his agonizing inquiry: Is it worth all this and all besides which I have parted with and lost?

This is a true picture which not all the pigments which millions can buy, nor all the painters whom money can hire, will be able to obliterate, and the title thereof will not be "One scoundrel disposed of," but, if the Senate shall permit, it will be one—one—one—Montana gentleman not disposed of. [Applause in the galleries.]

The PRESIDENT pro tempore. The galleries must remember that applause is not permitted under the rules of the Senate, and it must not be repeated.

Mr. CHANDLER. I ask leave to annex to my remarks the report of the committee.

The PRESIDENT pro tempore. If there be no objection, that request will be granted.

The report is as follows:

THE MONTANA ELECTION CASE.

This case was referred to the committee on December 4, 1899, upon a memorial, dated February 25, 1899, signed by 27 members of the legislative assembly of Montana, and upon a later memorial signed by Robert B. Smith, governor of Montana; T. E. Collins, state treasurer; Henry C. Stiff, speaker of the house of representatives, of the sixth legislative assembly of Montana; A. J. CAMPBELL, member of Congress from Montana, and Charles S. Hartman, ex-Representative in Congress from Montana.

On December 7, 1899, the Senate directed the committee to investigate the right of W. A. Clark to a seat as Senator from Montana and authorized the sending for persons and papers. The committee began consideration of the case January 5, 1900, and hearings were held on January 5, 6, 8, 9, 10, 11, 12, 13, 17, 19, 20, 22, 23, 29, 30, and 31; February 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, and 28; March 1 and 2; April 3, 5, and 6; and the finding of the committee was made April 10, 1900.

FINDING OF THE COMMITTEE.

The finding of the committee is that the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise.

THE ADMITTED OR UNDISPUTED FACTS.

This finding is made in view of certain admitted or undisputed facts, with their attendant circumstances, appearing in the testimony taken by the committee, as follows:

I.

Prior to 1895 the elections in Montana were accompanied by enormous expenditures of money, unquestionably involving widespread belief that extensive corruption was resorted to in all elections. Ex-Governor Hauser, a witness called by Senator Clark in his defense, testified that at the first State election the Big Four, so called, consisting of Senator W. A. Clark, Mr. Broadwater, Mr. Marcus Daly, and himself, as first contributions gave $40,000 each; and he also estimated that the expenditures made in connection with the contest to determine whether Anaconda or Helena should be the capital of the State were upward of $1,000,000. Senator Clark said he spent over $100,000 in that contest.

II.

On February 25, 1895, Montana undertook to protect herself against corruption in elections and passed a law relative to crimes against the elective franchise, which limited in purpose and amount the political expenditures which could be made in any election, either by a political committee or a candidate, especially naming a candidate for United States Senator, who could not give more than $1,000 to any one committee in one county and could not pay more than $1,000 for his personal expenses in lawful ways specified, and provided that every political committee should make a public return of its expenditures, stating from whom every dollar was received and to whom every dollar was paid, and that every person acting otherwise than under a political committee should make a similar public return; and further provided a fine and imprisonment against persons omitting to make the return required by law.

III.

Senator Clark has been constantly a candidate for office. He was a candidate for Congress in 1888 and defeated. In 1890 there were two legislatures in Montana. He was elected United States Senator by the Democratic legislature, but was not seated. He was again a candidate for the Senate in 1893, but there was no election. In 1895 he was voted for as the Democratic candidate, but Senator Carter was elected.

In the summer of 1898, after he had consulted with Governor Hauser and other supporters, including at that time Mr. A. J. CAMPBELL, a committee of his friends was created outside the State committee of the Democratic party, which was in the hands of persons not favorable to him; this, his committee, being organized for the purpose of controlling the politics of the State and securing the legislature to meet in January, 1899. This committee consisted of his son, Charles W. Clark, William McDermott, and A. J. Davidson, agent.

Charles W. Clark was made treasurer, and the assistants of the committee were John B. Wellcome, Walter M. Bickford, A. J. Steele, John S. M. Neill, Frank E. Corbett, E. L. Whitmore, and Walter Cooper. To this committee Senator Clark gave unlimited authority to expend money which he agreed to furnish; an estimate, however, being made that at least $35,000 would be necessary to secure the State convention, and that $75,000 might be needed to secure the State legislature.

IV.

In the canvass which ensued the approximate expenditures admitted by the various members of his committee and their assistants were as follows: By Charles W. Clark, $25,000; by McDermott, $22,000; by Davidson, agent, $22,300; by Wellcome, $25,000; by Steele, $11,000; by Corbett, $5,000; by Whitmore, $4,600; by Cooper, $2,900, mainly furnished by Charles W. Clark; and the amount of these expenditures Senator Clark himself paid to his son.

The advances and payments made by Senator Clark to his committee and agents, as admitted by him, amounted to about $139,000, of which sum Charles W. Clark received from him on August 12, 1898, $35,000; October 17, $20,000; November 23, $40,000, and February 13, 1900, $20,592; and in addition to this $139,000 Senator Clark paid $5,000 to McDermott, one of his agents; $5,000 to Wellcome, his attorney, and $5,000 to E. C. Day, a member of the legislature.

V.

None of the members of his committee or their assistants made the sworn returns required by law, nor did Senator Clark himself make any return.

VI.

In December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills, and on the 9th day of December bought all Mr. McLaughlin's property for the sum of $24,684, paying $10,000 down, and on the 12th of March paid him $6,000 cash and $8,684 in stock of a new lumber company to which the property was transferred, which lumber company employed Mr. McLaughlin as its agent, with a salary of $200 per month.

VII.

On December 31, 1898, Mr. Walter M. Bickford received from Mr. Charles W. Clark five $1,000 bills and four $500 bills, and went to Missoula for the purpose of purchasing a supposed indebtedness on account of his ranch of one E. P. Woods, a member of the legislature, but, not succeeding in meeting Mr. Woods, he returned the money to Mr. Charles W. Clark. In February, 1899, Mr. Massena Bullard paid to Mr. Kemper the amount due upon the ranch and a deed was made running to Mrs. Woods, which was not recorded, but in January, 1900, the property having been sold to other persons for $9,750, the deed to Mrs. Woods was destroyed and new deeds made to the new purchasers.

Senator Clark knew of Mr. Bickford's attempts to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark. Mr. Bickford testified: "In pursuance of that letter (the letter of November 21 from one Ector) and of the invitation which I at that time received, I made arrangements to obtain, for the purpose of using it to prevent the indebtedness of Mr. Woods going into the hands of Mr. Daly's friends, the sum of $7,000 with which to take up that indebtedness." On November 12, 1898, Mrs. Woods mortgaged their sheep and cattle for $1,000, payable in one year, and on April 22, 1899, paid the mortgage debt. Mr. Woods has left Montana and gone to New Mexico.

VIII.

Mr. W. E. Tierney was senator and W. C. Eversole and Michael Shovlin were representatives from Broadwater County. Mr. Tierney voted for Mr. Clark on the first ballot, and Eversole and Shovlin came over on the sixth. Mr. Tierney was a dealer in general merchandise in three small firms—Miss A. M. Darcy & Co., Tierney & Co., and Eversole & Co.—which had moderate capital and were in debt. After the legislature adjourned, on March 3, Mr. Shovlin deposited $8,500 in the Montana National Bank. Eversole, who had in fact been only a clerk, bought out Mr. Tierney, paying him $1,600 in cash and a credit with his new firm of $3,000.

On June 1 Mr. Tierney organized the State Bank of Townsend with a capital stock of $25,000, of which he took $5,800. Mr. Shovlin took $1,000 and Mr. Eversole $1,000, nearly all the $25,000 passing through Mr. Tierney's hands in currency. His $5,800 he says he took from the money drawer in a safe in the office of Miss Darcy & Co., but whence this $5,800 came he did not show by any writing whatever.

IX.

Mr. E. L. Whitmore, the confidential agent and employee of Mr. Charles W. Clark, purchased of D. G. Warner, a member of the legislature, certain lots in the town of Boulder, Jefferson County, and a small ranch near by, and took the deed in his own name, paying the amount of $7,500 in bank bills in Helena in the first week of January, 1899, the deed being recorded February 1, 1899. Mr. Warner has left Montana and gone to California.

X.

Mr. H. H. Garr, member of the legislature, lodged a package during the session with Mr. Peeler, of the bank of Kalispell. After the legislature adjourned he obtained the package, went to his home, and in the name of Miss Wickham, his wife's aunt, a milliner, who had lived with him for seven years, purchased a ranch for $3,500, for which he paid in currency, including a thousand-dollar bill, which money he said he obtained from his wife's aunt, believing she had accumulated and kept it in a box in her room in his house.

Mr. Garr had been a poor man, with little or no property, earning sometimes $50 or $75 a month as a notary public, sometimes nothing. He had in cash $75 or $80 when elected, and borrowed $25 to go to Helena with. His wife's aunt paid board in the family at the rate of $2.50 a week. He had no previous knowledge of how she had accumulated this money. Mr. Steele had obtained interviews with him before the legislature met, with a view to securing his vote, and after his arrival he figured in the Whiteside exposure.

XI.

Mr. John H. Geiger was a Republican who, after Mr. Whiteside's exposure, was seated in the legislature as a senator, in place of Mr. Whiteside, on the 26th day of January, by the votes of the Republicans and the Democratic supporters of Senator Clark, on the ground that his name on a few of his ballots had been marked at the wrong end, and on the 28th Mr. Geiger voted for Senator Clark.

He was a man with no regular occupation, was entirely without means, and a borrower of small sums. During the session of the legislature he received and carried home with him $3,600. After accounting for one or two petty sums, he claims that he obtained this money by faro gambling and through $1,100 in bills which he found in his room and believed came in connection with some bills pending in the legislature which Mr. John B. Wellcome was carrying through as attorney.

XII.

Mr. B. F. Fine, a member of the legislature, and a mining operator with no property, in May after it had adjourned, in pursuance of an agreement made during the session by Senator Clark after his election as Senator, received $2,000 from Senator Clark's bankers, and since that date has received other moneys, making the sum of $5,000 in all, which has been all his earnings since his nomination, his only business being the hunting up of testimony to disbar or impeach Mr. W. A. Clark, of Madison County, one of the principal witnesses against Senator Clark, to do which no steps have yet been taken.

XIII.

Mr. Stephen Bywater, a Republican, 30 years of age, and a railroad conductor, voted for Mr. Clark for the first time on the eighteenth ballot, when he was elected. On the 3d day of March, immediately after the legislature adjourned, he deposited in the Montana National Bank $15,000.

He accounts for it by saying that he brought from Kalispell, his home, $6,000 in currency, which he kept with him during the whole session of the legislature, and by saying that he received on March 3 $9,000 from his brother for the purchase of stock in a mining company in British Columbia, but he produced no writing in confirmation of his statement as to either the $6,000 or the $9,000. He did produce a prospectus and letter showing that there was such a mining company and that he was its president, and a Mr. Peeler, a broker, with whom Mr. Bywater kept an account, testified that Mr. Bywater also kept a package of money not included in the bank account.

XIV.

Mr. E. C. Day was Senator Clark's candidate for speaker and was defeated in the Democratic caucus, receiving 25 votes against 30 votes for Mr. Stiff. Mr. Day was the leader of Mr. Clark's forces in the legislature during all the ballotings after the second. On February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. This amount was received by Mr. Day through Mr. Wellcome and Mr. Davidson on the 3d day of March, the day after the legislature adjourned.

Mr. Day testified that the services for which he received the $5,000 were as follows: "I had acted as the manager, you might say, or leader of his forces upon the floor of the house. I attended to keeping a quorum present and seeing that friends of his were sent for that were not present at roll call, and made motions and attended to the ordinary parliamentary—perhaps you would call it—procedure of his friends in that body." Later, Mr. Day received from Charles W. Clark $2,000 as fees in the Wellcome proceedings and $1,000 in two suits brought by Mr. Whiteside against the Butte Miner and the Helena Independent.

XV.

Mr. W. W. Beasley, a Republican representative, first voted for Senator Clark on the eighteenth ballot, when he was chosen, and that night or the next night he left Helena for St. Paul, having in his possession about $5,000 in currency, at least $1,000 of which was a thousand-dollar bill.

He claimed that he had taken this money with him to Helena and carried it in his vest pocket during the whole session. By no writing did he show whence he received it or what he did with it. He claimed that he kept the money with him because he was in embarrassed circumstances in the sheep business and was afraid of law suits. When he was elected he owed a board bill of nearly $400, and while in Helena took out a life-insurance policy and gave a note for the premium. All the time he had a bank account in the Thomas Cruse Savings Bank at Helena.

ADDITIONAL STRENGTHENING FACTS.

While the findings of the committee are justified by the foregoing admitted and undisputed facts, with their attendant circumstances standing alone, those facts are strengthened by additional facts, including various unsuccessful attempts to secure votes by offers of money, which, although denied, are found by the majority of the committee to be sustained by the preponderance of the testimony. It would unnecessarily incumber and extend this report to attempt to give these additional facts in detail.

THE WHITESIDE $30,000 INCIDENT.

In addition to these unsuccessful attempts at bribery, certain other alleged attempts will be narrated, because there is difference of opinion in the committee concerning them. They are as follows:

The case of W. A. Clark, State senator from Madison County, is one of those embraced in the Whiteside exposure. Mr. Clark and Mr. Whiteside testified that Mr. Wellcome placed $10,000 in an envelope and handed it to Mr. Whiteside, Mr. Clark's initials being written by the latter on the back of the envelope, the amount to be delivered to Mr. Clark in case he voted for Senator Clark. This money was part of the $30,000 produced by Mr. Whiteside before the legislative committee. Mr. Wellcome denied these statements.

State Senator H. L. Myers testified that in like manner $10,000 was placed in an envelope, upon the back of which he wrote his initials, and the package was retained by Mr. Whiteside to be delivered to him in case he voted for Mr. Clark. Mr. Whiteside testified that the $10,000 was furnished by Mr. Wellcome. Mr. M. L. Hewett testified that Mr. Charles W. Clark authorized the payment of $10,000 to Myers. Prior to the session of the legislature Mr. Charles W. Clark had, as shown by a letter signed by him, sent $500 to Mr. Myers as a retainer as counsel for the Bridger Coal Company, which Mr. Myers did not accept. But Mr. Clark denied the statement made by Mr. Hewett, and Mr. Wellcome denied the statement of Mr. Whiteside.

As to Representative H. H. Garr, Mr. Whiteside testified that in like manner $5,000 was furnished him by Mr. Wellcome for Mr. Garr and placed in an envelope, on the back of which Mr. Garr wrote his initials, Mr. Whiteside retaining the package as in the other two cases. Mr. Garr admits seeing the money and writing his name upon the back of the envelope, but says it was for purposes of identification, and that he did not know what the transaction meant. Mr. Wellcome denied these statements.

Mr. Whiteside, who was a State senator, testified that in like manner $5,000 was given to him by Mr. Wellcome as part of $10,000 which he was to receive for his vote for Senator Clark, which he placed in an envelope and later produced before the legislative committee. Mr. Wellcome denied these statements.

It is in connection with these last four cases of attempted bribery—those of Messrs. Clark of Madison, Myers, Garr, and Whiteside—that the controversy concerning Senator Clark's election has been largely maintained from the beginning.

The reasons why a majority of the committee find that, on the whole, the statements of Messrs. Clark of Madison, Myers, and Whiteside are true, notwithstanding the denials of Mr. Wellcome and others, may be briefly stated. The three accusers undoubtedly occupied the position of detectives, who willfully deceived the parties with whom they were dealing and against whom they made charges. On the other hand, the parties against whom they testified and who make the denials are charged with crimes to which, if guilty, they would be quite certain to add the offense of false swearing.

The majority of the committee, under all the circumstances appearing, are not willing to consider the situation as one of equilibrium between the detectives on the one hand and the alleged lawbreakers on the other. If Messrs. Clark of Madison, Myers, and Whiteside testified falsely, they must have contemplated in the beginning a conspiracy of the basest character, to be followed up by perjury of the worse sort, and they must have intended to pass through ordeals in the course of the investigations which would be made to which it can not be inferred they were willing to subject themselves merely to prevent Senator Clark from becoming a United States Senator.

THE ALLEGED DALY CONSPIRACY.

In the opinion of the majority, there was no affirmative disproof produced by Senator Clark at any time showing that the facts in connection with the $30,000 exposure were not true. The charge that the accusations and the exposure resulted from a conspiracy formed and carried forward by Mr. Marcus Daly was a necessity of Mr. Clark's canvass and defense. But Mr. Daly and Mr. Conrad and others who were suspected of conspiracy denied all knowledge of the $30,000, of which $27,000 was in $1,000 bills, which had been produced by Mr. Whiteside as the money furnished by Mr. Wellcome in the attempted briberies.

No $1,000 bills were shown to have been in the hands of any of the alleged Daly conspirators. On the other hand, the five $1,000 bills and four $500 bills which Mr. Bickford took from C. W. Clark and carried to Missoula on December 31, in connection with the E. P. Woods transaction, were returned to Mr. Clark on January 1, and during the ensuing week, when the alleged briberies were attempted, large sums in currency were in the hands of Mr. C. W. Clark and Mr. Wellcome, including various $1,000 bills.

Mr. Clark, on January 3, had brought to him by a Mr. Hirshfield $9,000 in currency, in which were three $1,000 bills, and from this $9,000, or the money returned by Mr. Bickford, he gave Mr. Wellcome three or four $1,000 bills. On December 28 Mr. Wellcome drew from bank $10,000, of which he says one, two, three, four, or five were $1,000 bills, and he carried them in the inside pocket of his vest until he used them. There were on the 3d or 4th of January three $1,000 bills and eight $500 bills in the possession of Mr. Whitmore, Mr. Charles W. Clark's confidential agent in the purchase of D. G. Warner's property. Charles W. Clark testified that his income was $250,000 per year.

In connection with the consideration of these last four cases of attempted bribery—of Clark, of Madison, Myers, Garr, and Whiteside—it is important to state, in view of the difference of opinion in the committee concerning the credibility of Messrs. Clark, of Madison, Myers, and Whiteside, that the whole committee find that if all the testimony concerning the $30,000 and all the testimony of Mr. Whiteside and Mr. Clark, of Madison, were laid aside there would still remain sufficient evidence in the case to lead the committee to find, as they do, that Mr. Clark's election is void. From the briberies which have been established the majority of the committee feel justified in finding that there were other successes in procuring, by corrupt practices, the votes of members of the legislature, where the facts naturally can not be directly proved.

THE CONDUCT OF THE REPUBLICAN LEGISLATORS.

The conduct of the Republican members of the legislature who, on the 28th day of January, left their Republican candidate and voted for Senator Clark and gave him his election, in the opinion of the majority of the committee, calls for special criticism. Senator Clark, beginning with 7 votes on January 10, had carried his votes up to 41 on the 27th of January. Mr. Conrad, beginning with 36 votes, had, on the 27th, 29 votes, and until that day his natural strength of over 30 votes had not been impaired from the beginning. There was an absolute deadlock and no possibility of the election of a Democrat without the aid of the Republicans.

On January 28, on the second ballot, Mr. Clark's vote was carried from 41 up to 54. Mr. Conrad's went down from 30 to 27, but only one of his supporters, Mr. Moran, voted for Senator Clark. Four Republicans, McKay, Worden, Hedges, and Lindsay, voted for the Republican candidate, Mr. Marshall, for whom they had first voted on January 10.

Eleven Republicans—Messrs. Geiger, Hobson, Mitchell, Phillips, Beasley, Bywater, Ingersoll, Jaqueth, Long, Magee, and Marcyes—went over to Senator Clark and gave him the election.

It is difficult to account for these Republican votes for Senator Clark. Senator Clark's candidacy had been tainted on the 10th of January by the Whiteside exposure. The facts exposed had not been disproved on January 28. It is true that a grand jury, composed of six persons, had reported that while there was evidence tending to show that money had been used it would not, in their judgment, warrant a conviction by a trial jury; but no other fact impugning the testimony of Messrs. Whiteside, Clark of Madison, and Myers had then appeared.

The reasons given for the Republican votes for Mr. Clark seem to be pretenses and covers. Mr. Clark, who had been negotiating with Mr. Hobson, the leader of the Republicans, wrote a letter on the 16th of January, in which he declared himself to be in favor of a tariff on Montana products. Some of the Republicans said there ought not to be a deadlock, and that it would be better to have a Democratic Senator than a vacancy.

No one pretends that any effort was made to bring about the election of any other Democrat than Mr. Clark, against whose agents the charges of bribery had been made. The committee do not say that the votes of all the 11 Republicans were improperly secured, but that those of Mr. Geiger, Mr. Beasley, and Mr. Bywater were, has already been found. The circumstances of suspicion against the others are numerous.

Senator S. S. Hobson is mainly responsible for the action of the Republican members. He was the chairman of their caucus and the leader in the Clark movement. He early began negotiations with Mr. Clark, and the latter's written promise that he would be an independent tariff Democrat was addressed to Mr. Hobson under the date of January 16.

Mr. Hobson was a man of moderate means. When he was elected he owed $22,000 or $23,000 to the Fergus County Bank, of which he was president. This he paid in May, 1899, and went East and to Europe about the time Senator Clark went; and when in connection with the Fergus County Bank he feared some manifestation of indignation at his course from ex-Senator T. C. Power, Senator Clark, in accordance with a promise he had made soon after his election, promptly purchased the $46,000 of the bank stock which Mr. Power owned and took a transfer thereof, which has not been recorded on the books of the bank.

In the face of all the facts tending to impeach the conduct of so many of the Republican members, and of the evident political reasons why they should not have contributed their votes to the election of Senator Clark, a Democrat, under charges of corruption, the finding that Senator Clark's election was obtained by corrupt practices, in the opinion of the majority, is much strengthened by the action of the 11 Republicans who, on the 28th day of January, abandoned their own party and thus strangely elected a Democratic Senator.

THE DISOBEDIENCE OF THE MONTANA LAW CONCERNING CRIMES AGAINST THE ELECTIVE FRANCHISE.

The direct violations by Senator Clark and his committee and agents of the provisions of the Montana laws before stated are of the first importance in connection with the conclusions reached by the committee. The citizens and legislature of Montana in 1895, conscious of the discredit into which the State had fallen by the enormous expenditure of money in previous elections, made an earnest and legitimate effort to prevent corruption in politics in the future, and the act of February 25, 1895, was passed and incorporated into the penal code of that year.

RECITAL OF THE SUBSTANCE OF THE LAW.

A concise but correct and complete analysis of this law of 1895 is as follows:

The Montana Penal Code, in Title IV, headed "Crimes against the elective franchise," in section 85 of the act of February 25, 1895, provides that no person, to aid in his election to a public office, shall, directly or indirectly, by himself or through another person, expend or promise to expend any money or other valuable thing, except, as later provided, "for personal expenses and to a political committee."

Section 86 provides that a candidate may pay—

1. "His own personal expenses for traveling and purposes properly incidental to traveling.

2. "For sending out special publications giving his position and views.

3. "For stationery and postage, telegraph and telephone and other public messenger service, and other petty personal expenses. 'And in no other case whatever' shall the total sum for his own personal expenses as authorized exceed the sum of $1,000 by any candidate for United States Senator."

Section 87 provides that a candidate may pay money to a political committee, not exceeding $1,000 by a candidate for United States Senator, nor to more than one committee in any county.

Section 88 applies the term "political committee" to "any combination of persons" who shall aid a party, principle, or candidate, and every such committee or combination must have a treasurer who shall keep its accounts.

Section 90 requires every treasurer to file his account within thirty days after an election, stating in detail his receipts and expenditures.

Section 91 requires every person who, acting otherwise than under the authority of a committee, expends money, to file such a statement as is required of a treasurer "in the county in which he is a legal voter."

Section 98 requires every statement to be made on oath.

Section 104 punishes violations of sections 90 and 91 by fine not exceeding $1,000 and imprisonment for not more than three months.

After the passage, in 1895, of this law punishing crimes against the elective franchise, there was no serious occasion to test its provisions until 1898. In 1896 the coalition of the Silver Republicans with the Democrats made the State overwhelmingly Democratic, the plurality for Mr. Bryan being 32,043, and for Mr. Hartman, the Bryan Congressman, 24,563. In 1898, when Senator Clark renewed his canvass for the United States Senate, and his friends determined to directly disregard the law, he had no right to expend more than $1,000 through his one committee, nor more than $1,000 for his own personal expenses.

He expended a sum vastly in excess of the limit provided by law, and failed to render any return; and no such return was made by the aforesaid persons acting in his behalf. This failure to make return was with full knowledge of the fact that it was widely charged and widely believed that the election had been accomplished by bribery and the corrupt expenditure of money on a very large scale. He also, in June, 1899, with full knowledge of this belief and these charges, but in accordance with what he testified was his custom, destroyed all his checks, including those for his expenditures in his canvass, and was unable to give any full and satisfactory vouchers for the money so expended by him and his agents.

The committee find the case proved without relying upon such destruction of checks, failure to render accounts, and disregard of the legal limit of expenditure. But they furnish to the committee strong additional reasons for believing the other evidence, which seems to them to establish the corruption charged.

On the other hand, returns were made, as appears in the book of testimony, by the Republican State committee of expenditures of $4,291.31, by the Democratic State committee of $9,161.49, by the Silver Republican State committee of $1,708.25, by the People's Party State committee of $1,193.50, by the Silverbow County Democratic committee of $10,005.06, by the Silverbow County Silver Republican committee of $1,453.05.

Mr. Marcus Daly testified that he contributed to the State committee $4,500, to the Silverbow County committee $2,500, to the Deer Lodge County committee $500, to the Missoula County committee $250, making his total contributions $7,750. Mr. Daly was not a candidate, and has never been a candidate, for any office. Mr. W. G. Conrad, who was the principal opposing Democratic candidate for United States Senator against Mr. Clark, swore that he contributed to the State and various county committees between $5,000 and $10,000, not over $1,000 to any one committee, and after the election he spent between $200 and $300 outside of hotel bills; but paid no money in aid of his candidacy for Senator.

QUESTIONS OF LAW INVOLVED IN THE CASE.

In justifying the finding of the committee it is not necessary to discuss any doubtful questions of law.

(1) It is clear that if by bribery or corrupt practices on the part of the friends of a candidate who are conducting his canvass votes are obtained for him without which he would not have had a majority his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices. (Pomeroy's case, Taft Elec. Cases, 330; Caldwell's case, 334; Clayton's case, 348; Ingalls's case, 596; Payne's case, 604, 609, 610; Minority report, 616.)

(2) It seems to have been admitted that if the person elected clearly participated in any one act of bribery or attempted bribery he should be deprived of his office, although the result of the election was not thereby changed. (Pomeroy's case, Taft Elec. Cases, 330; where Mr. Pomeroy had 84 votes against 25.)

According to the law as understood by the committee, Senator Clark can not be permitted to retain his seat. He received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he obtained through illegal and corrupt practices 8 votes which would otherwise have been cast against him, he was not legally elected. More than this number of votes, the committee find from all the evidence, was thus obtained.

It is also a reasonable conclusion upon the whole case that Senator Clark is fairly to be charged with knowledge of the acts done in his behalf by his committee and his agents conducting his canvass. He arrived in Helena from Butte on January 4 and remained there until after his election on January 28 and was in constant conference with his committee and agents.

REJECTED TESTIMONY—CRITICISM OF THE PROSECUTORS.

There has been much testimony received by the committee which has not proved of substantial value. Many of the witnesses were unreliable, having made contradictory statements and having apparently sought to obtain from both sides of the controversy money for testifying.

Much criticism has been made of the contestants, especially of Mr. A. J. CAMPBELL, a member of the House of Representatives and an active prosecutor of the charges against Senator Clark. Some members of the committee can not refrain from expressing their disapproval of many of the methods pursued by Mr. CAMPBELL and Mr. Whiteside in the prosecution of the charges against Senator Clark, and they do not approve of the actions of Mr. Daly in agreeing to furnish an unlimited amount of money to carry on the prosecution.

It appears from the evidence that Mr. CAMPBELL, among other things, made a suggestion in a letter to a detective employed by him indicating that he wished the detective to obtain information from some member of the grand jury of one of the counties in Montana; and, further, that his stenographer or secretary gave several hundred dollars to two persons who made affidavits bearing on matters involved in this prosecution, the drafts for which sum Mr. CAMPLELL paid. It also appears that Mr. CAMPBELL, in the course of the

prosecution, participated in opening a letter written by Mr. Bickford to one Jesse B. Root.

It further appears that Mr. CAMPBELL was one of the committee of friends consulted by Senator Clark in the summer of 1898 at the opening of the canvass, and that he was nominated for Congress at the Democratic convention held that year by the supporters of Senator Clark, as well as other members of the convention. In June, 1899, Mr. CAMPBELL became the attorney for a corporation in which Marcus Daly was largely interested.

While it is true that bribery can never be proved by the testimony of the briber nor of the person bribed, and that it is almost always necessary to obtain the required information from go-betweens or persons who have explored the field and made reports backward and forward as to the probability of obtaining results by bribery, yet some members of the committee believe that this does not justify the character of acts which are proved and established against Mr. CAMPBELL. Some members of the committee, however, do not join in any criticisms of Mr. CAMPBELL and Mr. Daly.

These go-betweens who were employed by Mr. CAMPBELL testified before the committee, most of them in the last instance, in behalf of Senator Clark. Some of their statements were true and some false.

The testimony of these persons, where they had made conflicting statements, has not been regarded by the committee unless corroborated, as the testimony of accomplices and detectives ought always to be corroborated. These witnesses, whose conduct has occasioned comment, had all been originally employed by Senator Clark or his committee or his friends. They are as follows:

One Z. T. Cason was retained by Senator Clark personally to endeavor to secure the vote of Representative Marcyes, and after the election was over, in a letter dated February 3, 1899, Senator Clark sent him $500. Cason testified before the supreme court and before this committee that he was authorized by Senator Clark to offer $10,000 to Mr. Marcyes. Later, getting into communication with Mr. Jesse B. Root, who was Mr. John B. Wellcome's law partner, he received $1,500 from him, and in consideration thereof signed a letter drafted by Root, dated December 8, 1899, saying that his previous statement was untrue, and then went to Baker City, Oreg., where he remained under an assumed name until he was caught by the subpœna of this committee.

One Benjamin Hill, during the Senatorial contest, was a supporter of Senator Clark, and was paid by Senator Clark's clerk $350. He later met Whiteside and agreed to get evidence against Senator Clark, and told him what he now says was a "pack of damn lies," and he also entered into communication with Mr. CAMPBELL. On June 30, 1899, he made a long affidavit against Senator Clark, which he now testifies was wholly false. He subsequently revealed to Senator Clark's counsel what he claimed to be the whole story. He was paid $610 by Mr. Wellcome and appears to have received from the prosecutors about $1,500.

One L. L. Wright went to Helena to work for Senator Clark, and received from Mr. A. J. Steele $240. Later he engaged, through Benjamin Hill, to get evidence for the prosecution against Senator Clark, and on the 3d of November, 1899, he made an affidavit for the contestants, which he testified before the committee was false. He received $250 from Benjamin Hill, which appears to have come from the prosecutors.

One Thomas T. Lyon went to Helena, at the request of Mr. Wellcome, to serve Mr. Clark. Mr. Wellcome gave him $250. Later, in company with Benjamin Hill, he engaged with CAMPBELL to furnish evidence against Mr. Clark, and said that CAMPBELL agreed to give him $5,000, which Mr. CAMPBELL denies. Later he told his story to Charles W. Clark, and on November 29, 1899, made an affidavit for the Clark side. He received from that side $250 and received from Mr. CAMPBELL $300. He told Mr. Henry G. Rickerts that he had received from the Clark side $2,000, which he had deposited in his wife's name.

William F. Rector's testimony was considered by the committee entirely unreliable. So was that of E. L. P. Ector, except where he was corroborated, as he was upon the important parts of his evidence by Senator Clark and Mr. Bickford and by his correspondence with those two gentlemen.

THE APPROACH TO THE SUPREME COURT.

The majority of the committee think that the transactions connected with the judges of the supreme court of Montana need special consideration. The undisputed facts are as follows:

I.

Proceedings having been instituted against John B. Wellcome for the purpose of securing his disbarment for attempted bribery in connection with Senator Clark's election, it appears that on August 5, 1899, after a preliminary decision by the supreme court that the court had jurisdiction, one Dr. William Treacy, a Republican advocate of Senator Clark, at Helena, approached Mr. Justice William H. Hunt, one of the three members of the supreme court, being his family physician, bearing a proposition which he said was from a party in town that Judge Hunt could have $100,000 if the court would dismiss the proceedings against Mr. Wellcome, and he advised Judge Hunt to accept the amount.

This proposition was first mentioned to Judge Hunt about noon. At half past 10 in the forenoon a special train had arrived from Butte bringing Charles W. Clark, Frank A. Corbett, and E. L. Whitmore, who went to the Helena Club, where, during the day, they saw Mr. John S. M. Neill, Mr. Davidson, Mr. Steele, Mr. Steve Carpenter, and Mr. Thomas Miller. They said they came to see Mr. B. Platt Carpenter, to induce him to put in an answer for Wellcome in the proceedings pending, and they returned in their special train to Butte in the afternoon, after Mr. Corbett had also had an interview with Mr. Justice Pigott, narratives of which were given to the committee by both parties thereto.

[Mr. Justice Pigott testified that Mr. Corbett told him that he had come over on the special train because Mr. Neill on the previous night telephoned to Butte that it had been ascertained that a deal could be had with the supreme court; that he, Mr. Corbett, condemned such a movement, had a mortgage of $24,000 on Mr. Neill's newspaper, and would foreclose it if Mr. Neill made any such attempt. All this Mr. Corbett denied.]

II.

On three occasions Dr. Treacy approached Attorney-General C. B. Nolan, who was in charge of the proceedings against Mr. Wellcome, and proposed to him to accept $100,000 and dismiss the proceedings.

III.

During the pendency of the proceedings against Mr, Wellcome, Rev. A. B. Martin, president of a school at Great Falls, Mont., in which Senator Clark and Chief Justice Brantley were trustees, visited the chief justice with a letter in his hand dated October 7, 1899, from Senator Clark, wherein the latter urged him to see the chief justice and endeavor to prevent the disbarment of "that splendid man," John B. Wellcome.

Upon the foregoing undisputed facts and other facts which are controverted, a majority of the committee believe that Senator Clark's agents, in their desperation on account of the decision of the court to take jurisdiction in the Wellcome case, attempted an improper approach to the judges of the court and to Attorney-General Nolan, which fact can not but have a certain influence in the consideration of the other acts of those agents in connection with the Senatorial election. A minority of the committee, however, believe that the transactions were res inter alios acta, and that the evidence does not sufficiently bring home to Senator Clark or his agents any improper attempt to influence the court or the attorney-general.

PROMPT ACTION SUGGESTED.

This briefest possible summary of the material facts in a case whose hearings have covered over three months, from January 5 to April 10, 1900, and whose record requires 2,687 pages, has extended to great length, and the committee will not present any general considerations in this report. The Senate should, as a duty to itself and to the country, demonstrate by its action in this case that seats in the United States Senate procured as Senator Clark's has been procured can not be retained by the deliberate judgment of the Senate.

The Senate also owes a duty to the people of Montana who, conscious of the bad repute into which the State had fallen by reason of vast expenditures of money in connection with its elections, manifested such a public sentiment that the legislature of 1895 passed a statute which, if obeyed, would have redeemed the State from its bad name. For the direct and gross violations of that statute and the consequent discredit which continues to rest upon the State, Montana has a right to expect a prompt and decisive remedy from the action of the Senate upon the report of this committee.

The committee report and unanimously recommend the adoption by the Senate of the following resolution:

"*Resolved*, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana."

APPENDIX TO REPORT.

COPY OF STATEMENT FURNISHED BY SENATOR CLARK.

[Testimony, p. 1828.]

Disbursements made by W. A. Clark for political purposes from August 1st, 1898, to September 1st, 1899.

1898.		
August 12,	paid C. W. Clark	$35,000.00
October 17,	" C. W. Clark	20,000.00
October 20,	" Walter Cooper	200.00
November 5,	" L. O. Leonard	250.00
November 7,	" C. H. Padley	250.00
November 7,	" L. O. Leonard	150.00
November 9,	" J. H. Miles	100.00
November 9,	" T. Kilgallon	200.00
November 10,	" C. H. Padley	200.00
November 11,	" John Leary	50.00
November 23,	" C. W. Clark	40,000.00
November 23,	" A. J. Davidson	5,000.00
1899.		
January 6,	" C. H. Padley	250.00
February 4,	" Z. T. Cason	500.00
February 6,	" George Alderson	250.00
February 13,	" W. A. Clark & Bro., for C. W. C.	20,592.05
February 14,	" J. B. Wellcome	15,000.00
February 27,	" J. B. Wellcome	90.00
March 2,	" J. B. W., for Jno. Simpson	400.00
March 2,	" J. B. W., for photographs	250.00
March 31,	" Walter Tallant, subscription	1,000.00
April 3,	" Walter Tallant, secretary	500.00
April 5,	" Simpson	100.00
April 25,	" Thomas Bryant	100.00
April 25,	" T. Kilgallon	92.00
May 3,	" Thos. Bryant	100.00
May 11,	" Thos. Bryant	100.00
May 19,	" W. M. Bickford, expense account	581.85
June 8,	" Thos. Bryant	83.50
July 31,	" C. W. Clark	950.00

MONTANA ELECTION LAWS DEFINING AND PUNISHING "CRIMES AGAINST THE ELECTIVE FRANCHISE."

[Portions of the act of February 25, 1895, being sections of the penal code of 1895.]

SEC. 83. No person shall, in order to aid or promote his own nomination as a candidate for public office, by a caucus, convention, or nomination paper, directly or indirectly, by himself or through another person, or by a political committee, give, pay, expend, or contribute, or promise to give, pay, expend, or contribute, any money or other valuable thing, except for personal expenses, as hereinafter provided.

SEC. 85. No person shall, in order to aid or promote his own election to a public office, directly or indirectly, by himself or through another person, give, pay, expend, or contribute any money or other valuable thing, except as hereinafter provided for personal expenses and to a political committee.

SEC. 86. A candidate for nomination or for election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for traveling and purposes properly incidental to traveling; for writing, printing, and preparing for transmission any letter, circular, or other publication which is not issued at regular intervals, whereby he may make known his own position or views upon public or other questions; for stationery and postage; for telegraph, telephone, and other public messenger service, and for other petty personal expenses; but all such expenses shall be limited to those which are directly incurred and paid by him, and by him alone; and every person shall be required to include such personal expenses in any statement which may be required of him under this act. And in no other case whatever shall the total sum paid, or agreed to be paid, by any candidate for his own personal expenses, as authorized by this act, exceed the sum of $1,000 by any candidate for United States Senator, for Congress, or for any State office; nor shall such personal expenses exceed the sum of $100 by any candidate for a county or other office.

SEC. 87. A person who is nominated as a candidate for public office by a caucus, convention, or nomination paper, and any person who shall, with his own assent, be voted for public office, may make a voluntary payment of money or a voluntary or unconditional promise of payment of money to a political committee as hereinafter defined for the promotion of the principles of the party which the committee represents and for the general purposes of the committee. But in no case, by direct or indirect voluntary contribution, shall such total aggregate voluntary payments exceed the sum of $1,000 by any candidate for the United States Senate, for Congress, or for State offices; nor shall such total aggregate voluntary payments exceed the sum of $50 by any candidate for member of the State legislature, or $100 for any county or other office within the State, nor the sum of $100 by any candidate for any other office: *Provided*, That nothing in this act contained shall be construed to authorize or permit any candidate to make such payment to more than one committee or person, acting otherwise than under the authority or in behalf of a political committee, in any county.

SEC. 88. The term "political committee," under the provisions of this act, shall apply to every committee or combination of persons who shall aid or promote the success or defeat of any political party or principle in a public election, or shall aid or take part in the nomination, election, or defeat of a candidate for public office. Every such committee shall have a treasurer, who is a legal voter of the State, and shall cause to be kept by him detailed accounts of all money and the equivalent of money which shall be received by or promised to the committee, or any person acting under its authority or in its behalf, and of all such expenditures, disbursements, or promises of payment or disbursement which shall be made by the committee or any person acting under its authority or in its behalf; and no person acting under the authority or in the behalf of such committee shall receive any money or equivalent of money, or expend or disburse the same, until the committee has chosen a treasurer to keep its accounts, as herein provided.

SEC. 89. A person who, acting under the authority or in behalf of a political committee, shall receive any money or equivalent of money, or promise of the same, or shall expend any money or its equivalent, or shall incur any liability to pay money or its equivalent, shall at any time thereafter, on demand of the treasurer of such committee, and in any event within fourteen days after such receipt, expenditure, promise, or liability, give to such treasurer a detailed account of the same, with all vouchers required by this act; and such account shall constitute a part of the accounts and records of such treasurer.

SEC. 90. The treasurer of every political committee which shall receive or expend or disburse any money, or equivalent of money, or incur any liability to pay money, in connection with any election, if the aggregate of such receipts or of such expenditures, disbursements, and liabilities shall exceed $10, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements, and liabilities of the committee, and of every officer and other person acting under its authority or in its behalf. Such statement shall include the amount in each case received, the name of the person or committee from whom it was received, and the date of its receipt, and shall also include the amount of every expenditure or disbursement, the name of the person or committee to whom the expenditure or disbursement was made, and the date of every such expenditure or disbursement, and shall clearly state the purpose for which it was expended or disbursed. The statement shall also give the date and amount of every existing unfulfilled promise or liability, both to and from such committee, remaining uncanceled and in force at the time the statement is made, with the name of the person or committee to or from whom the unfulfilled promise or liability exists, and clearly state the purpose for which the promise or liability was made or incurred.

SEC. 91. Every person who, acting otherwise than under the authority or in behalf of a political committee having a treasurer, as hereinbefore provided, receives money or the equivalent of money, or expends or disburses or promises to expend or disburse money or its equivalent, to an amount exceeding $10 for the purpose of aiding or promoting the success or defeat of a political party candidate or principle in a public election, or of aiding or taking part in the nomination, election, or defeat of a candidate for public office, shall file such statement as is herein required to be filed by a treasurer of a political committee in the county in which he is a legal voter, and shall be subject to all the requirements of this act, the same as a political committee and the treasurer thereof; but no person other than a legal voter of the State shall receive, expend, or disburse any money or equivalent of money, or promise to expend or disburse the same, for either of the purposes above named, except for personal expenses, as herein provided, or under the authority or in behalf of a political committee.

SEC. 92. No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee, or to an officer or other person acting under its authority or in its behalf, in any other than his own name; nor shall such committee, officer, or other person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom such payment or promise of payment is made.

SEC. 94. The statement required by this act to be filed by the treasurer of a political committee shall be filed with the clerk of the county in which the treasurer is a legal voter, except that, in case a political committee has its headquarters in some other town or city than that in which the treasurer is a legal voter, the treasurer shall file the statement required of him with the clerk of the county in which such headquarters are maintained at the time of the election to which such statement relates. A statement relating to any other than a municipal election shall be filed in duplicate, and one copy shall be forthwith forwarded by the county clerk receiving the same to the secretary of state, by whom it shall be placed on file.

SEC. 95. The supreme court and the district court shall have full equity powers to compel any person who fails to file a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to sufficiency in detail, conformity to the truth, or otherwise, to comply with the provisions of this act by filing such a statement as is required, and shall compel such compliance upon the petition of any candidate voted for or of any five persons qualified to vote at the election on account of which the expenditures, or a part thereof, were or are alleged to have been made.

No such petition shall be brought later than sixty days after such election against anyone who has filed his account within the thirty days required, excepting that a petition may be brought within thirty days of any payment which was not stated in the statement so filed. Proceedings under this section shall be advanced upon the dockets of said courts, if requested by either party, so that they may be tried and decided with as little delay as possible. No petition brought under this act shall be withdrawn or discontinued without the consent of the attorney-general.

SEC. 96. No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

SEC. 97. If any statements which are filed under this act shall apparently fail to be in conformity with the requirements thereof, it shall be the duty of the clerk with whom any such statement is filed forthwith to notify the person making the same of such failure, and to request him to amend and correct the same.

SEC. 98. Every person making a statement required by this act shall make oath that the same is in all respects correct and true, to the best of his knowledge and belief.

SEC. 99. All statements which are filed in accordance with the provisions of this act shall be preserved for not less than fifteen months from the time of the election to which they relate, and shall, during that period, be open to public inspection.

SEC. 102. Every payment in respect of any expense incurred, which is to be accounted for under this act, shall be vouched for by a receipted bill stating the particulars of expenses, and every voucher, receipt, or account required by this act shall be preserved for at least six months from the election to which it relates.

SEC. 103. This act shall apply to all public elections, whether for officers or upon questions to be submitted to the people, except elections of township officers, and shall apply to caucuses and conventions for the nomination of candidates to be voted for at such elections, and to nomination papers for the nomination of candidates to be voted for at such elections, except that sections 83, 85, and 92 of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary and regular conduct of business as such proprietors and publishers.

SEC. 104. Whoever shall violate any of the provisions of sections 83, 84, 85, 88, 89, 93, 94, 98, 99, and 102 of this act shall be punished by a fine not exceeding $1,000, and by imprisonment in the county jail for not more than three months. Whoever shall violate any of the provisions of sections 90, 91, and 92 of this act shall be punished by a fine not exceeding $1,000 and by imprisonment in the county jail for not more than three months.

VIEWS OF THE MINORITY.

VIEWS OF TWO MEMBERS OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, IN THE CASE OF W. A. CLARK, NOW SITTING AS A SENATOR FROM MONTANA.

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member, and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

It is true that we saw and read that report, by the grace of the chairman, and dissented from many parts thereof, and gave the chairman notice of such dissent, when the chairman informed us that we were not bound by the wording of the report.

It was our misfortune not to agree with a majority of the committee in the general conduct of the investigaton of this case. We believed that in this important inquiry the committee was bound by, and ought to act on, the ordinary rules of evidence.

And in this contention we merely followed another member of the committee who is one of our great lawyers and who is fresh from a long service as a nisi prius judge under Federal authority. That great lawyer, in gentle but forceful language, admonished us of the great danger of disregarding the common rules of evidence established by great judges through the centuries and known to all lawyers. But it was said the committee was not a court and had a right to receive "hearsay" evidence in order to get on the track of better evidence. And we did receive it constantly, and in great volumes.

We tried merely to discharge our duties as members of this committee, and as judges in this most important cause. The chairman, however, left the committee little to do. The committee made an order at the beginning appointing the chairman and another member to determine what witnesses should be summoned, and the two did determine that matter at first; but the chairman kindly relieved the other member of that labor, and determined that matter for the committee.

This report of the chairman declares that, as to many matters stated separately, some members of the committee think or believe one way and some think or believe another way. So we preferred to state our individual findings for ourselves.

It is our opinion, from the evidence, that the friends of Senator Clark illegally and improperly used large amounts of money and thereby caused the election, and that this election is not valid, but under the law of the land is void, and therefore we agree to the resolution reported by the chairman.

We consider it our duty to call attention to the general features of this case. There were in Montana two factions in the Democratic party. Marcus Daly was considered the head of one faction and W. A. Clark was considered the head of the other.

In the summer of 1898 there was a meeting of "Clark men," as they were called, to consider political matters, concerning the general election to be held in November of that year.

Mr. A. J. CAMPBELL was invited and attended that meeting, which was held privately. It was agreed at that meeting to try to elect a legislature of Democrats of their own faction of the party, or not of the Daly faction. And W. A. Clark agreed to pay the expenses. And large sums of money were sent out, by the three men who acted as a committee, to various counties. A Democratic convention was held in September. And at that convention A. J. CAMPBELL was chosen its president, with the aid of all the Clark men."

And at the same convention A. J. CAMPBELL was nominated for Congress with the same aid; and in November, 1898, he was elected to Congress with the same aid. So, to the extent named, Mr. CAMPBELL got the benefit of that private meeting of which he was a member, and the benefit of the money sent out by the committee to the executive committees in various counties.

Mr. CAMPBELL was a well-known opponent of the Daly faction prior to and in 1898.

The witness Whiteside had been employed by one of Marcus Daly's corporations as a contractor to build a large house prior to 1898. A. J. CAMPBELL was employed for the first time in the summer of 1898 to do one piece of work as a lawyer for one of Daly's corporations.

The evidence tends to show that Whiteside was unfriendly to W. A. Clark, and that he made a threat to "explode a bomb" if Clark became a candidate for the Senate; and that about the same day Marcus Daly, in New York, made a threat "to run W. A. Clark and his family out of the State of Montana."

On or about the 15th day of December, 1898, A. J. CAMPBELL and Whiteside met. Whiteside called on Mr. CAMPBELL in his office to obtain the advice of Mr. CAMPBELL, and informed Mr. CAMPBELL of his plan to act with Mr. Clark's friends and secure Mr. Clark's confidence and then betray and destroy him. Mr. CAMPBELL had no difficulty in advising Whiteside as to how he could best betray and destroy his friend, W. A. Clark. That interview was private, and all we know of it is what the parties have consented to give us; but we learn of them that Mr. CAMPBELL gave to Whiteside advice full of grim, blunt wisdom.

After Mr. CAMPBELL had heard the plan to entrap and betray his friend, he told Whiteside, in substance, "Do not rely on your own evidence to prove the charges." Thus CAMPBELL and Whiteside became united in a common cause, in December, 1898. And from that time Whiteside had the benefit of CAMPBELL'S advice. And Whiteside, if you credit his account of himself, acted well and naturally the part of spy and traitor, and did "explode a bomb."

After the legislature adjourned Mr. CAMPBELL, with Marcus Daly's money, went into the business of buying newspapers and hiring editors and set them to work. He also became actively engaged in the business of hiring detectives with Daly's money. Among other hard cases he employed one Benjamin Hill and set him to hunting up evidence against his friend. And Mr. CAMPBELL gives a graphic account of how Hill brought to his office a sealed letter from Bickford to Roote, and how he caused Hill to open the letter for CAMPBELL to read. And, after reading, it was interesting to hear Mr. CAMPBELL

describe how the letter was carefully resealed and sent on by Hill to its destination.

Mr. CAMPBELL sent his man Hill, with his clerk, Mr. Little, to get certain affidavits. The affidavits were obtained, and the men who made them received about $100 each for their pay from Mr. Little and about $150 more for each out of checks drawn by Little on CAMPBELL and paid by him out of Daly's money. Mr. CAMPBELL stated this matter composedly, and, though he did not justify what was done, as he did the opening and reading of a sealed letter, he stated that he assumed the responsibility for the transaction. The man Hill, for hunting up witnesses and buying and making affidavits, received from Mr. CAMPBELL about $1,500 out of Daly's money, according to the evidence.

Mr. CAMPBELL became Daly's agent to disburse money without limit as to amount, and he disbursed it in that way. And in 1899 Mr. CAMPBELL was employed by a corporation controlled by Mr. Daly at a salary of $5,000 per annum.

When last heard from Mr. CAMPBELL had disbursed about $40,000 of Daly's money in this case, and had incurred liabilities for fees to eminent counsel, amounts not named, and still had power to go on spending without limit as to amount. He conducted this case as leading counsel, and became also one of the principal witnesses, but other counsel made the arguments.

Mr. CAMPBELL employed many detectives or spies and paid them most liberally with Daly's money; and he wrote divers letters to his professional detective, L. D. McLean. In one of them he says:

"It is hinted this morning that there were some matters being investigated by the grand jury which might implicate myself, Fred Whiteside, or, perhaps, W. A. Clark, of Virginia City. It is a mere rumor, and I don't believe there is anything in it at all. It may be it has something to do with elections last fall, which will probably not implicate me, but might implicate some of the so called Daly people. * * * Perhaps you had better get a list of the grand jury and find some fellow that you can 'jolly' a little."

Attorney-General Nolan claimed and received the combined assistance of Messrs. CAMPBELL and Whiteside. He attended before the grand jury and examined witnesses concerning this case and took notes of the testimony in shorthand and afterwards wrote out his notes—not in the words of the witnesses, but the substance in narrative form; and afterwards he attached this so-called evidence before the grand jury to the information which he filed in the supreme court against Wellcome; and to aid CAMPBELL and Whiteside in their search after evidence the attorney-general wrote a formal letter to Mr. A. J. CAMPBELL, promising immunity from prosecution and the governor's pardon to any and all witnesses who would testify about bribery of legislators.

This so-called evidence before the grand jury was much used in this case, and Attorney-General Nolan was examined as a witness before the committee as to matters relevant and irrelevant. He could not be induced to see the slightest impropriety in his disclosure of the secrets of the grand jury, or in this wholesale promise of pardons specially given for the use of Mr. CAMPBELL in the work in which he was then engaged. This attorney-general came to Washington, took an active part in the prosecution and in suggesting witnesses, and on the witness stand could not conceal his bias.

A large part of the evidence taken by the committee and submitted to the Senate is irrelevant to the matter of inquiry. Take as a sample the matter of what is called the attempt to bribe the supreme court and the attorney general. This transaction, so far as we are informed, occurred six or seven months after the Senatorial election; no fact proved connects Mr. Clark with any part of that transaction. Dr. Treacy had no sort of connection, directly or indirectly, with Mr. Clark; and if he had, there was no connection between the election in January and the supreme judges in the fall of that year.

You can not lawfully charge a man with one crime and prove that he committed that crime by proving that he did commit another crime. The Constitution provides that the accused must "be informed of the nature and cause of the accusation." No mention of the judges of the supreme court of Montana was made in the charges against Mr. Clark. All of that evidence was nothing more than what lawyers call "coloring matter." And it was admitted against the protest of the Senator from Maryland and others.

And in the conduct of this case much other mere "coloring matter" was received as evidence.

In the report made for the committee there are several curious statements of a part of the evidence as to the thing stated. For example, it is stated that Senator Clark, in June, 1899, destroyed the checks which he had drawn on his bank. But the report fails to state that for years past it was his habit to destroy his checks when his account was rendered by the bank and examined. And the report failed to state that the committee had the bank account of Mr. Clark during all the time in which it was charged that money had been illegally used.

And there is another feature of that report which should be noticed. Statements are made as facts which are based only on the testimony of a witness of doubtful credit, and that testimony plainly contradicted.

The only proposition for which we contend is, that this is a judicial case, and a committee of the Senate ought to consider and report it as judges.

E. W. PETTUS.
W. A. HARRIS.

[Senate Report No. 1052, part 2, Fifty-sixth Congress, first session.]

MONTANA SENATORIAL ELECTION.

The Committee on Privileges and Elections on April 23, 1900, made a report to the Senate (No. 1052) unanimously recommending the adoption by the Senate of the following resolution:

"*Resolved*, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana."

The committee also reported the findings and reasons leading to their recommendation. Two members of the committee submitted on the same day certain views of the minority which, while agreeing to the resolution reported by the committee, condemned some alleged methods adopted by the committee and criticised some alleged acts of the chairman. These views of the minority were not seen by the majority until after the report was printed, but the text of the principal report had been seen by the two members of the committee, and some changes had been made therein in deference to their suggestions.

On the 15th day of May Senator Clark addressed the Senate on a question of privilege, and, after making a lengthy statement, informed the Senate that on the 11th day of May he had notified the governor of Montana that he resigned as Senator; and after making his address Mr. Clark retired from the Senate. His statement contained various criticisms of the report which had been made by the committee.

Upon an examination of the criticisms made by Senator Clark and those made in the additional views of the two members, a majority of the committee make up a supplemental report, as follows:

The distinct criticisms made by Mr. Clark on May 15 of the report of the committee are not serious in their character, and it is fortunate that they were made because they may be taken as being all the criticisms which the party most at interest can claim can justly be made. The correctness of all other statements made by the committee not criticised by Senator Clark may be taken to be admitted by him. All his statements will not be now reviewed, but some of them should be noticed by the committee.

He complains that the method of procedure of the committee was unfair and nonjudicial, and that testimony was received contrary to the established rules of evidence, hearsay and irrelevant testimony, and that the case was like the Dreyfus case, where there was a constant presumption of guilt instead of innocence.

The answers to this complaint are simple.

(1) That no such testimony was received except after deliberate decision by the committee for the purpose of ascertaining what additional witnesses it might be necessary to summon, as stated by the chairman on page 432 of the testimony, as follows:

"The CHAIRMAN. It would only be admissible as laying the foundation for sending for other witnesses."

(2) That no single finding of the committee has been based upon hearsay testimony.

The finding of the whole committee that the election was null and void was based upon the admitted or undisputed facts with their attendant circumstances, and no facts are recited in the report of the committee beyond the admitted and undisputed facts except in those cases where any denial of those facts is distinctly recited.

The methods of procedure were in no case unfair, but were such as ordinarily prevail in investigations like this.

The presumption of innocence was at no time disregarded, and findings unfavorable to Mr. Clark was made as a court or jury would have made them upon a full and fair consideration of all the facts in the case.

He denies the conclusion of the committee that a sufficient number of legislators were corrupted to change the result of the election.

This criticism is merely the complaint that the committee differed in opinion from him and his eminent counsel, and made findings contrary to their desires.

He complains that stress was laid by the committee upon the comparative financial condition of two or three legislators before and after the Senatorial contest, and asserts that their explanations of the circumstances would have been received, the presumption being that if their financial condition was better that result happened honestly.

The answer to this complaint is that while such is the ordinary presumption, the many facts in this case overcome that presumption, in the opinion of the committee, and that there were not, as Mr. Clark now asserts, satisfactory explanations of the circumstances.

Speaking particularly of the facts which the committee claim are "admitted or undisputed," he refers to the statement made by the committee that he had been constantly a candidate for office. He does not deny the fact stated by the committee, but proceeds to distinctly admit it. The statement was not made as the "leading part" of the third subdivision of the committee's report, but only as preliminary to the statement in such third subdivision that Senator Clark, being a candidate for Senator, organized a Clark committee and gave that committee unlimited authority to make political expenditures from money which he agreed to furnish and which was estimated at not less than $110,000.

He continues to claim that he was not a candidate for Senator until December, 1898, and defies anyone to show the contrary. The contrary is easily shown by statements of his own committee. Mr. Hauser states that he was a candidate, and Mr. Davidson states that he was a candidate. The whole sum and substance of the movement of himself and friends were only to make Mr. Clark a United States Senator, and his money was furnished and expended for that purpose.

He complains that testimony was excluded concerning the character of Mr. Daly's efforts to defeat him when he was a candidate for Senator in 1893, and he read in the Senate a long ex parte affidavit of George E. McGrath. It appears that this affidavit was made February 19, 1900, concerning transactions which Mr. McGrath said he knew about in 1893, and which were never previously put on paper. The committee properly declined to retry the contest of 1893.

He also complains that testimony was excluded of Folk and wife as to an attempt by Mr. Whiteside to bribe Mr. Folk with an offer of $1,000 to give him access to the ballots connected with Mr. Whiteside's own election to the State senate. The committee on due consideration twice decided to reject this evidence as raising a collateral issue the trial and decision of which might lead to an interminable investigation. It may be added, however, that the chairman of the committee on both occasions was in favor of receiving the evidence, however much the incidental inquiry might delay the case.

He denies the averment that he early began negotiations with Mr. Hobson, the Republican leader, saying of this averment: "Not one statement of which is sustained by the testimony."

The statement of the committee was based partly upon the fact that the so-called "Whiteside exposure" took place January 10, and that on January 15 Senator Clark wrote a letter to Senator Hobson declaring himself to be a protectionist, and there was no dispute that this letter was written in order to secure through Senator Hobson Republican votes for Mr. Clark for Senator.

He also denies that he bought the $48,000 of Mr. Powers's stock in Mr. Hobson's bank on account of the Senatorial controversy. By his own testimony (p. 1891) it appears that he bought the stock for the following reason:

"Mr. CAMPBELL. Where is the stock now?

"Senator CLARK. It is in my bank now, in the bank of W. A. Clark & Co., Butte, Mont. I was going to say, if the committee will allow me, that I would like to give, briefly, a little narrative of that transaction.

"After the election was over Senator Phillips spoke to me about the bank stock, the stock owned by Mr. Powers in the Fergus County Bank, and said that Mr. Powers was somewhat indignant as to the action of Mr. Hobson in voting for me, and that he might give him trouble in some way. He was a little concerned about it. I asked him some questions about it, what stock Mr. Powers owned, and what he thought about the value of the stock. He said he was certain that the stock was first class and would return good dividends. So I said, 'If it is a good investment, if I am assured that it is a good investment, and Mr. Powers should give any trouble to Mr. Hobson about this stock, I would be very willing to buy it,' as I was seeking good investments.

"I went, I think I went, to Mr. Hobson, or met him. I am not sure that I went for that purpose.

"Mr. CAMPBELL. You went to whom? To Mr. Hobson?

"Senator CLARK. Mr. Hobson. I spoke to Mr. Hobson about the stock and mentioned something about the conversation with Mr. Phillips, and asked him about the stock, and if there was any danger of his getting into trouble with his partner, Mr. Powers, who was interested with him. He said he did not know that there was, but there might be; it might be possible that something might arise that would put him in bad shape, so far as his financial interest was concerned there. I think he said something about his telling him to sell or to buy his stock. That conversation is not very clear in my mind, but it was something of that nature.

As to the statements of Senator Clark that the result of the admission of

perjured testimony was "damaging in the extreme" to his case, the attention of the Senate should be distinctly called to the statement made by the committee on page 13, that all the witnesses whose conduct has occasioned comment had been originally employed by Senator Clark, or his committee, or his friends.

He complains of the committee for giving any weight to those parts of the Montana laws against bribery, which limit expenditures by candidates, and require candidates and their committees to make returns.

The expressed view of the committee was that the disobedience of those laws, which rendered Mr. Clark and his committee liable to criminal prosecutions, furnished "strong additional reasons for believing the other evidence which seems to them to establish the corruption charged." Those laws were specially made by the legislature of Montana on February 25, 1895, in order to redeem the State from its bad condition and repute, and should not have been defied by Mr. Clark, Mr. McDermott, Mr. Davidson, and his other assistants.

He states that no proof was adduced that he had any knowledge of corruption on the part of his agents, and that no charge of complicity had been made in the report. His language in his letter of May 11 to the governor of Montana is as follows:

"None of the charges affecting my personal honor or which allege that I had personally been guilty of corrupt practices have been sustained by the finding of the committee."

Against this assertion there should be placed the explicit and unequivocal statement of the committee in their report, on page 12, in the following words:

"It is also a reasonable conclusion upon the whole case that Senator Clark is fairly to be charged with knowledge of the acts done in his behalf by his committee and his agents conducting his canvass. He arrived in Helena from Butte on January 4, and was in constant conference with his committee and agents."

In view of the issue thus made, it is important to reexamine some of the facts showing exactly what Senator Clark's personal connection has been with the circumstances which have resulted in his resignation from the Senate.

It is not intended to reiterate at any length facts stated in the report to prove the correctness of what is asserted in the foregoing extract.

The preliminary arrangements for so influencing the nominations and elections to the legislature that he could be chosen Senator were made by Mr. Clark personally, as appears under the third head of the report. Nothing since the hearing closed has tended to impair the facts stated concerning Senator Clark's own personal connection with the course of his canvass for election as Senator.

In the case of Mr. E. C. Day, recited under the fourteenth head of the report, it appears that the transactions originated with Mr. Clark himself, who, on February 13, in writing, personally directed that the $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. Mr. Clark says that he wishes to correct a misstatement. He says, "I never wrote a letter couched in such language," but he then proceeds to say that the amount was paid to Mr. Day as a testimonial of friendship. The gloss which Mr. Clark now tries to put upon a very serious transaction of his own is not consistent with the language of Mr. Day, quoted in the report. In opposition to Mr. Clark's statement in the Senate may be put his testimony before the committee, as follows:

"Mr. CAMPBELL. Mr. Day voted for you during the canvass?

"Senator CLARK. Mr. Day voted for me.

"Mr. CAMPBELL. Yes; he was one of the leaders of your force?

"Senator CLARK. Yes, sir.

"Mr. CAMPBELL. And was the recognized leader for what was called the Clark faction of the Democratic party?

"Senator CLARK. He ran as speaker of the house of representatives, I believe, representing our forces.

"Mr. CAMPBELL. And upon the floor of the house he was the recognized leader for the Clark forces, was he not?

"Senator CLARK. I am not sure of that. I think he was. I never was in the house of representatives or in the joint assembly.

"Mr. CAMPBELL. Do you not know, as a matter of fact, that he was the man who made the motion to take a second ballot upon the day on which your election occurred?

"Senator CLARK. Yes; I believe he was. I think he was recognized as the leader of the Clark forces in the house of representatives.

"Mr. CAMPBELL. And four days after your election you made him a present of $5,000?

"Senator CLARK. Yes, sir.

"Mr. CAMPBELL. What was that for?

"Senator CLARK. It was in consideraion of my friendship for Mr. Day, and for the work performed by him in trying to organize the legislature—to be elected speaker and in order to control our forces, in which, however, we failed. I recognized that he was worthy of this consideration. We expected to have, from the talk that was going around, more or less trouble or litigation, and Mr. Day was to take charge of everything of that kind, and has done so."

In the case of Mr. McLaughlin, stated under the sixth head of the report, Mr. Clark says of the statement of the committee that "in December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills." "This statement, Mr. President, is not correct;" and he proceeds to justify this charge by stating that the negotiations were begun by Mr. Bickford and not by himself in the month of September before Mr. McLaughlin was ever nominated for the legislature.

The fact was that Mr. McLaughlin and Mr. Bickford did enter into preliminary negotiations, without doubt growing out of Mr. McLaughlin's expected nomination and election to the legislature. The committee regarded all the excuses given for the purchase by Mr. Clark directly and personally of all Mr. McLaughlin's property at an extravagant price as a very clear case of improper arrangement with a member of the legislature. Although Mr. Clark calls the McLaughlin incident a "weak case" and a "flimsy expedient," the facts are convincing as to the character and purpose of the so-called "purely business enterprise."

As to the Woods case, stated under the seventh head of the report, Mr. Clark says that the statement of the report that he knew of Mr. Bickford's attempt to purchase the indebtedness which Woods owed is absolutely unfounded, and that he never heard of the transaction until it was disclosed in the testimony during the investigation. It is true that the scheme for controlling Mr. Woods by buying up his indebtedness originated with Mr. Bickford, and that Mr. Bickford on December 31, 1898, went to Missoula with five $1,000 bills and four $500 bills, which he had obtained from C. W. Clark for that purpose. But it also appears that Senator Clark, in response to letters from Dr. Ector, took up the case of Mr. Woods and came to comprehend what was intended.

Mr. Ector's letter to Mr. Clark of December 7, 1898, and Mr. Clark's letters to Mr. Ector of December 10, 1898, and January 4, 1899, leave little doubt that Senator Clark knew what Mr. Bickford was engaged in doing, especially in view of the fact that Mr. Ector's letters of November 17, 1898, and January 3, 1899, are not produced.

In the case of Mr. B. F. Fine, stated under the twelfth head of the report, it is not denied that the arrangement with him to work for Mr. Clark, for which he received $5,000 for nominal or useless services, was made by Mr. Clark personally during the session of the legislature after Mr. Clark's election. The criticism made by Senator Clark is "that there was no agreement, but merely a statement made by me to him after my election." This different form of putting the case is not material. The committee did not claim that Mr. Fine would not have voted for Mr. Clark had it not been for this arrangement, but that it was like the case of Mr. E. C. Day, a payment afterwards for services as a member of the legislature under circumstances which at least aroused suspicion that there was an understanding to that effect before the election.

In the case of Mr. Z. T. Cason, who gives an account of Mr. Bickford's efforts to induce him to endeavor to corrupt Mr. Marcyes, it appears from Mr. Clark's own testimony that he had interviews with Mr. Cason, and at last on the 3d day of February, 1899, sent to Mr. Cason $500 in a letter giving thanks for his services. The personal activity of Senator Clark in conducting the details of his canvass is thus very clearly indicated.

The testimony of Mr. Cason was not credited by the committee, because he wrote a recantation at the instigation of Mr. Jesse B. Root, Mr. Wellcome's law partner, upon receiving $1,500 from Mr. Root for copying and signing the recantation and going into hiding in Baker City, Oreg., as stated on page 13 of the report. But Senator Clark's own testimony as to his relation with Cason and his letter to him inclosing the $500 stand as undisputed facts.

As to the approach to Mr. Justice William H. Hunt, of the supreme court of Montana, stated on page 14 of the report, while it does not directly appear that Senator Clark had knowledge of this approach made by Dr. Treacy, who also in a similar way approached Attorney-General Nolan, yet there stands against Senator Clark the significant fact, proved by Mr. Clark's letter to Rev. A. B. Martin, that he urged Mr. Martin to approach Chief Justice Brantley in order to prevent the disbarment of "that splendid man, John B. Wellcome." This admitted fact certainly justifies a strong suspicion that the other attempts to reach the court made by Dr. Treacy, under the circumstances narrated in the report, were known to Senator Clark.

Reference will now be made in this report to the criticisms of the chairman made by the minority of the committee in their addendum to the report, by annexing the following memorandum by the chairman.

MEMORANDUM BY THE CHAIRMAN.

The statement that the chairman left the committee little to do is unjust. The chairman did nothing except what such an officer is expected to do. Every important ruling was made either by decision of the committee or by the chairman in the first instance after an order of the committee was made prescribing that course of proceeding, with the understanding that any member of the committee might dissent on any point and have it decided by the vote of the committee.

The minority say that the committee made an order at the beginning appointing the chairman and another member to determine what witnesses should be summoned, and it was determined that way at first, but the chairman kindly relieved the other member of that labor and determined that matter for the committee. The Senator from Alabama and the chairman were appointed to consider in the first instance applications for subpœnas for witnesses.

Forty-four witnesses were summoned and heard for the prosecution, 41 witnesses summoned and heard for the defense, and 7 witnesses summoned directly by the committee. As to witnesses for the prosecution and defense, the lists which were submitted in the first instance by the two sides were deliberately considered by the chairman and the Senator from Alabama, and every question arising was passed upon.

Those lists covered three-quarters of the witnesses summoned. Subsequently in some few cases the chairman summoned witnesses where previous decisions to summon had established a principle which covered the new requests, and there the formality of consulting the Senator from Alabama may have been omitted. Such cases probably did not exceed a dozen. Various witnesses are upon the list who came to Washington without being summoned, and were called to the stand by the respective parties. The question of summoning witnesses to prove the attempt upon the supreme court of Montana was decided by the whole committee; and it may be further and finally added that, so far as Senator Clark was concerned, there was no refusal to summon any witness whom his counsel insisted upon obtaining.

While the chairman was sick at his house he received an important communication, which seemed to him to require the instantaneous summoning of two witnesses. For those witnesses he telegraphed immediately, and at once sent to the committee a report of what he had done, in the following words, on the 3d of March, 1900:

"There are two more witnesses whom I have taken the responsibility of summoning, and do not wish to state the facts and reasons until I am sure that I shall get them here. The principal witness claims to be sick."

The circumstances connected with the summoning of this principal witness are detailed in memorandum which is in the hands of the committee. His name is J. A. Largent, of Greatfalls, Mont.

Another statement, on page 24, of the two Senators is that the report fails to state in connection with the destruction by Senator Clark, in June, 1899, of his checks, that it was his habit to destroy such checks. The two Senators are mistaken. The report distinctly states that fact on page 11, where it says that the destruction of the checks was "in accordance with what he testified was his custom."

Another statement of the two Senators is that "statements are made as facts which are based only on the testimony of a witness of doubtful credit, and that testimony plainly contradicted." This is an error. The report from beginning to end shows no statement made as a fact unless it is an undisputed fact, and no conclusion appears to be reached by the majority of the committee on contradicted testimony without the contradiction being plainly noted; and one important statement appearing on page 8 should be constantly borne in mind, that, laying aside substantially all the controverted facts, "there would still remain sufficient evidence in the case to lead the committee to find, as they do, that Mr. Clark's election is void."

WM. E. CHANDLER.

Mr. PETTUS. Mr. President, this untimely, protracted, and most remarkable performance of the Senator from New Hampshire [Mr. CHANDLER] forces us all to remember that we are sons of Adam, and have inherited a very large amount of human nature. It teaches us a sad lesson, which ought to be emphasized so that we shall not forget it.

Mr. President, if we inflict a great injury upon a man we are absolutely certain to hate him. Why? The cause is that every time we see him and every time we hear of him we feel mean, and we charge our bad feelings on to that man whom we have thus wronged, and we hate him for our own bad conduct.

Mr. President, this has been a terrible picture we have had here to-night. Let us turn away in sadness and pass on.

Mr. CHANDLER. I am sorry I disturbed the Senator from Alabama [Mr. PETTUS]. I have no hatred for Senator Clark. I simply joined the Senator from Alabama in a declaration that the election of Mr. Clark was null and void for bribery, and that he ought to go out of the Senate.

Mr. JONES of Arkansas. Mr. President, I present the credentials of Hon. William A. Clark, chosen a Senator by the legislature of the State of Montana for the term beginning March 4, 1901, which I ask may be read and filed.

The PRESIDENT pro tempore. The credentials will be read.

The Secretary read as follows:

In the name and by the authority of the State of Montana.

To the President of the Senate of the United States:

This is to certify that on the 16th day of January, 1901, William Andrews Clark was duly chosen and elected by the legislature of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1901.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Montana to be affixed at my office, at Helena, the 24th day of January, in the year of our Lord 1901, and in the one hundred and twenty-fifth year of the independence of the United States of America.

JOSEPH K. TOOLE, *Governor.*

By the governor.
[SEAL.] GEORGE M. HAYS,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1883, governing the immediate transportation of dutiable goods.

The message also announced that the House had passed with amendments the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy; in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 5593) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARNER, Mr. GIBSON, and Mr. LLOYD managers on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler;

A bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools;

A bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha;* and

A bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 10,000 additional copies of the report of Dr. V. R. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the Legislative History of the General Staff of the Army of the United States.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 2,200 copies of the military laws of the United States.

The message also announced that the House had passed, with an amendment, the concurrent resolution of the Senate to print 3,000 copies of the special expert reports as prepared under the direction of the committee on awards of the Columbian Exposition held in Chicago in 1893; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

A bill (S. 425) for the relief of John M. Davis;

A bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

A bill (S. 1632) to amend an act authorizing certain officers of the Navy and Marine Corps to administer oaths, approved January 25, 1895;

A bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army;

A bill (S. 3283) for the relief of Isaac R. Dunkelberger;

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893;

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

A bill (S. 5022) to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

A bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.;

A bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River;

A bill (H. R. 11598) for the relief of Frank B. Case;

A bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States, approved May 5, 1892, and fixing the compensation of commissioners in such case;

A bill (H. R. 13943) increasing the limit of cost of certain public buildings, and for other purposes;

A joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes; and

A joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

DELIVERY OF IONIC COLUMNS TO BALTIMORE.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, and calls the attention of the Senator from Maryland [Mr. WELLINGTON] to it.

The SECRETARY. A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

Mr. WELLINGTON. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. WECKLER.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, to which he calls the attention of the Senator from Illinois [Mr. MASON].

The SECRETARY. A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler.

Mr. MASON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ELKINS. I am directed by the Committee on Commerce to report three House bridge bills, for which I ask present consideration. They have been passed by the House of Representatives and are reported upon favorably by the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from West Virginia will please retain the reports for the present, until the Chair can lay before the Senate bills on his table.

Mr. ELKINS. Very well.

COURT AT SHERMAN, TEX.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, and calls the attention of the Senator from Texas [Mr. CULBERSON] to it.

The SECRETARY. A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 2799) to carry into effect the stipulations of article 7

of the treaty between the United States and Spain concluded on the 10th day of December, 1898; and

An act (S. 3535) for the relief of the Brooklyn Ferry Company, of New York.

ENLISTED MEN OF THE NAVY OR MARINE CORPS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated.

The SECRETARY. A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

Mr. HALE. I ask that that bill may be now taken up and passed.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read as follows:

Be it enacted, etc., That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section 1407 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BUTLER. I ask the Senator from Maine how does that change the existing law? The statute provides for giving this gratuity and these medals to certain men, and I want to know what change in the existing law this bill makes.

Mr. HALE. This is more specific, and makes it entirely certain that medals will be given to the men who are covered by the bill.

Mr. BUTLER. Who are covered by existing law?

Mr. HALE. The Department prepared this bill upon the ground that it was necessary in order to cover the men without selection by the Department. It applies to all men who are engaged not for specific service, but for all who are engaged in the general service.

Mr. BUTLER. I understand, then, that the present law provides that the Department may select a certain number?

Mr. HALE. There is a selection.

Mr. BUTLER. Can not the Department select the whole number?

Mr. HALE. Of course they can, but in this case they are not called upon to select. This makes it general.

Mr. BUTLER. Do I understand it to apply to everybody in an engagement?

Mr. HALE. Yes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BUTLER. I feel that I should like to ask the chairman of the Committee on Naval Affairs another question. The wording of this bill still requires the Department to determine who has displayed this degree of gallantry and bravery. Is not selection still required by the Department?

Mr. HALE. It applies to all men in the Navy, not only those who are technically seamen, but to enlisted men—the entire range of employment in the Navy. Perhaps the Senator is not aware of the fact that the term "seaman," as covered by the present statute, is very limited in its application in the Navy. For instance, in the last twelve months the Navy has only been able to enlist about 300 sailors or seamen, and the general enlistments that have been made are not covered by that phrase. This applies to all of the enlisted men in the Navy, and not merely to the seamen or sailors.

Mr. BUTLER. What is the difference between the seamen and enlisted men who would be in an engagement and might distinguish themselves?

Mr. HALE. About 1 in 10, or perhaps 1 in 20, is a seaman or sailor, and the rest are enlisted as landsmen.

Mr. BUTLER. The present law, then, restricts the selection of the Department from those known technically as seamen?

Mr. HALE. Seamen or sailors. This bill applies to all the men who enlist in the Navy.

Mr. BUTLER. The Department now selects from the seamen—not all of the seamen—but it makes the selection from certain seamen?

Mr. HALE. Under this bill it selects from the entire enlisted men—landsmen, seamen, sailors, and all.

Mr. BUTLER. But the Department still makes the selection?

Mr. HALE. Undoubtedly.

Mr. BUTLER. This bill simply broadens the number from which the selection may be made?

Mr. HALE. It applies to all of the men, what you may call in the Navy the rank and file.

Mr. BUTLER. That may remove still another objection, but there is still selection by the Department according to the degree of gallantry or bravery?

Mr. HALE. That is provided for in the bill.

Mr. BUTLER. I understood the Senator at first to say that this was to remove that discrimination and to relieve the Department from the burden of discriminating.

Mr. HALE. I did not mean that. I mean it enlarges the eligibility of the men who may be appointed or may be selected. It covers all the men in the Navy.

Mr. BUTLER. In the case of a man distinguished for bravery or courage or gallantry there would still, under this bill, be an incentive to him for promotion and reward, just the same as under the present law?

Mr. HALE. Undoubtedly.

Mr. BUTLER. Except that the landsmen may be rewarded for gallantry and bravery just as those who are technically called seamen may be?

Mr. HALE. The constituency is widened.

Mr. BUTLER. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals:

To the Senate:

I transmit herewith a report from the Acting Secretary of State, in response to the resolution of the Senate of March 2, 1901, calling upon the Secretary of State for "an account, in detail, of the expenditures of the Isthmian Canal Commission, of which Admiral John G. Walker is president, up to date, and what sum, if any, is needed to complete the work of said commission and for what purposes the same is needed."

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 2, 1901.

EXECUTION OF CHINESE OFFICIALS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, ordered to lie on the table and be printed:

To the Senate:

In response to the resolution of the Senate of February 9, 1901, requesting information as to "whether the United States minister to China has joined the representatives of other powers at Pekin in demanding the execution of Prince Tuan and other Chinese officials, and if so, by whom he was authorized to join in making such demand," I transmit herewith a report from the Secretary of State.

WILLIAM MCKINLEY

EXECUTIVE MANSION,
Washington, March 2, 1901.

HOUSE BILLS REFERRED.

The bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha* was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, was read twice by its title, and referred to the Committee on Printing.

CHARLES J. CLARK.

Mr. JONES of Arkansas, Mr. WOLCOTT, and Mr. ELKINS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] is recognized.

Mr. JONES of Arkansas. If there is no morning business, I suppose the motion made by me to take up Calendar No. 2413 is in order.

Mr. WOLCOTT. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. ELKINS. I was recognized by the Chair some time since to make reports from the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from West Virginia was recognized by the Chair to report three bills, but h asked unanimous consent for the consideration of the three bills, and the Chair asked him to yield while the Chair laid some House bills before the Senate.

Mr. WOLCOTT. Mr. President, I appeal to the Senator from West Virginia to allow me to have passed a little pension bill. It will take but a moment. It is one of those unanimous-consent bills, less than an inch long. It can go through in a moment.

Mr. ELKINS. I will yield to the Senator, if by so doing my bills will not be prejudiced.

Mr. WOLCOTT. I assure the Senator the bill I desire to have considered will take but a moment.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 5084) granting a pension to Charles J. Clark.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, after the word "lieutenant-colonel," to strike out the word "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Clark, late lieutenant-colonel Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OPENING OF LANDS IN OKLAHOMA.

Mr. ELKINS. Mr. President——

Mr. HANSBROUGH. I desire to present a conference report.

The PRESIDENT pro tempore. The conference report will be received and read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment No. 2 of the Senate to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to amendment numbered 2 of the Senate, and agree to the same.

H. C. HANSBROUGH,
THOMAS H. CARTER,
HENRY HEITFELD,
Managers on the part of the Senate.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. JONES of Arkansas. Mr. President, I am willing to yield for morning business, but I am not willing to yield to Senators to take up bills that will consume more time than it would take to dispose of the resolution which I ask the Senate to vote on.

Mr. ELKINS. I should like to have the Senator allow me to bring to the attention of the Senate the bridge bills I desire to report.

Mr. JONES of Arkansas. I have no objection to Senators making reports, but I can not give way for the purpose of allowing bills to be passed.

The PRESIDENT pro tempore. Quite a number of Senators have adopted the rather unusual course of handing in their names to the presiding officer to be recognized for the purpose of calling up bills.

Mr. ALDRICH. I shall object to any House bills unless we can take them up in order on the Calendar and dispose of the unobjected House bills. It seems to me that is the thing that ought to be done.

Mr. ELKINS. The bills I have in charge are bridge bills.

Mr. ALDRICH. Bridge bills have no higher claim than any other bills.

Mr. DANIEL. I move that the Senate proceed to the consideration of unobjected House bills.

Mr. SULLIVAN. I demand the regular order—the Calendar.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. ELKINS] can report his bills and have them placed on the Calendar.

REPORTS OF A COMMITTEE.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them each with amendments:

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River; and

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. JONES of Arkansas. Now, Mr. President, the pending motion, I think, is my motion to take up Calendar No. 2413.

The PRESIDENT pro tempore. The motion was to proceed to the consideration of a resolution, which will be stated.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on February 16, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

The PRESIDENT pro tempore. The question is on the resolution submitted by the Senator from Arkansas [Mr. JONES].

Mr. ALDRICH. Mr. President, the question is not upon the resolution, but upon taking it up. It can not be anything else. The resolution is on the Calendar, and the Senator from Arkansas can only make one motion, and that is to take it up.

Mr. JONES of Arkansas. I think the Secretary did not read the last part of the resolution properly. I modified the resolution by striking out the words "and that the Senate proceed to consider the same;" so that the resolution is merely to discharge the committee from the further consideration of the bill named.

Mr. ALDRICH. The pending motion is a motion to take up the resolution.

Mr. PLATT of Connecticut. It is a motion to take up a resolution from the Calendar.

Mr. ALDRICH. That is right.

Mr. JONES of Arkansas. That is all right. That is the motion—to take up the resolution.

Mr. ALDRICH. The resolution is not before the Senate; the resolution is on the Calendar, and can only be taken up by motion.

Mr. JONES of Arkansas. Then I move to take up the resolution if the Senator from Rhode Island is so technical.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas. He moves to take up the resolution which has been read.

Mr. JONES of Arkansas. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. LINDSAY]. He is not present, and I therefore withhold my vote.

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. MORGAN. I suggest to the Senator that we transfer our pairs.

Mr. SPOONER. That is satisfactory to me; and I will transfer my pair with the Senator from Tennessee [Mr. TURLEY] to the Senator from Pennsylvania [Mr. QUAY], who is paired with the Senator from Alabama [Mr. MORGAN], which will enable the Senator from Alabama and myself to vote. I vote "nay."

Mr. MORGAN. I vote "yea."

Mr. BATE (when Mr. TURLEY'S name was called). My colleague [Mr. TURLEY] is necessarily absent. He has a general pair with the Senator from Wisconsin [Mr. SPOONER], which has been transferred to the Senator from Pennsylvania [Mr. QUAY] on this vote.

Mr. WETMORE (when his name was called). I inquire if the Senator from Georgia [Mr. BACON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WETMORE. I have a general pair with the Senator from Georgia, and therefore withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. NELSON. I inquire if the junior Senator from Missouri [Mr. VEST] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. I have a general pair with that Senator, and therefore withhold my vote.

Mr. HANNA. I inquire if the Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. I have a general pair with that Senator, and therefore withhold my vote.

Mr. HEITFELD. I suggest to the Senator from Ohio that we transfer our pairs, so that the Senator from Utah [Mr. RAWLINS] will stand paired with the Senator from New York [Mr. PLATT], with whom I have a general pair.

Mr. HANNA. That is satisfactory to me. I vote "nay."

Mr. HEITFELD. I vote "yea."

Mr. KENNEY. I have a pair with the Senator from Pennsylvania [Mr. PENROSE], but I will transfer that pair to the Senator from Georgia [Mr. BACON] and vote. I vote "nay."

Mr. WETMORE. Under the announcement made by the Senator from Delaware [Mr. KENNEY] I am at liberty to vote, and I vote "nay."

The result was announced—yeas 24, nays 36; as follows:

YEAS—24.

Allen,	Chilton,	McEnery,	Pettigrew,
Bate,	Clay,	McLaurin,	Sullivan,
Berry,	Culberson,	Mallory,	Taliaferro,
Butler,	Harris,	Martin,	Teller,
Caffery,	Heitfeld,	Mason,	Tillman,
Chandler,	Jones, Ark.	Morgan,	Wellington.

NAYS—36.

Aldrich,	Fairbanks,	Kearns,	Quarles,
Burrows,	Foraker,	Kenney,	Scott,
Carter,	Foster,	Lodge,	Simon,
Clark,	Frye,	McComas,	Spooner,
Cullom,	Gallinger,	McCumber,	Stewart,
Deboe,	Hanna,	Perkins,	Thurston,
Dillingham,	Hansbrough,	Platt, Conn.	Warren.
Dolliver,	Jones, Nev.	Pritchard,	Wetmore,
Elkins,	Kean,	Proctor,	Wolcott.

NOT VOTING—28.

Allison,	Daniel,	McBride,	Quay,
Bacon,	Depew,	McMillan,	Rawlins,
Baker,	Hale,	Money,	Sewell,
Bard,	Hawley,	Nelson,	Shoup,
Beveridge,	Hoar,	Penrose,	Turley,
Clapp,	Kyle,	Pettus,	Turner,
Cockrell,	Lindsay,	Platt, N. Y.	Vest.

So the motion to take up the resolution was rejected.

RICHARD H. TOWNLEY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy, which were, on page 2, line 4, to strike out all after "rank," down to and including line 9, and insert "of lieutenant (junior grade) on the foot of the active list;" and on page 2, line 13, to strike out all after "grade," down to and including "advanced," line 17.

Mr. TILLMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CULLOM. I hope that will be done.

Mr. THURSTON. Let the bill be read.

The Secretary proceeded to read the bill.

Mr. GALLINGER. The bill has not been taken up.

Mr. CHANDLER. I ask, if it is in order, that the bill may be read as it will read if the amendments proposed by the committee are adopted.

Mr. PLATT of Connecticut. For information.

Mr. CHANDLER. Yes.

The PRESIDENT pro tempore. It will be read as if the amendments had been adopted.

Mr. THURSTON. Yes.

The PRESIDENT pro tempore. If there be no objection, the Secretary will so read.

Mr. CULLOM. If the Senate will pardon me for a moment, the first paragraph, which is only a recitation of the title of the bill which it is proposed shall be amended——

Mr. ALDRICH. I suggest to the Senator from Illinois that any discussion had better be deferred until after the bill is taken up.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota that the Senate proceed to the consideration of the bill. That motion is now before the Senate, and is not debatable.

Mr. CULLOM. I know it is not, but I thought perhaps I might save some of the reading.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota.

Mr. PETTIGREW. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTIGREW. I should like to have the bill read for information. That is what we started to do. It is very short, and I think I have a right to have it read as it will read if amended.

Mr. PLATT of Connecticut. That is debate.

The PRESIDENT pro tempore. The Chair hardly thinks the Senator from South Dakota can demand by right that the bill shall be read before it is before the Senate.

Mr. ALDRICH. Oh, no. Regular order!

Mr. KENNEY. I object.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). If the Senator from Idaho [Mr. HEITFELD] will make the same arrangement that we did on the last roll call, it will enable both of us to vote.

Mr. HEITFELD. That is agreeable to me.

Mr. HANNA. I vote "nay."

Mr. KENNEY (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer my pair to the senior Senator from Georgia [Mr. BACON] and will vote. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here, I should vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], but under the transfer of pairs announced by the Senator from Delaware [Mr. KENNEY], I will vote. I vote "nay."

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I should like to know if he has voted.

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. BURROWS. I withhold my vote.

Mr. MORGAN. I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Tennessee [Mr. TURLEY] and will vote. I vote "yea."

The result was announced—yeas 39, nays 21; as follows:

YEAS—39.

Allen,	Dolliver,	McComas,	Pritchard,
Bate,	Fairbanks,	McCumber,	Sullivan,
Butler,	Foraker,	McEnery,	Taliaferro,
Caffery,	Foster,	Mallory,	Teller,
Chandler,	Harris,	Martin,	Thurston,
Chilton,	Heitfeld,	Money,	Tillman,
Clay,	Jones, Ark.	Morgan,	Turner,
Cockrell,	Lindsay,	Perkins,	Warren,
Culberson,	Lodge,	Pettigrew,	Wellington.
Cullom,	McBride,	Pettus,	

NAYS—21.

Aldrich,	Elkins,	Kearns,	Scott,
Allison,	Frye,	Kenney,	Stewart,
Carter,	Gallinger,	McLaurin,	Wetmore.
Clark,	Hanna,	Platt, Conn.	
Deboe,	Hansbrough,	Proctor,	
Dillingham,	Kean,	Quarles,	

NOT VOTING—28.

Bacon,	Daniel,	McMillan,	Sewell,
Baker,	Depew,	Mason,	Shoup,
Bard,	Hale,	Nelson,	Simon,
Berry,	Hawley,	Penrose,	Spooner,
Beveridge,	Hoar,	Platt, N. Y.	Turley,
Burrows,	Jones, Nev.	Quay,	Vest.
Clapp,	Kyle,	Rawlins,	Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THURSTON. I ask that the bill be read as it will stand when the committee amendments are agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill will be read as if the amendments were adopted.

Mr. CULLOM. Before the reading begins I desire to call the attention of the clerks to a failure to print the bill as it was intended to be. Page 2, line 22, of the bill as reported, after the word "or," the words "where any train, or" should be inserted. It was left out of the print. There should be a comma after the word "train."

Mr. PETTIGREW. The word "That" should be put in the beginning of line 17.

Mr. CULLOM. Yes.

The Secretary proceeded to read the bill, as follows:

Be it enacted, etc., That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, D. C., a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees, which report shall state the nature and causes thereof, and the circumstances connected therewith.

Mr. ALDRICH. I suggest to the chairman of the committee, after the words "all accidents which may occur," the insertion of

the words "by reason thereof." If a man stubs his toe on a platform, I should take it for granted that the accident would not have to be reported.

Mr. CULLOM. Would it not be on a railroad?

Mr. PETTIGREW. If he is an employee, it should be reported.

Mr. CULLOM. Let us see.

Mr. THURSTON. That is good enough.

Mr. ALDRICH. It is not good enough for me.

Mr. GALLINGER. It is as good as the rest of the bill.

Mr. ALDRICH. After the words "all accidents which may occur," I move to insert "by reason thereof."

Mr. GALLINGER. The bill has not been read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. After the word "accidents" in line 23, page 2, it is proposed to insert the words "by reason thereof."

Mr. ALDRICH. That is all right.

The Secretary resumed and concluded the reading of the bill as it would read if amended, as follows:

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $100 for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

SEC. 3. That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report.

SEC. 4. That the Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports in the foregoing section provided.

Mr. ALLEN. Mr. President, I desire to say merely a word about this matter. This bill passed the House and came over here and was sent to the Committee on Interstate Commerce. An attempt was made several times to take it up in committee, but there was not a quorum present. It has now been reported by the committee, and I desire simply to submit this observation.

I voted for this amendment in order that the bill might be laid before the Senate and acted upon. Otherwise it would not have been reported at all. I desire to submit this further observation. This amendment or any amendment to the House bill means its defeat, for it can not pass the House at this session of Congress if amended here. Therefore I trust no amendment will be adopted.

Mr. CLARK. I should like to ask the chairman of the committee to interpret line 22 of the bill, or of the amendment, on page 2. I am so dense that I can not understand it.

Mr. CULLOM. The Senator from Wyoming perhaps did not observe that I stated a few moments ago that in line 22 there were some words which were not printed which ought to be in the amendment.

Mr. PLATT of Connecticut. Where is that?

Mr. CULLOM. Line 22, page 2. It should read:

Of all collisions of trains, or where any train or part of a train accidentally leaves the track, etc.

Mr. CLARK. In the confusion I missed that.

Mr. ALDRICH. In the eighth line, on page 3, I move to strike out the word "less" and insert the word "more."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. In line 8, page 3, it is proposed to strike out the word "less" and insert "more," so as to read:

Shall be punished by a fine of not more than $100.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. KENNEY. I desire to hear the context read in order to know what effect it will have on the general bill. I ask that the amendment be read in connection with the bill itself, so that we may understand it.

Mr. THURSTON. The present bill provides a fine for failure to comply with the act of not less than $100. The amendment would make the fine not more than $100. The present bill fixes a minimum; the amendment would fix a maximum fine.

Mr. SULLIVAN. It might be that a railroad company would pay the fine rather than comply with the order. It appears to me the amendment should not be adopted. To say that the company shall pay a fine of not less than $100 is one thing. To say it shall pay a fine of not more than $100 is a different matter.

Mr. TELLER. By the unanimous action of the Senate, we are to take a recess from half past 10, which hour will arrive now in five minutes, until 3 o'clock to-morrow. There is on the Calendar a large number of House pension bills and small claims that are not contested, and there is a great desire to have them taken up and disposed of. I desire to ask the unanimous consent of the Senate that we may so modify the unanimous-consent agreement of this afternoon that we may complete this bill and take, say, until 12 o'clock, and from 12 o'clock take a recess until 3 o'clock to-morrow.

Mr. ALDRICH. That can not be done.

Mr. LODGE. I do not think we ought to modify that agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. TELLER. If there is objection, that ends it.

Mr. ALDRICH. So far as I am concerned, I am quite willing to do this—that the unanimous-consent agreement shall be modified so that we shall give forty minutes or even an hour, if necessary——

Mr. THURSTON. One hour.

Mr. ALDRICH. For the consideration of unobjected House bills——

Mr. TELLER. On the Calendar.

Mr. ALDRICH. Commencing at half past 10 and ending at half past 11, this bill to retain its place as the unfinished business, but not to be considered. Otherwise this bill will take up the whole of the time.

Mr. KENNEY. I ask the Senator whether he proposes to displace the pending bill without prejudice and take up unobjected House bills?

Mr. ALDRICH. Without prejudice.

Mr. TELLER. If we can agree to that——

Mr. CULLOM. I should like very much——

Mr. TELLER. Do not keep this bill here.

Mr. ALDRICH. It will certainly take up the whole hour, and I shall object to any arrangement of that sort.

Mr. TELLER. Let us get up these unobjected cases.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that when the hour for a recess which was agreed upon arrives one additional hour may be devoted to the consideration of unobjected House bills on the Calendar. Is there objection?

Mr. KENNEY. And nothing else.

Mr. PETTIGREW. I shall object until the pending bill has been disposed of.

The PRESIDENT pro tempore. Objection is made.

Mr. SULLIVAN. I understood I had the floor, but I was taken off my feet, so to speak.

The PRESIDENT pro tempore. The Chair was not aware that the Senator from Mississippi was on the floor. The Senator is entitled to the floor.

Mr. SULLIVAN. That might be quite true, and yet it might be a fact that I was on the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. SULLIVAN. I see there is one minute remaining—long enough to take a vote upon this bill—and for that reason I yield the floor.

Mr. WOLCOTT. We can not hear what the Senator from Mississippi is saying.

Mr. SULLIVAN. The Senator from Mississippi said there was time enough to take a vote on the bill now, if anyone wants to vote upon it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. WOLCOTT. I should like to have the amendment stated.

The PRESIDENT pro tempore. It will again be stated.

Mr. CULLOM. I desire to have the amendments of the committee first acted upon.

Mr. WOLCOTT. It is impossible to hear what is going on.

The PRESIDENT pro tempore. The Senator from Rhode Island offered an amendment, which is in order.

Mr. WOLCOTT. I should like to have it stated.

The PRESIDENT pro tempore. It will be again stated.

The SECRETARY. In line 8, page 3, it is proposed to strike out the word "less" and insert "more."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. WOLCOTT. I should like to have the whole clause read, so that we can see how the bill would read if "less" were substituted for "more."

The Secretary read as follows:

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $100.

Mr. ALDRICH. I ask unanimous consent that the time of meeting to-morrow may be changed from 3 o'clock to 2 o'clock, and that the period between 2 and 3 o'clock be devoted to the consideration of unobjected House bills upon the Calendar.

Mr. PETTIGREW. To that I object.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the recess——

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. Objection is made. The Senate will now take a recess until to-morrow at 3 o'clock.

Thereupon (at 10 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Sunday, March 3, 1901, at 3 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1901.

TEMPORARY APPOINTMENTS IN THE NAVY.

Thomas C. Wood, formerly a lieutenant in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, September 28, 1898, and not to operate to restore him to the naval service.

George H. Norman, jr., formerly a lieutenant (junior grade) in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants (junior grade) of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 1, 1898, and not to operate to restore him to the naval service.

John T. Edson, formerly an ensign in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of ensigns of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 17, 1898, and not to operate to restore him to the naval service.

John F. Bransford, formerly an assistant surgeon in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant surgeons of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, March 23, 1899, and not to operate to restore him to the naval service.

Alexander Brown, formerly an assistant paymaster in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant paymasters of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, December 2, 1898, and not to operate to restore him to the naval service.

MINERAL-LAND COMMISSIONER.

Jule M. Hartley, of Missoula, Mont., to be a mineral-land commissioner in Montana. Reinstatement.

COLLECTOR OF INTERNAL REVENUE.

Thomas E. Davis, of West Virginia, to be collector of internal revenue for the district of West Virginia, to succeed Albert B. White, resigned.

POSTMASTERS.

F. O. Brewster, to be postmaster at Harvey, Wells County, N. Dak. Office became Presidential July 1, 1900.

Joseph M. Miller, to be postmaster at Windber, Somerset County, Pa. Office became Presidential April 1, 1900.

Frank H. Bangham, to be postmaster at Susanville, Lassen County, Cal., in place of D. C. Hyer. Incumbent's commission expired March 1, 1901.

George W. Humphreys, to be postmaster at Dunsmuir, Siskiyou County, Cal., in place of C. A. Bills, resigned.

Nora H. Kelly, to be postmaster at Lockhart, Caldwell County, Tex., in place of William Kelly, deceased.

CONSUL-GENERAL.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Hongkong, China, vice Rounsevelle Wildman, deceased.

HOUSE OF REPRESENTATIVES.

[*Continuation of proceedings of legislative day, Friday, March 1, 1901.*]

The recess having expired, the House reassembled at 9 o'clock a. m. (Saturday, March 2, 1901), and was called to order by the Speaker.

BOUNDARIES OF VIRGINIA AND TENNESSEE.

Mr. RHEA of Virginia. I ask unanimous consent for the present consideration of the joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a recent compact or agreement having been made by and between the States of Tennessee and Virginia whereby the State of Tennessee, by an act of its legislature approved January 28, 1901, ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Va., and Bristol, Tenn., and the State of Virginia, by act of its general assembly, approved February 9, 1901, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. RHEA of Virginia, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House was requested:

H. R. 14018. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

CHINESE IMMIGRATION.

Mr. JENKINS. I am directed by the Committee on the Judiciary to ask the present consideration of the bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of $5 for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

There being no objection, the House proceeded to the consideration of the bill.

Mr. RICHARDSON of Tennessee. I have not objected to the consideration of the bill, but, as I did not catch fully the effect of the bill as read, I would like the gentleman to make some statement with regard to it.

Mr. JENKINS. This bill was prepared by the Department of Justice upon the request of the United States attorney for the northern district of New York. It is designed to secure a better enforcement of the laws with reference to immigration of Chinese. It has been unanimously reported by the Committee on the Judiciary, and is a wise measure.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

BRONZE MEDALS FOR THE PARTICIPANTS IN THE WAR WITH SPAIN.

Mr. MEYER of Louisiana. I ask unanimous consent for the present consideration of the joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided*, That officers and men of the Navy or Marine Corps who rendered specially meritorious service otherwise than in battle may be rewarded in like manner: *And provided further*, That any person who may, under the provisions of this act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MEYER of Louisiana. Mr. Speaker, the joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain is so plain in its provisions that it

calls for very little explanation. It has come to us from the Senate, and is framed in accordance with the views of the Navy Department, which is thoroughly familiar with the whole subject. The object is not a vote of money, or increased pay, or of lands, or anything of mere money value to the officers and men of our Navy, for gallant and meritorious service; but it is a testimonial of honor in an enduring form, which tells its own story and may be handed down by the recipient to his children and his children's children as a precious possession.

The resolution proceeds upon the known principle that fidelity, patriotism, and an honorable fame are the greatest inspiration of heroism in your soldiers and sailors, and that to secure the highest results you must appeal to whatever is noblest and best in man's nature. This idea is not new. It is familiar in all the pages of history, ancient and modern. It comes down to us from the days of the old inscription, "Go, stranger, and tell Sparta that we died in obedience to her laws."

How many veterans, maimed and crippled, it may be, have in France held up their heads proudly, enduring poverty and the loss of every earthly possession, because the emblem of the Legion of Honor was pinned upon their breasts. Across the Channel you have the Victoria cross to fire brave men to more than common acts of bravery, daring, and suffering. Congress, all through our history, has voted swords and monuments to our heroes.

We do not by this resolution give these medals of honor to every one whose name was borne upon the rolls of the naval and marine service, but to those who participated in engagements of sufficient importance in the waters of the West Indies to deserve special commemoration. Naturally, perhaps I should say necessarily, the joint resolution devolves upon the Secretary of the Navy to select the actions which were of special importance. It is well suggested by the acting head of the Department that the Secretary of the Navy, in carrying out the law, can avail himself of the services of a board to examine the official reports, and determine what engagements were of real importance as bearing on the struggle. The joint resolution properly recognizes the fact that there may be services performed which were specially meritorious otherwise than in battle. Provision is also made for those who, in more than one instance, have rendered such service as deserves recognition. The resolution is carefully worded, and I believe that in its practical execution it will accomplish the object we all have at heart.

It would not be proper or possible for me to attempt to foreshadow in any way the action of the Navy Department or any board it may create in determining the events of greatest importance in the naval combats or the services of great importance and merit other than those rendered in battle. Some there were which comprised hard fighting and risk, others great personal risk and danger, as well as tact, skill, and judgment.

I may mention here some of the engagements, events, and services in Cuba and Porto Rico waters which contributed to the general and final success of the American arms. I may refer to Aguadores, July 1; Nipe, July 21; the landing of the troops at Bairiquiri, June 22; Cabanas, May 12; Tunas, June 30; Palo Alto, July 2; Baracoa, July 15; Cardenas, May 11; Cienfuegos, May 11, June 13, and April 29; Casilda, June 29; cable cutting, May 11, 16, 18, 19, 20, July 10, 16; Caibarien, August 14; Cape San Juan, August 6 to 9; San Juan, May 12; the voyage of the *Oregon* around Cape Horn and to the scene of operations; capture of Ponce, July 27; Don Jorge Juan destroyed, July 21; Manzanillo, June 30, July 1, 18, August 12; Guanica, July 25; Mariel, July 5; Santiago, June 6–16, July 2, 3; Matanzas, April 27; Point Muno, June 29; San Juan, June 19.

I do not claim that the foregoing is a full and complete list of important events, and still less do I undertake to assign the relative order of their importance. All this will be performed by hands far more competent than mine. These events will be the study of our youth in future days, as were those of the naval heroes of the Revolution, the war with Tripoli, and the grand combats of the war of 1812 with Great Britain.

There are those who will feel, as many have done, that the heroes of the Army and Navy who perished of pestilence in the British prison ship *Jersey*, near Brooklyn, in the Revolutionary struggle, preferring death to taking the oath of allegiance to the Crown, merited even greater honor than their more fortunate comrades who were not captured, and that there was no higher act of heroism performed in the late war than that of the young officer who entered the Spanish lines in Cuba in order to reach the insurgent camp and establish communication with them—a service in which, if captured, he would have suffered a shameful death, according to the usual laws of war. These records we all may be proud of, for they ennoble human nature and inspire all our sailors and officers to everything that man can do, achieve, and endure.

The late war with Spain was specially a naval war. I mean no disparagement to the courage and fortitude of our army who fought near Santiago. It was supposed by many of us at the outset that it would be necessary to dispatch to Cuba an army sufficiently large to overcome the 200,000 soldiers whom Spain had sent there to put down the insurrection. There was grave consideration of the problem of besieging and reducing Habana, with its formidable defenses. But the question of the relative naval power of the United States and of Spain took precedence of land operations and dwarfed them to the second rank.

The questions that pressed upon the public mind after the Spanish fleet sailed for the Western Continent were their ability to elude the American squadrons, to destroy a detachment or a squadron of our forces, to relieve their own ports, to waylay the *Oregon* on her long voyage from the Pacific coast around Cape Horn, or to depredate upon our coasts and exposed shipping. There was deep anxiety on all hands for our shipping and our coast cities, not so well fortified then and guarded as they are now. There was a profound solicitude for the safety of the *Oregon* and a grateful feeling of joy when the commander, passing all risks, carried that magnificent war cruiser to join our naval forces at their point of concentration. In those hours we had high hopes, great confidence, indeed, in our naval officers and sailors, and, I may say, no little anxiety and tension until the end came at last. [Applause.]

The end did come when we had the welcome news of the destruction of the Spanish fleet which emerged from Santiago Harbor. That hour brought us a relief which was as profound as the anxiety that preceded the advent of Cervera's fleet in Spanish waters.

The service rendered in its effects upon the war was as important as any recorded in history. It had a greater relative effect upon the struggle than the victory of the British fleet at Trafalgar over the combined fleets of France and Spain. It resembles in its effects upon the military situation and the fortunes of the war the memorable naval battle of the Nile, when Nelson destroyed or captured the French fleet.

From that hour the campaign in Egypt was virtually at an end. The French forces there could not be reenforced in men or material of war, and the hour when they must capitulate to the power which held the command of the sea was reduced to a mere question of months. It happened in like fashion in 1898, on the shores of Cuba. When the fleet of Spain was destroyed, when her communication with her army in Cuba was broken up and she could no longer reenforce or supply it, the statesmen of Spain realized that it was useless to continue the combat.

The United States would henceforth be able to transport without obstacle or obstruction all the soldiers or guns which might be required to overcome the resistance of the Spanish army under Blanco. To continue the struggle for the island was a hopeless endeavor, however brave and spirited it might be. The Government of Spain acted wisely and for the best interests of their country in suing for peace. The naval victory of Santiago settled the contest. The war by Spain was for Cuba—to retain and dominate that island. The game was lost and Spain was compelled to yield. The language and terms of the protocol were practically shaped by the United States naval forces off the harbor at Santiago. They "conquered a peace."

The splendid performance of Dewey in his destruction of the Spanish fleet at Manila Bay, however brilliant as a feat of arms, and even important in results or discouraging to the enemy, was of secondary importance to the naval victory at Santiago which ended the war. I am glad that the services of those who fought at Manila have been recognized fully and generously.

But the gratitude of this country for those who fought in the waters of the West Indies remains to be expressed and typified in an enduring, permanent shape worthy of them, worthy of us, and worthy of the spirit which, from Revolutionary days until now, has rendered honor to those who have periled life in the country's service. This joint resolution will be a monument, if one is needed, to commemorate this victory. It is a monition to all who come afterwards that republics are not ungrateful to their heroes, and that in conquering the foreign foe they have captured the hearts of the American people for all time. [Applause.]

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

GOVERNMENT DEPOSITARIES IN ALASKA.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose

by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would like to hear some explanation of this bill. It seems to be very important legislation. What committee reported it?

Mr. PAYNE. It came from the Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I do not remember that that committee had it under consideration.

Mr. PAYNE. Oh, yes; the gentleman was present when the bill was fully explained. I will briefly explain it now; and I think the gentleman will recognize the bill.

The present law, Mr. Speaker, provides that national-bank depositaries may receive deposits of collectors of internal revenue, but not of collectors of customs. The only change that is proposed is to make the law for deposits of the collectors of Alaska, Hawaii, and other islands to be deposited in these designated depositaries.

Mr. RICHARDSON of Tennessee. I did not exactly catch the reading of the bill.

Mr. PAYNE. I will explain it, for the benefit of gentlemen not present in the committee.

Mr. RICHARDSON of Tennessee. I understand it now.

Mr. PAYNE. The reason for this——

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, TEXAS.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 14093.

The Clerk read as follows:

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13436.

The Clerk read as follows:

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN M. DAVIS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 425) for the relief of John M. Davis.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to revoke the order dismissing John M. Davis, captain of Company H of the Sixty-third Regiment Illinois Volunteer Infantry, and to issue to him an honorable discharge as of date of April 9, 1865: *Provided*, That no pay, bounty, or other allowances shall be paid or become due or payable by reason of or on account of the passage of this act after April 9, 1865.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LLOYD, a motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS LUTZ STITT.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The bill as amended was read, as follows:

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

Be it enacted, etc., That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint Thomas Lutz Stitt as a line officer in the Navy as ensign, subject to physical, moral, and professional examination, to take rank and position at the foot of the list, but he shall not receive pay or allowances for the time he has been out of the naval service.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to hear the report read in this case.

Mr. OVERSTREET. Mr. Speaker, this is a Senate bill. It received the unanimous recommendation of the Senate Committee on Naval Affairs, and received the unanimous recommendation of the House committee.

Mr. UNDERWOOD. I would say to my friend from Indiana that the recommendation coming from the Senate may not have very much weight with this side of the House.

Mr. OVERSTREET. It is corroborated and strengthened by the unanimous report of the House Committee on Naval Affairs. It places this beneficiary at the foot of the list for appointment as an ensign.

Mr. STEELE. He is a graduate of the Naval Academy.

Mr. OVERSTREET. He is a graduate of the Naval Academy, and has been out since 1896. This merely restores him the privilege of taking the foot of the list. It is recommended by the Secretary of the Navy.

Mr. UNDERWOOD. What is the necessity of taking him out of civil life and putting him in the Navy? What claim has he to this distinction?

Mr. OVERSTREET. They are short of men, and he has graduated at the Naval Academy.

Mr. UNDERWOOD. You say he is a graduate of the Naval Academy?

Mr. OVERSTREET. That is my understanding.

Mr. UNDERWOOD. How did he come to leave the service?

Mr. OVERSTREET. He resigned.

Mr. UNDERWOOD. There are no charges against him?

Mr. OVERSTREET. No, sir.

Mr. UNDERWOOD. He is a man of good character and standing?

Mr. OVERSTREET. Yes, sir.

Mr. UNDERWOOD. And they need him in the Navy?

Mr. OVERSTREET. Undoubtedly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

ISAAC M'CONNAUGHAY.

Mr. DE ARMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 432) for the relief of Isaac McConnaughay, Company H, Fortieth Iowa Infantry Volunteers.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Isaac McConnaughay a certificate of honorable discharge, to date from the 16th day of November, 1862, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the service rendered in that company and regiment in the name of Isaac McConnaughay subsequent to that date was rendered by Thomas J. McConnaughay; and the said Isaac McConnaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th day of August, 1862, until honorably discharged from the service as herein provided: but it is further provided that he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have a statement from the author of the bill as to the necessity for passing this.

Mr. DE ARMOND. Mr. Speaker, this is a case where a man named Isaac McConnaughay enlisted in the Fortieth Iowa Infantry Volunteers and served a time and then, by mutual consent and by a way that was irregular and loose, his brother Thomas

took his place and served to the end of the war, answering to the name of Isaac. Later he was honorably discharged, and later, by action of Congress, the record was so changed as to show that Thomas McConnaughay, and not Isaac, rendered the service after Thomas took Isaac's place. This leaves Isaac in a place where his record is not straight.

Mr. SLAYDEN. The substitution was consented to by the officers?

Mr. DE ARMOND. Yes; and he was carried in that way under Isaac's name all the time. This is to correct the record in accordance with the facts.

Mr. SLAYDEN. I would like to ask the gentleman one further question. Does this provide the possibility for two men drawing pensions when only one did service?

Mr. DE ARMOND. They both did service.

Mr. SLAYDEN. Alternately.

Mr. DE ARMOND. One served four months and the other twenty-eight months, making about three years' service by the two. This bill passed the Senate unanimously and received the unanimous report of the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

IONIC COLUMNS DELIVERED TO THE MAYOR OF BALTIMORE.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13776.

The bill was read, as follows:

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the twelve columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

RAILROAD THROUGH FORT ONTARIO MILITARY RESERVATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. DENNY. Mr. Speaker, I move to suspend the rules and pass that bill.

The SPEAKER. The Chair has recognized the gentleman from New York.

The Clerk read as follows:

The bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. STEPHENS of Texas. I ask unanimous consent to call up the House bill——

Mr. BAILEY of Texas. I object.

PREVENTING THE SALE OF FIREARMS, ETC.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 12551.

Mr. BAILEY of Texas. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is unanimous consent until 11 o'clock—unanimous consent or to suspend the rules, under the order made last night by the House. Objection is made to unanimous consent.

Mr. SPERRY. I move to suspend the rules and pass the bill.

The SPEAKER. Are there any amendments to the bill?

Mr. SPERRY. There are two slight amendments.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill with two amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12551) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

Be it enacted, etc., That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding $50, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

SEC. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

SEC. 3. That all offenses against this act committed on any of said islands, or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

SEC. 4. That this act shall take effect three months after its passage.

Mr. BAILEY of Texas. I demand a second, Mr. Speaker.

Mr. SPERRY. I ask that the second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. SPERRY] and the gentleman from Texas [Mr. BAILEY] as tellers.

The House divided; and the tellers reported—ayes 53, and noes 9.

Mr. BAILEY of Texas. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] Ninety-one members present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absent members, the roll will be called, and those favoring the motion will, as their names are called, vote "aye," and those opposed vote "no;" those not desiring to vote will answer "present."

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise.

Mr. UNDERWOOD. It is evident, Mr. Speaker, that there is no quorum and will not be until 11 o'clock. At 11 o'clock the House meets, and I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken; and the motion was lost.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 8, answered "present" 82, not voting 170; as follows:

YEAS—93.

Adams,	Dalzell,	Jenkins,	Salmon,
Alexander,	Davenport, S. A.	Jones, Va.	Shafroth,
Allen, Me.	Davenport, S. W.	Jones, Wash.	Shelden,
Atwater,	De Armond,	Ketcham,	Sheppard,
Baker,	Denny,	Lacey,	Southard,
Barham,	Dick,	Littauer,	Sperry,
Bellamy,	Esch,	Littlefield,	Sprague.
Brantley,	Finley,	Lloyd,	Steele,
Bromwell,	Freer,	Lovering,	Stevens, Minn.
Brosius,	Gardner, N. J.	Lybrand,	Stewart, N. J.
Brownlow,	Gibson,	Mahon,	Sulloway,
Burke, Tex.	Graff,	Mercer,	Tawney,
Burkett,	Greene, Mass.	Minor,	Terry,
Burleigh,	Grosvenor,	Moody, Mass.	Thomas, Iowa
Butler,	Hawley,	Morris,	Van Voorhis,
Connell,	Henry, Conn.	Otjen,	Vreeland,
Cooper, Wis.	Hepburn,	Overstreet,	Wachter,
Corliss,	Hill,	Payne,	Warner,
Cousins,	Hitt,	Pearre,	Weaver,
Cromer,	Hoffecker,	Phillips,	Williams, Miss.
Crumpacker,	Hopkins,	Polk,	Wright.
Curtis,	Howell,	Ray, N. Y.	
Cushman,	Hull,	Rhea, Va.	
Dahle,	Jack,	Rixey,	

NAYS—8.

Berry,	Green, Pa.	Lester,	Maddox,
Gordon,	Kleberg,	McAleer,	Robinson, Ind.

ANSWERED "PRESENT"—82.

Adamson,	Gaston,	McLain,	Smith, H. C.
Allen, Ky.	Gilbert,	McRae,	Snodgrass,
Bailey, Tex.	Glynn,	Mann,	Spalding,
Ball,	Hay,	May,	Sparkman,
Bell,	Heatwole,	Meyer, La.	Spight,
Benton,	Henry, Tex.	Miers, Ind.	Stark,
Boutell, Ill.	Jett,	Mondell,	Stephens, Tex.
Brick,	Kahn,	Moody, Oreg.	Sulzer,
Burke, S. Dak.	King,	Mudd,	Swanson,
Burleson,	Kitchin,	Newlands,	Talbert,
Capron,	Lamb,	Parker, N. J.	Tate,
Clayton, Ala.	Landis,	Pierce, Tenn.	Taylor, Ala.
Cooper, Tex.	Lanham,	Quarles,	Thomas, N. C.
Cowherd,	Latimer,	Reeves,	Underwood,
Crowley,	Little,	Rhea, Ky.	Wanger,
Davis,	Livingston,	Richardson, Tenn.	Weeks,
Dougherty,	Long,	Robinson, Nebr.	Weymouth,
Elliott,	Loud,	Sherman,	Wheeler,
Emerson,	Loudenslager,	Sims,	Williams, J. R.
Fitzgerald, N. Y.	McCulloch,	Smith, Ill.	
Gamble,	McDermott,	Smith, Ky.	

NOT VOTING—170.

Acheson,	Davidson,	Lassiter,	Rodenberg,
Aldrich,	Dayton,	Lawrence,	Rucker,
Allen, Miss.	De Graffenreid,	Lentz,	Ruppert,
Babcock,	Dinsmore,	Levy,	Russell,
Bailey, Kans.	Dovener,	Lewis,	Ryan, N. Y.
Bankhead,	Driggs,	Linney,	Ryan, Pa.
Barber,	Driscoll,	Lorimer,	Scudder,
Barney,	Eddy,	McCall,	Shackleford,
Bartholdt,	Faris,	McCleary,	Shattuc,
Bartlett,	Fitzgerald, Mass.	McClellan,	Showalter,
Bingham,	Fitzpatrick,	McDowell,	Sibley,
Bishop,	Fleming,	Marsh,	Slayden,
Boreing,	Fletcher,	Meekison,	Small,
Boutelle, Me.	Fordney,	Mesick,	Smith, Iowa
Bowersock,	Foss,	Metcalf,	Smith, Samuel W.
Bradley,	Foster,	Miller,	Smith, Wm. Alden
Breazeale,	Fowler,	Moon,	Stallings,
Brenner,	Fox,	Morgan,	Stewart, N. Y.
Brewer,	Gaines,	Morrell,	Stewart, Wis.
Broussard,	Gardner, Mich.	Muller,	Stokes,
Brown,	Gayle,	Naphen,	Sutherland,
Brundidge,	Gill,	Needham,	Tayler, Ohio
Bull,	Gillet, N. Y.	Neville,	Thayer,
Burnett,	Gillett, Mass.	Noonan,	Thropp,
Burton,	Graham,	Norton, Ohio	Tompkins,
Calderhead,	Griffith,	Norton, S. C.	Tongue,
Caldwell,	Grigga,	O'Grady,	Turner,
Campbell,	Grout,	Olmsted,	Underhill,
Cannon,	Grow,	Otey,	Vandiver,
Carmack,	Hall,	Packer, Pa.	Wadsworth,
Catchings,	Hamilton,	Pearce, Mo.	Waters,
Chanler,	Haugen,	Pearson,	Watson,
Clark,	Hedge,	Powers,	White,
Clayton, N. Y.	Hemenway,	Prince,	Williams, W. E.
Cochran, Mo.	Henry, Miss.	Pugh,	Wilson, Idaho
Cochrane, N. Y.	Howard,	Ransdell,	Wilson, N. Y.
Conner,	Johnston,	Reeder,	Wilson, S. C.
Cooney,	Joy,	Richardson, Ala.	Woods,
Cox,	Kerr, Md.	Ridgely,	Young,
Crump,	Kerr, Ohio	Riordan,	Zenor,
Cummings,	Kluttz,	Robb,	Ziegler.
Cusack,	Knox,	Roberts,	
Davey,	Lane,	Robertson, La.	

So a second was ordered.

The SPEAKER. The roll call develops the presence of a quorum. The doors will be reopened. A second is ordered; and the Chair recognizes the gentleman from Connecticut, Mr. SPERRY, in the affirmative, and the gentleman from Texas, Mr. BAILEY, in the negative, on the bill called up by the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I wish to reserve my own time. All I desire to say now in connection with this bill is this: It has the unanimous report of the committee, as far as I know. Not only that, but the President in his last annual message referred to this subject of the islands of the Pacific which are not under the control of any government and asked that some action be taken. This bill, therefore, only refers to those islands not under the control of any government or any power. They are simply tribal; they are mostly cannibals. The islands are contained within the boundaries set forth in the report and bill.

I wish to say also that the State Department has examined this bill, gone through it carefully, and has suggested one or two amendments which have been added. I suppose that members have been deluged with petitions from every State in the Union in behalf of this bill. The bill I have presented is known as the Gillett bill. I know of no opposition to it, and I trust that in humanity's name it may receive the unanimous vote of this House. I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Connecticut a question.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Indiana?

Mr. SPERRY. I will.

Mr. ROBINSON of Indiana. I see the designation of the territory over which this is to control is in geographical language which is not apparent without an examination of the map. About what points does this control?

Mr. SPERRY. It was intended, to begin with, to control entirely the New Hebrides, but there are some little small islands about the Hebrides which if the Hebrides only were named would not be included. There are about 60,000 of these aboriginal tribes which inhabit these islands, and this bill simply proposes to stop the sale mentioned by Americans to the aborigines in these islands.

Mr. ROBINSON of Indiana. Does it in any way attempt to control the sale to the inhabitants of the Philippine Islands?

Mr. SPERRY. It has nothing to do with the Philippine Islands.

Mr. ROBINSON of Indiana. Or the Samoan Islands?

Mr. SPERRY. No.

Mr. McDERMOTT. Will the gentleman from Connecticut yield to me?

Mr. SPERRY. Yes; with pleasure.

Mr. McDERMOTT. Why should you protect the savages of the Hebrides from being killed with bad rum and not protect the savages of the Philippines from being killed with the same liquid? Why are they omitted?

Mr. SPERRY. As I understand it, this bill simply applies to the islands about the Hebrides who are not under any government or any country. It does not refer to the Philippines or any of these islands except those who have a tribal government, so to speak, and within the boundaries named in the bill.

Mr. McDERMOTT. I understand that of the 14,000,000 people in the Philippine Islands, not more than 5,000 are of pure Castilian blood; the balance are half-breeds, Chinese, Malays, etc. Why do you not protect them from being killed by bad rum as well as the inhabitants of the New Hebrides?

Mr. SPERRY. I will say that we do not seek to enforce the provisions of this bill upon the Philippines.

Mr. McDERMOTT. Why not?

Mr. SPERRY. Because that is a matter now under consideration in relation to the Philippines itself, and we do not propose to trespass upon that which is the province of others. This is simply confined to these islands in the Pacific which have no recognized form of government and are not in the possession of any government or under the protection of any government.

Mr. BAILEY of Texas. Mr. Speaker, when I demanded a second on this measure I knew nothing about it, and, to be frank, I cared nothing about it. But upon an examination of it, it seems to me the most palpable attempt to first invent a fiction and then predicate legislation upon it that I have ever known. The original proponent of the bill simply undertook to assert the power of the United States over territory not subject to the jurisdiction of the United States.

The committee evidently concluded that, broad as the power of the United States is now supposed to be, it does not extend to soil not subject to our jurisdiction, and have undertaken to cure that by an amendment, and that amendment is what? That these offenses, for which a punishment is provided in the bill, when committed in these islands not subject to our jurisdiction, shall be deemed to have been committed upon the seas on one of our ships. Now, as a matter of fact, these offenses might be committed a thousand miles from any place where the United States may exercise a rightful jurisdiction. These offenses might be committed a thousand miles from our ships of war or merchantmen. And in order that the jurisdiction of the United States may attach by fiction, this bill provides that these offenses shall be deemed to have been committed upon the high seas on one of our ships.

Mr. Speaker, it is discreditable to the Congress of the United States, it is discreditable to the Government of the United States, that, not content to exercise jurisdiction within its limits, that now embrace almost every sea in the world, it invents a fiction and extends jurisdiction where it can not be exercised except by a fiction. The gentlemen who are behind this bill subject themselves to the suspicion of insincerity so far as its intemperance feature is concerned, because, if they seek to stop the use of intoxicating liquors, why not include the Philippine Islands in their bill? I have been reliably informed that more than a thousand saloons have sprung up in the island of Luzon since the American flag was raised over it. I am told that in Hawaii, where saloons were unknown until we benevolently assimilated it, to-day there are over 400 in existence. You declare that the Philippine people are not entitled to their own form of government because they are incapable of maintaining it. If they are not capable of enjoying their freedom, why not protect them under our jurisdiction from the baleful effects of intoxicating liquors instead of extending our charity to people to whom we owe no obligation?

The gentleman from Connecticut, in charge of the bill, has not yet been gracious enough to tell the House exactly what islands are to be affected by the bill. Lest I should do him injustice, I pause to allow him, in my time, to enumerate the islands which are included.

Mr. SPERRY. The islands included within the boundaries designated by the bill I can not name. There are many of those little islands—hundreds of them; but where they are inhabited they are governed by tribes, not by any civilized country. They are not under the protection of any civilized country. In this bill we propose simply to say, so far as we are concerned, that within those boundaries people of the United States, subject to the United States jurisdiction, shall not sell rum or opium, whisky or firearms.

If the bill does not go as far as the gentleman would like to have it go, or as he thinks it should have gone, I will only say that it goes as far as the State Department has seemed willing to admit would be proper. The State Department is decidedly in favor of the bill as now drawn.

I would like to yield a few minutes of my time—five minutes——

Mr. BAILEY of Texas. I am not through yet. I was just asking the gentleman from Connecticut to define the limits within which this bill, if passed, would operate.

Mr. SPERRY. I can only give the limits as they are indicated by the parallels and boundaries in the bill.

Mr. BAILEY of Texas. The boundaries given in the bill do not indicate the points to which the proposed law would extend.

Mr. Speaker, the gentleman is mistaken when he says that I think the bill does not go far enough. I am very frank to say that I am not a philanthropist. I am not trying to take care of all people within the boundaries of the world. I simply instanced the fact that the bill is not made to apply to the Philippine Islands and to Hawaii to sustain my suggestion that the gentlemen urging this measure are not entirely sincere.

Now, Mr. Speaker, one other thing. I demand of the proponents of this bill to tell me in what court an offender of this bill, if it should become a law, would be tried. The bill provides punishment by imprisonment not exceeding three months at hard labor or by a fine not exceeding $50, or both. Where is the forum in which you would try those who may violate this law? If a man sells liquor in those islands, will you bring him back to the city of Washington and try him? If so, in what court? Will you take him to the State of Connecticut?

If you arraign him there, he will invoke that clause of the Constitution which provides that a man shall not be tried except in the district of the United States where the offense was committed, which district must have been previously ascertained by law. If a citizen of the United States residing in Connecticut should complete the sale there, it might be easy under your bill—however unjust it would be—to punish him. But if he goes to one of these islands and sells arms or ammunition or intoxicating liquors, I undertake to say that no court in America has the power to punish him. It was for that reason that the committee inserted this fiction—that the offense should be deemed to have been committed upon the high seas upon a ship-of-war or merchantman of the United States.

Under such a provision as that they may try a man for this offense without a jury. A man may be tried, convicted, and executed without a jury under this nebulous and vague and dangerous power of preserving the authority of the United States upon the high seas of the world. It was because there was no forum within the United States, and because none could be constituted within the United States, to try these offenses that these gentlemen invented a fiction, pure and simple, in order to confer one of the most dangerous and despotic powers ever yet exercised by a free government in the history of the world.

I deem myself fortunate in having my attention called to this dangerous piece of proposed legislation, which if enacted will become a precedent and can practically destroy the right of trial by jury in every place subject to the jurisdiction of the United States. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. SPERRY. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, I wish to say a word as to the legal point just raised by the gentleman from Texas [Mr. BAILEY]. I did not draw the original bill. I put my name to the copy that was offered to me and introduced it because I saw that I was in hearty sympathy with its purpose; but when I had considered the question, I drew the amendment to which the gentleman from Texas has just referred; and the reason was——

Mr. BAILEY of Texas. The gentleman is too good a lawyer to have believed that the original bill was valid.

Mr. GILLETT of Massachusetts. I confess that when I looked at it critically I did not think it was valid.

The gentleman suggests that this is a new and dangerous precedent. Mr. Speaker, this is not a new precedent. The section to which the gentleman objects is copied almost exactly from that portion of the Revised Statutes which provides for jurisdiction over the Guano Islands, in which case precisely this fiction was adopted. In that provision of the Revised Statutes it is enacted that any act committed on those islands should be considered, just as in this bill, as having been committed on board an American ship. And the purpose, of course, was clear—that thereby jurisdiction is obtained for American courts, and with all the safeguards of the Constitution.

The gentleman asks in what court these offenses shall be tried. Why, of course, as the law provides for ships, they shall be tried in the port at which the vessel first comes in.

Now, the provision in regard to the Guano Islands is not only a provision standing in the Revised Statutes, but it has been passed upon by our Supreme Court, and has been held to be valid. Therefore, as a matter of law, the provision of this bill not only is not a new precedent, but it follows a decision of the Supreme Court, and I think that is authority enough.

Now, as to the reason why this bill should not apply to the other Pacific islands, to the Philippines, and to Hawaii. Why, sir, it comes with bad grace from the other side of the House to make that objection. I thought gentlemen on that side were contending that we are already giving too little self-government to Hawaii and the Philippine Islands; that we are absorbing too much power. If we should attempt to impose this legislation upon them, it would leave them still less self-government. It would be doing exactly what that side has been strenuously opposing. At any rate, that proposition is not before the committee.

Another committee would naturally and properly have that matter in charge; and, as I understand, it has been under consideration by that committee. I think myself there is need of legislation for the Philippines, and I hope the committee will report a bill. But because it is not in this bill is a paltry, and, it seems to me, a disingenuous argument for offering this bill. This bill does not contain, and does not pretend to contain, all the legislation which I think advisable for all the universe or for all islands, but it aims to accomplish one good purpose, and can hardly be opposed fairly because it does not accomplish more.

Here is one special condition needing legislation. English missionaries have been most successful in civilizing in those islands. England has prohibited the sale of liquor and firearms by British subjects. But American traders are going where the English are forbidden, are supplying the natives with liquor, and are steadily neutralizing and undermining the good work of the English missionaries. I think thus to permit our citizens to undo the unselfish and beneficient work of another country is a reproach and disgrace to America. It is to prevent that, and for that object alone, that this bill is proposed. In law it stands firmly upon the decision of the Supreme Court, and in policy I think it should stand as firmly upon the conscience of Americans.

The SPEAKER. The motion is to suspend the rules and pass the bill with the amendments.

Mr. GAINES. I did not hear the amendments read. I have read the bill. Can those amendments be read again?

The SPEAKER. They can by unanimous consent. The gentleman from Tennessee asks to have the amendments read. Without objection, the Clerk will report them.

Mr. SHERMAN. I object.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 79.

Mr. SPERRY (before the negative vote was announced). I call for the yeas and nays.

The SPEAKER (after counting). Thirty-four gentleman have arisen. It requires 36 to order the yeas and nays.

Mr. SPERRY. I ask for the other side.

The SPEAKER (after counting). Eighty-six gentlemen have arisen, and the yeas and nays are ordered.

The question was taken; and there were—yeas 117, nays 80, answered "present" 21, not voting 135; as follows:

YEAS—117.

Acheson,	Fordney,	Lacey,	Ray, N. Y.
Alexander,	Foss,	Lamb,	Rodenberg,
Allen, Me.	Freer,	Lane,	Showalter,
Baker,	Gardner, Mich.	Lawrence,	Smith, Iowa,
Barber,	Gardner, N. J.	Littauer,	Smith, Samuel W.
Barham,	Gaston,	Littlefield,	Southard,
Barney,	Gibson,	Lloyd,	Spalding,
Bishop,	Gillet, N. Y.	Long,	Sperry,
Brick,	Gillett, Mass.	Loudenslager,	Spight,
Brosius,	Graff,	Lovering,	Sprague,
Brownlow,	Greene, Mass.	Lybrand,	Steele.
Burke, S. Dak.	Grosvenor,	Mahon,	Stevens, Minn.
Burleigh,	Grout,	Mann,	Stewart, N. J.
Butler,	Grow,	Mercer,	Sulloway,
Capron,	Hamilton,	Metcalf,	Tawney,
Connell,	Haugen,	Minor,	Tayler, Ohio
Cooper, Wis.	Hawley,	Moody, Mass.	Terry,
Cousins,	Heatwole,	Moody, Oreg.	Thomas, Iowa
Cromer,	Hedge,	Morgan,	Tompkins,
Crumpacker,	Hepburn,	Morris,	Van Voorhis,
Cushman,	Hill,	Mudd,	Vreeland,
Dahle,	Hitt,	Muller,	Wanger,
Dalzell,	Hoffecker,	Needham,	Warner,
Davenport, S. A.	Hopkins,	O'Grady,	Waters,
Davenport, S. W.	Howell,	Otjen,	Williams, Miss.
Denny,	Jack,	Overstreet,	Wright,
Dick,	Jones, Va.	Payne,	Ziegler.
Emerson,	Jones, Wash.	Phillips,	
Esch,	Kerr, Md.	Polk,	
Finley,	Ketcham,	Pugh,	

NAYS—80.

Adamson,	Dinsmore,	Lentz,	Shackleford,
Allen, Ky.	Dougherty,	Lester,	Sheppard,
Atwater,	Fitzgerald, N. Y.	Levy,	Sims,
Bailey, Tex.	Fleming,	Little,	Smith, Ky.
Ball,	Gaines,	Livingston,	Snodgrass,
Bartholdt,	Gayle,	McAleer,	Stallings,
Bellamy,	Gordon,	McDowell,	Stark,
Benton,	Green, Pa.	Maddox,	Stephens, Tex.
Berry,	Griffith,	May,	Sulzer,
Brantley,	Hay,	Moon,	Talbert,
Brundidge,	Henry, Miss.	Pierce, Tenn.	Tate,
Burke, Tex.	Henry, Tex.	Quarles,	Thayer,
Burleson,	Jett,	Ransdell,	Thomas, N. C.
Burnett,	Johnston,	Rhea, Ky.	Underwood,
Caldwell,	King,	Rhea, Va.	Vandiver,
Clayton, Ala.	Kitchin,	Richardson, Tenn.	Wachter,
Cooper, Tex.	Kleberg,	Rixey,	Wheeler,
Crowley,	Kluttz,	Robinson, Ind.	Williams, J. R.
Cusack,	Lanham,	Robinson, Nebr.	Williams, W. E.
De Armond,	Latimer,	Ryan, Pa.	Zenor.

ANSWERED "PRESENT"—21.

Adams,	Fletcher,	McClellan,	Smith, H. C.
Boutell, Ill.	Griggs,	Meyer, La.	Smith, Wm. Alden
Bromwell,	Hall,	Miers, Ind.	Taylor, Ala.
Calderhead,	Henry, Conn.	Mondell,	
Cowherd,	Kahn,	Shattuc,	
Elliott	Landis,	Sherman,	

NOT VOTING—135.

Aldrich,	Cummings,	McCall,	Rucker,
Allen, Miss.	Curtis,	McCleary,	Ruppert,
Babcock,	Davey,	McCulloch,	Russell,
Bailey, Kans.	Davidson,	McDermott,	Ryan, N. Y.
Bankhead,	Davis,	McLain,	Salmon,
Bartlett,	Dayton,	McRae,	Scudder,
Bell,	De Graffenreid,	Marsh,	Shafroth,
Bingham,	Dovener,	Meekison,	Shelden,
Boreing,	Driggs,	Mesick,	Sibley,
Boutelle, Me.	Driscoll,	Miller,	Slayden,
Bowersock,	Eddy,	Morrell,	Small,
Bradley,	Faris,	Naphen,	Smith, Ill.
Breazeale,	Fitzgerald, Mass.	Neville,	Sparkman.
Brenner,	Fitzpatrick,	Newlands,	Stewart, N. Y.
Brewer,	Foster,	Noonan,	Stewart, Wis.
Broussard,	Fowler,	Norton, Ohio	Stokes,
Brown,	Fox,	Norton, S. C.	Sutherland,
Bull,	Gamble,	Olmsted,	Swanson,
Burkett,	Gilbert,	Otey,	Thropp,
Burton,	Gill,	Packer, Pa.	Tongue,
Campbell,	Glynn,	Parker, N. J.	Turner,
Cannon,	Graham,	Pearce, Mo.	Underhill,
Carmack,	Hemenway,	Pearson,	Wadsworth,
Catchings,	Howard,	Pearre,	Watson,
Chanler,	Hull,	Powers,	Weaver,
Clark,	Jenkins,	Prince,	Weeks,
Clayton, N. Y.	Joy,	Reeder,	Weymouth,
Cochran, Mo.	Kerr, Ohio	Reeves,	White,
Cochrane, N. Y.	Knox,	Richardson, Ala.	Wilson, Idaho
Conner,	Lassiter,	Ridgely,	Wilson, N. Y.
Cooney,	Lewis,	Riordan,	Wilson, S. C.
Corliss,	Linney,	Robb,	Woods,
Cox,	Lorimer,	Roberts,	Young.
Crump,	Loud,	Robertson, La.	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The following pairs were announced:

For this day:

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. PUGH with Mr. TURNER.

Mr. SIBLEY with Mr. HALL.

Mr. CALDERHEAD with Mr. SHAFROTH.

Mr. PEARCE of Missouri with Mr. LEWIS.

Mr. YOUNG with Mr. WHEELER.

Mr. COCHRANE of New York with Mr. BRENNER.

Mr. SHERMAN with Mr. DRIGGS.

Mr. MCCLEARY with Mr. COWHERD.

For this vote:

Mr. PEARRE with Mr. DAVIS.

Mr. BROMWELL with Mr. SHATTUC.

Mr. MORRELL with Mr. BANKHEAD.

Mr. JOY with Mr. NAPHEN.

Mr. BURLEIGH with Mr. MCLAIN.

Mr. BULL with Mr. SUTHERLAND.

Mr. SHELDON with Mr. MCLAIN.

Until further notice:

Mr. CANNON with Mr. MCRAE.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. MCCALL with Mr. FITZGERALD of Massachusetts.

Mr. HULL. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. SIBLEY], and if he has not voted I desire to be recorded as "present."

Mr. MCCLELLAN. Mr. Speaker, I am paired with the gentleman from Connecticut [Mr. RUSSELL], and wish therefore to withdraw my vote and be recorded as "present."

Mr. KING. Mr. Speaker, I answered "present" on this call. I would ask if the gentleman from Michigan [Mr. HAMILTON], with whom I have had a pair, has voted?

The SPEAKER. The gentleman from Michigan is recorded.

Mr. KING. Then I desire to be recorded in the negative.

Mr. KING's vote was accordingly recorded as above.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13947, with certain committee amendments.

The bill was read as follows:

A bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court-house at Aberdeen, S. Dak., from $87,000 to $100,000.

United States post-office and court-house at Abilene, Tex., from $75,000 to $100,000.

United States post-office and court-house at Boise, Idaho, from $200,000 to $250,000.

United States post-office and custom-house at Brunswick, Ga., from $50,000 to $100,000.

United States post-office and court-house at Cheyenne, Wyo., from $250,000 to $300,000.

United States post-office and court-house at Cumberland, Md., from $75,000 to $100,000.

United States post-office and court-house at Butte, Mont., from $200,000 to $225,000.

United States post-office and court-house at Eau Claire, Wis., from $50,000 to $100,000; and the limit of cost of site is hereby fixed at $10,000.

United States post-office and court-house at Elmira, N. Y., from $185,000 to $232,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed $7,000 for the acquisition of additional land for the enlargement of the site heretofore acquired.

United States post-office and court-house at Creston, Iowa, from $50,000 to $100,000.

United States post-office and court-house at Elizabeth City, N. C., from $50,000 to $100,000.

United States post-office and court-house at Fergus Falls, Minn., from $75,000 to $100,000.

United States post-office at Fitchburg, Mass., from $100,000 to $125,000.

United States post-office at Freeport, Ill., from $75,000 to $85,000.

United States post-office and court-house at Helena, Mont., from $300,000 to $325,000.

United States post-office and court-house at Jamestown, N. Y., from $75,000 to $115,000.

United States post-office at Janesville, Wis., from $50,000 to $75,000.

United States post-office at Joliet, Ill., from $100,000 to $130,000.

United States post-office at Joplin, Mo., from $50,000 to $65,000.

United States post-office at Hot Springs, Ark., from $78,000 to $85,000.

United States post office at Lawrence, Mass., from $100,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Leadville, Colo., from $50,000 to $75,000.

United States post-office and court-house at Lockport, N. Y., from $50,000 to $105,000.

United States post-office and custom-house at Newport, Vt., from $50,000 to $85,000.

United States post-office and custom-house at Newport News, Va., from $100,000 to $150,000.

United States post-office at Norwich, Conn., from $100,000 to $110,000; and the limit of cost of site is hereby fixed at $35,000.

United States post-office at Rome, N. Y., from $50,000 to $70,000.

United States post-office at St. Cloud, Minn., from $50,000 to $68,000.

United States post-office, court-house, and custom-house at St. Paul, Minn., from $1,050,000 to $1,100,000.

United States post-office, custom-house, and court-house at Salt Lake City, Utah, from $300,000 to $400,000.

United States post-office, court-house, and custom-house at Seattle, Wash., from $300,000 to $650,000; and the limit of cost of site is hereby fixed at $150,000.

United States post-office, court-house, and custom-house at Tampa Fla., from $250,000 to $300,000.

United States post-office at Wilkesbarre, Pa., from $125,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Winston, N. C., from $50,000 to $60,000.

United States post-office at Oskaloosa, Iowa, from $50,000 to $66,000.

United States post-office at Bristol, Tenn., from $50,000 to $55,000.

The amendments recommended by the committee were read, as follows:

On page 2, line 12, strike out all after the word "hundred" and insert "and twenty-five thousand dollars;" so as to read "$325,000."

On page 2, line 20, strike out all after the word "hundred" up to and including the word "dollars," in line 21, and insert "and ten thousand dollars;" so as to read "$110,000."

On page 3, line 20, strike out all after the word "and" and insert "fifty thousand dollars;" so as to read "$350,000."

On page 4, line 5, strike out all after the word "to" and insert "$100,000."

Page 4, line 6, after the word "post-office" add "and custom-house," so as to read "United States post-office and custom-house at Joplin, Mo."

Page 4, line 7, strike out all after the word "to" and insert "$100,000."

Page 4, line 18, strike out all after the word "to" up to and including the word "dollars" in line 19, and insert "$100,000."

Page 4, line 21, strike out all after the word "to" up to and including the word "dollars" in line 22, and insert "$200,000."

Page 5, line 9, strike out all after the word "hundred" and insert the words "and fifty thousand dollars;" so as to read "$1,150,000."

Page 5, line 12, strike out the word "four" and insert the word "five;" so as to read "$500,000."

Page 5, line 15, strike out all after the word "to" up to and including the word "dollars" in line 16, and insert "$750,000; and the limit of cost of site is hereby fixed at $200,000."

Page 5, line 19, strike out all after the word "hundred" and insert "$25,000;" so as to read "$325,000."

Page 5, line 22, strike out the word "thirty-five" and insert the word "fifty;" so as to read "$150,000."

Page 6, after line 4, add the following: "United States post-office at Carrollton, Ky., from twenty-five thousand to thirty thousand dollars;" also "United States post-office and court-house at Columbus, Ga., from $156,000 to $159,000;" also "United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building, as authorized by act of March 2, 1899, from $[illegible],000 to $110,000."

The SPEAKER. Is a second demanded?

Mr. BAILEY of Texas. I demand a second.

Mr. MERCER. I ask unanimous consent that a second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made by the gentleman from Texas. The Chair appoints the gentleman from Nebraska, Mr. MERCER, and the gentleman from Texas, Mr. BAILEY, to act as tellers.

The House divided; and tellers reported—ayes 122, noes 5.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Nebraska and the gentleman from Texas for twenty minutes each.

Mr. MERCER. Mr. Speaker, this bill affects forty different cities of the United States. It provides for increases recommended by the

Treasury Department and occasioned principally by the rise in the price of building material since the buildings were first authorized. In some instances United States courts have been established, which necessitates an additional story to buildings originally intended for post-office purposes only.

The only two marked increases in this bill are Salt Lake City, Utah, and Seattle, in the State of Washington. In the city of Salt Lake the citizens presented the Government with a very valuable site, and this bill increases the limit of cost of building from $300,000 to $500,000, a very moderate sum for so important a city as Salt Lake, a city in which so many public officials are to be housed.

The increase in Seattle is correspondingly large, for the reason that, next to San Francisco and Portland, Oreg., upon the Pacific coast, this city of Seattle demands more room for Government officials than any other city west of the Rocky Mountains.

The following statement indicates the different cities benefited by this bill, and shows not only the limit of cost heretofore authorized by public buildings in the respective cities, but shows estimates made by the Treasury Department thereon and amount of increase conceded by your committee:

Location.	Present limit.	This bill.	Treasury estimate.
Aberdeen, S. Dak	$87,000	$100,000	$150,000
Abilene, Tex	75,000	100,000	125,000
Boise, Idaho	200,000	250,000	325,000
Brunswick, Ga	50,000	100,000	100,000
Cheyenne, Wyo	250,000	325,000	350,000
Cumberland, Md	75,000	100,000	125,000
Butte, Mont	200,000	225,000	300,000
Eau Claire, Wis	50,000	110,000	175,000
Elmira, N. Y	185,000	232,000	232,000
Creston, Iowa	50,000	100,000	150,000
Elizabeth City, N. C	50,000	100,000	125,000
Fergus Falls, Minn	75,000	100,000	125,000
Fitchburg, Mass	100,000	125,000	125,000
Freeport, Ill	75,000	85,000	125,000
Helena, Mont	300,000	350,000	400,000
Jamestown, N. Y	75,000	115,000	125,000
Janesville, Wis	50,000	75,000	125,000
Joliet, Ill	100,000	130,000	150,000
Joplin, Mo	50,000	100,000	100,000
Hot Springs, Ark	78,000	100,000	100,000
Lawrence, Mass	100,000	135,000	200,000
Leadville, Colo	50,000	75,000	125,000
Lockport, N. Y	50,000	105,000	125,000
Newport, Vt	50,000	100,000	125,000
Newport News, Va	100,000	200,000	250,000
Norwich, Conn	100,000	110,000	125,000
Rome, N. Y	50,000	70,000	75,000
St. Cloud, Minn	50,000	68,000	75,000
St. Paul, Minn	1,050,000	1,150,000	1,150,000
Salt Lake, Utah	300,000	500,000	500,000
Seattle, Wash	300,000	750,000	1,000,000
Tampa, Fla	250,000	325,000	350,000
Wilkesbarre, Pa	125,000	150,000	225,000
Winston, N. C	50,000	60,000	125,000
Oskaloosa, Iowa	50,000	66,000	75,000
Bristol, Tenn	50,000	55,000	55,000
Columbus, Ga	156,000	159,000	159,000
Carrollton, Ky	25,000	30,000	30,000
Dubuque, Iowa	100,000	110,000	110,000
Indianapolis, Ind	1,900,100	2,200,100	2,400,000
Total	7,081,100	9,340,100	10,811,000

Amount of increase asked by Treasury Department	$3,729,800
Amount of increase granted by this bill	2,259,000

I reserve the balance of my time.

Mr. GRAFF. Will the gentleman yield to me for a question?

Mr. MERCER. I yield to the gentleman from Illinois for a question.

Mr. GRAFF. I desire to ask the gentleman from Nebraska whether there are any provisions here for any building not heretofore authorized by law?

Mr. MERCER. None whatever. This bill does not carry any new authorizations. I ask for a vote.

Mr. BAILEY of Texas. Mr. Speaker, I shall only myself consume enough time to remark that had I known in the beginning how widely and how judiciously the pork in this barrel had been distributed I would have had no expectation of defeating it; and with this remark I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill, carrying enormous appropriations, is another demonstration of the cohesive power of public plunder. I doubt not it will pass without a division. I am somewhat suprised, to say the least, at the present attitude of the distinguished gentleman from Illinois [Mr. CANNON], and I fail to hear his eloquent and emphatic protest against this bill, which will take hundreds and hundreds and thousands of dollars out of the public Treasury. Yesterday, the day before, and for several days last past, we have heard the gentleman from Illinois protesting against these kind of reckless and extravagant appropriations. But when this omnibus building bill comes up, appropriating this vast amount of money, we do not hear a word from the gentleman from Illinois. He is as dumb as an oyster. It is the old, old story. It only goes to show, however, how strong and powerful local patronage is to secure legislation.

The principal point I now desire to make is that the Committee on Public Buildings and Grounds has refused to give New York City a new post-office. A bill for that purpose has been in the committee for six years. New York City is unjustly discriminated against. The post-office in New York City is old and dilapidated. It is no longer adapted to the postal affairs of the metropolis. It is a menace to the health and to the lives and limbs of every man employed in it. Thousands of men employed in the New York City post-office are compelled to work underground, standing part of the time during each twenty-four hours in water and in dampness. Every merchant, the chamber of commerce, the press, the people, every board of industry and board of trade in New York have petitioned Congress for the last three years to appropriate enough money to build a new and decent post-office in the city of New York.

I myself, sir, have filed with the Clerk of this House hundreds and hundreds of petitions and resolutions in favor of a new post-office in New York City. They have been referred to the committee and that has been the end of the matter. I want to enter my most emphatic protest against the outrageous way New York City is treated by Congress.

The post-office in New York City supplies more revenue to the Government than any other ten post-offices in the United States. The revenue from that post-office, over and above its expenses, amounts every year to between five and six millions of dollars. It is the greatest post-office for the distribution and the transmission of mail in this country; and I say in all sincerity that the great metropolis of the country should have a post-office that will be not alone a credit to the nation, but will preserve the lives and not menace the health of the people who are compelled to work in it.

The chairman of the Committee on Public Buildings and Grounds and the committee appropriate money for every little crossroad post-office in the country. There is no trouble to get an appropriation of $150,000 for some little country post-office that is an expense to the Government, but when it comes to the post-office of the city of New York the Committee on Public Buildings and Grounds is deaf to all supplications and to all the entreaties of the people of that great city.

The entire postal business of the country is centered in New York City, and that city should have a post-office of adequate accommodations to facilitate business. We only ask for decent treatment—for what is just and right. I hold in my hand an editorial from the New York Herald of March 1 instant——

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Will the gentleman from Texas yield to me time enough to have this article read?

Mr. BAILEY of Texas. I have agreed to give out the time, and will have to take it from others.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print as a part of my remarks an editorial from the New York Herald of March 1, 1901, regarding the New York post-office.

The SPEAKER. The gentleman from New York asks unanimous consent to print an editorial from the New York Herald in reference to the New York post-office.

Mr. MERCER. I object, Mr. Speaker, until I know what it is.

Mr. SULZER. It is a very short editorial from the New York Herald. It does not refer to the gentleman, but only to this post-office.

The SPEAKER. Objection is made.

Mr. BAILEY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Speaker, I would like to have the attention of the chairman of the committee a moment. I would like to inquire if there has been an increase in the appropriation for the public building at Indianapolis?

Mr. MERCER. There has.

Mr. MIERS of Indiana. It is not in the printed bill.

Mr. MERCER. No; it is a committee amendment.

Mr. MIERS of Indiana. How much is the increase?

Mr. MERCER. Three hundred thousand dollars.

Mr. MIERS of Indiana. What is the purpose of the increase?

Mr. MERCER. For the purpose of permitting the Secretary of the Treasury and the Supervising Architect to draw plans so that the building shall be commensurate with the needs of the public business there.

Mr. MIERS of Indiana. Is it the purpose to change the plan originally adopted as to the character of the building?

Mr. MERCER. The plans had not been drawn. They were held up pending the action of Congress.

Mr. MIERS of Indiana. Is it changed, then, to carry out a different plan?

Mr. MERCER. I refer the gentleman to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, the purpose of the increase is to make the difference between the price of material at the time the original law went into effect and the present time; also because of the increased price for the site for the building, which was made more by reason of the purchase of a larger amount of ground. I know the point the gentleman from Indiana refers to—whether or not there is any change in reference to the material to be used.

Mr. MIERS of Indiana. That is the point.

Mr. OVERSTREET. That has nothing to do with the increase. It has been the practice of the Department for a great many years to let bids for contracts for public buildings with the alternative of a different character of material, for the purpose of insuring competition, that would bring the best possible price for the construction for the amount authorized by the law. There is no purpose in this increase to change that practice, nor in any way or manner to affect the material to be used in the construction of the building. Taking into account the cost of the material and the increased price for the site are the only reasons for the increase.

Mr. MIERS of Indiana. I would like to ask my colleague, the gentleman from Indiana, whether this in any way militates against the use of Indiana stone and in favor of granite?

Mr. OVERSTREET. Not in any way whatever.

Mr. MIERS of Indiana. I would like to ask the gentleman if he has any information as to the relative cost of the Indiana stone and the Vermont granite?

Mr. OVERSTREET. I have not.

Mr. MIERS of Indiana. There is much more difference than $300,000, is there not?

Mr. OVERSTREET. I do not know, because the character of the material has nothing to do with the proposed increase. Bids will be invited in the alternative, so that the friends of one kind of material can have the privilege of competing with friends of the other material. They are not discriminated against.

Mr. MIERS of Indiana. Then, Mr. Speaker, in conclusion, I am in favor of the best building for Indianapolis that can be erected on an economical basis. There are two theories here. One is that there was an effort to crowd out the Indiana stone, because it is close there and cheaper, and put in the Vermont marble or granite; but I am entirely content with the explanation of the gentleman from Indiana [Mr. OVERSTREET], for two reasons. I realized there would be more difference between the cost of the two materials than two or three hundred thousand dollars; there would be more difference than half a million, and, in addition to that, if the Indiana stone, which is the favorite building stone, not only of the West, but the East, the North, and the South, were to be crowded out or to be put in jeopardy I would be opposed to it. But I understand from the distinguished chairman of the committee and the gentleman from Indiana that there is no such purpose as that. They tell me the proposed increase is to meet the extra expense by reason of the increase in price of material and labor.

Mr. STEELE. Let me say to the gentleman that I had correspondence with the Secretary of the Treasury on this subject. He assured me that the Supervising Architect of the Treasury had been misquoted, and that he had never said anything that could be tortured into expressions against the use of the Indiana stone.

Mr. MIERS of Indiana. Then the gentleman from Indiana [Mr. STEELE] joins in the conclusion that I do, that there is no proposed discrimination against the Indiana stone?

Mr. STEELE. I think not; if I thought there was I would not vote for this measure.

Mr. OVERSTREET. May I inquire of the gentleman whether or not my colleague has any opposition to leaving this to an open bid between all the representatives?

Mr. MIERS of Indiana. An open bid and a fair investigation is all that the Indiana stone desires. This industry has added largely to the wealth of the State and furnished employment to many laboring men, and is a matter of great interest to both labor and capital in the State and the nation. I would be derelict if I should allow any enactment that would needlessly vote an additional sum out of the Treasury, even if it does go to my State. I would be doubly so if I should allow anything to go unchallenged that would cripple this great industry.

The quarries of the State of Indiana have furnished the stone for the magnificent capitol at the city of Indianapolis and for the soldiers' monument and the court-house, all of which beautify the city of Indianapolis.

The products of said quarries have been used successfully in the building of several capitols of other States of this Union, court-houses, and public buildings all over the country.

The product of said quarries has by the experience of time proven to be permanent, enduring, and having all the qualities needed and desired in the construction of buildings and monuments for the future as well as the present.

The said quarries have become one of the great industries of the great State, and the value of their product represents to a very large extent the labor of the State.

It is regarded everywhere as the best and cheapest building stone in the United States. Its ability to stand the wear of time has been fully demonstrated; its superior qualities are recognized by the first architects of the United States. It never shirks or evades competition, but always courts it. It only wants open and equal chance for a place in the great building at our capital city. I accept the avowed purpose of the chairman of the committee and of the gentleman from Indiana [Mr. OVERSTREET] that the sole purpose of this increased appropriation is to meet the increased cost of labor and material since the original plans were considered.

I need hardly say that the people of Indiana are proud of this great industry and watching the legislation on this subject and will not consent that any legislation be had that looks to the smuggling in some other material to the disadvantage of the Indiana stone. What we want is an appropriation sufficiently large to economically construct a building adequate to the purposes for which it is to be used and in keeping with the growth and enterprise of the beautiful capital of the great State of Indiana. Personally, I believe the Indiana stone will meet all of these requirements.

Mr. OTEY. Mr. Speaker, may I ask if this bill can be amended?

The SPEAKER. It can not. This is a motion to suspend the rules.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that he may be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MERCER. I object.

The SPEAKER. Too late.

Mr. BAILEY of Texas. I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, if these buildings are incomplete they, of course, can not be used for the purposes for which they are supposed to be erected. If they are incomplete they should be finished. But, Mr. Speaker, I want to call the attention of this honorable body to the fact that if the majority party, that now makes this law, and has been making the law for four years, if the party had executed the laws as they now exist on our statute books, perchance this deficit might have been avoided.

In other words, if the trust laws that slumber absolutely dead upon our statute books had been prosecuted as they should have been, the trusts or combines, the unholy monopolies that are now outraging a free people and at this very moment are holding up the Government of the United States, as this bill is a proof of, this legislation might have been properly and fortunately avoided.

But, Mr. Speaker, the fact is that under the anti-trust act of 1890, placed there by the voice of both parties without a dissenting vote in the House or the Senate, up to last May had been brought into action against only three trusts in this country.

And the letter of the honorable Attorney-General of the United States, Mr. Griggs, which I hold in my possession, is absolute proof of the fact. One of these cases had failed, one case had succeeded, and one had been unadjudicated at that date. No one will dispute the fact, Mr. Speaker, that if that law had been properly executed every trust that has been carrying on interstate combines in this country might have been crushed, and this appropriation avoided, and the people permitted to have the rights that they should have under the law of the land.

Not only that statute, Mr. Speaker, but we have the act of August 28, 1894, known as the Wilson law. That act, Mr. Speaker, was carried into and made a part of and is now the law of this land, under and by virtue of the last section of the McKinley act, which expressly provided for the continuation of sections 73, 74, 75, 76, and 77 of the Wilson bill law. The sections in question read as follows:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void, when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and, on conviction thereof in any court of the United States, such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than three months nor exceeding twelve months.

SEC. 74. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of section 73 of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the

Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 75. That whenever it shall appear to the court before which any proceeding under the seventy-fourth section of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 73 of this act, and being in the course of transportation from one State to another, or to or from a Territory, or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 77. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Yet, Mr. Speaker, that law now is nearly seven years old, and not a single suit has been filed under it. The distinguished gentleman from Wisconsin [Mr. BABCOCK] introduced a bill a few days ago, but in plenty of time to have a willing Congress make it a law, which provides for putting on the free list, clearly a Democratic policy long espoused, every one of the iron materials that are used in making our public buildings as well as our private buildings, all the steel material and billets, etc.; and yet that bill sleeps to-day in the distinguished Republican committee; and yet that bill has not been heard of save in the public press since its introduction.

We passed last session a bill here that we thought at least continued the fight and opposition of the American people against trusts, and we sent it to the Senate, where it will die absolutely by the 4th of March, and yet the Democrats last session and this session demanded its passage; but nothing has been done by the majority party to pass it.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to extend my remarks in the RECORD.

Mr. MERCER. I must object to that, but I will yield the gentleman two minutes of my time.

Mr. GAINES. I thank the gentleman.

Now, Mr. Speaker, I am not taking any partisan advantage of this situation—a statement of these facts suffice—but I challenge any man in this House or elsewhere to dispute the fact that the present Attorney-General, under the law of 1890 had filed any more than three suits up to the 31st of last May. I challenge any man to dispute successfully the fact that under the act of the Wilson anti-trust law and continued in the Dingley Act not a single suit has been filed—not one.

Mr. Speaker, it is said by the unholy party, the parent of trusts, that Bryanism is dead in this country, but, Mr. Speaker, that is not true. We find that that great patriot introduced in the Congress of the United States a bill similar to the Babcock bill on May 26, 1892, the number being H. R. 9004, requiring that such materials as were made into trust property and were protected under the tariff law should be placed upon the free list.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I append, Mr. Speaker, as part of my remarks, the Bryan bill of 1892 and Babcock bill of 1901, as follows:

[H. R. 9004, Fifty-second Congress, first session. In the House of Representatives, May 26, 1892. Referred to the Committee on Ways and Means and ordered to be printed. Mr. Bryan introduced the following bill:]

A bill to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be, and the same is hereby, amended by adding thereto the following as an additional section, namely:

"SEC. 9. That whenever any circuit court of the United States shall find in a case pending before it under this act that any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, exists in respect to any article or articles upon which any duties are levied by the then existing tariff laws of the United States, it shall be the duty of the court to report the facts so found to the President of the United States, setting forth specifically each and every such article. It shall be the duty of the President of the United States, upon the receipt of such report, to issue his proclamation placing each and every such article, when imported into the United States, upon the free list, and shall fix the time, not exceeding thirty days from the receipt of the findings of the court, at which such article or articles shall be admitted free of duty. And on and after the date fixed in said proclamation such article or articles shall, when imported into the United States, be admitted free of duty: *Provided*, That whenever such article or articles are subjected to a tax under the internal-revenue laws of the United States, the duty on such article or articles shall be equal to such internal-revenue tax. And from and after the date fixed by the proclamation such article or articles shall be admitted, when imported into the United States, subject to a duty equal to the internal-revenue tax on said article or articles."

[H. R. 14145, Fifty-sixth Congress, second session. In the House of Representatives, February 11, 1901. Mr. BABCOCK introduced the following bill; which was referred to the Committee on Ways and Means, and ordered to be printed.]

A bill repealing certain sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," being a part of "Schedule C.—Metals and manufactures of," be, and the same are hereby, repealed:

"123. Bar iron, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, round iron not less than seven-sixteenths of 1 inch in diameter, six-tenths of 1 cent per pound.

"124. Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this act, eight-tenths of 1 cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to a duty of five-tenths of 1 cent per pound: *Provided further*, That all iron bars, blooms, billets or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of $12 per ton.

"125. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain or punched or fitted for use, five tenths of 1 cent per pound.

"126. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenth of 1 cent per pound; valued above 1 cent and not above 2 cents per pound, six-tenth of 1 cent per pound; valued above 2 cents and not above 4 cents per pound, 1 cent per pound; valued at over 4 cents per pound, 25 per cent ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets.

"127. Iron or steel anchors or parts thereof, 1½ cents per pound; forgings of iron or steel, or of combined iron and steel, of whatever shape or whatever degree or stage of manufacture, not specially provided for in this act, 35 per cent ad valorem; anti-friction ball forgings of iron or steel, or of combined iron and steel, 45 per cent ad valorem.

"128. Hoop, band, or scroll iron or steel, not otherwise provided for in this act, valued at 3 cents per pound or less, 8 inches or less in width, and less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, five-tenths of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, six-tenths of 1 cent per pound; thinner than No. 20 wire gauge, eight-tenths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; steel bands or strips, untempered, suitable for making band saws, 3 cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 6 cents per pound and 20 per cent ad valorem.

"129. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for bailing cotton or any other commodity, five-tenths of 1 cent per pound.

"130. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, seven-twentieths of 1 cent per pound; railway fish-plates or splice-bars, made of iron or steel, four-tenths of 1 cent per pound.

"131. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, seven-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, eight-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, 1.1 cents per pound; thinner than No. 32 wire gauge, 1.2 cents per pound; corrugated or crimped, 1.1 cents per pound: *Provided*, That all sheets of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel.

"132. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated.

"135. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes; saw plates, wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel in all forms and shapes not specially provided for in this act, all of the above valued at 1 cent per pound or less, three-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, four-tenths of 1 cent per pound; valued above 1.4 cents and not above 1.8 cents per pound, six-tenths of 1 cent per pound; valued above 1.8 cents and not above 2.2 cents per pound, seven-tenths of 1 cent per pound; valued above 2.2 cents and not above 3 cents per pound, nine-tenths of 1 cent per pound; valued above 3 cents per pound and not above 4 cents per pound, 1.2 cents per pound; valued above 4 cents and not above 7 cents per pound, 1.8 cents per pound; valued above 7 cents and not above 10 cents per pound, 2 cents per pound; valued above 10 cents and not above 13 cents per pound, 2.4 cents per pound; valued above 13 cents and not above 16 cents per pound, 2.8 cents per pound; valued above 16 cents per pound, 4.7 cents per pound.

"WIRE.

"136. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, in coils or otherwise, valued at 4 cents or less per pound, four-tenths of 1 cent per pound; valued over 4 cents per pound, three-fourths of 1 cent per pound: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire: *Provided further*, That all iron or steel rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of 1 cent per pound.

"137. Round iron or steel wire, not smaller than No. 13 wire gauge, 1½ cents per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1½ cents per pound; smaller than No. 16 wire gauge, 2 cents per pound: *Provided*, That all the foregoing valued at more than 4 cents per pound shall pay 40 per cent ad valorem. Iron or steel or other wire not specially provided for in this act, including such as is commonly known as hat wire, or bonnet wire, crinoline wire, corset wire, needle wire, piano wire, clock wire, and watch

wire, whether flat or otherwise, and corset clasps, corset steels and dress steels, and sheet steel in strips, twenty-five one-thousandths of an inch thick or thinner, any of the foregoing, whether uncovered or covered with cotton, silk, metal, or other material, valued at more than 4 cents per pound, 45 per cent ad valorem: *Provided*, That articles manufactured from iron, steel, brass, or copper wire, shall pay the rate of duty imposed upon the wire used in the manufacture of such articles, and in addition thereto 1½ cents per pound, except that wire rope and wire strand shall pay the maximum rate of duty which would be imposed upon any wire used in the manufacture thereof, and in addition thereto 1 cent per pound; and on iron or steel wire coated with zinc, tin, or any other metal, two-tenths of 1 cent per pound in addition to the rate imposed on the wire from which it is made.

"NAILS, SPIKES, TACKS, AND NEEDLES.

"160. Cut nails and cut spikes of iron or steel, six-tenths of 1 cent per pound.

"162. Wire nails made of wrought iron or steel, not less than 1 inch in length and not lighter than No. 16 wire gauge, one-half of 1 cent per pound; less than 1 inch in length and lighter than No. 16 wire gauge, 1 cent per pound.

"171. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tiers or parts thereof, wholly or partly manufactured, 1½ cents per pound; and ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 1½ cents per pound: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately."

Mr. BAILEY of Texas. I ask the gentleman from Nebraska [Mr. MERCER] if he intends to consume the balance of his time, that he use part of it now. We have, I believe, on this side five minutes remaining.

Mr. MERCER. I prefer that the gentleman from Texas should go on.

Mr. BAILEY of Texas. It is usual to alternate in these speeches. I had an impression that the gentleman from Nebraska did not intend to consume his time.

Mr. MERCER. I shall occupy only three or four minutes.

Mr. BAILEY of Texas. Well, with that expectation, I yield whatever time I have remaining to the gentleman from New York [Mr. GLYNN].

Mr. GLYNN. Mr. Speaker, I send to the desk a petition and set of resolutions, which appeared in the RECORD of January 11, 1901, and which I wish the Clerk to read.

The Clerk read as follows:

A PETITION.

SALT LAKE CITY, *December 28, 1900.*

To the Honorable Committee on Public Buildings and Grounds,
House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners—merchants, bankers, and business men of Salt Lake City, Utah—respectfully represent that in compliance with "An act to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah," approved March 2, 1899, advertisements were inserted in the Salt Lake Tribune for such site, requiring, among other things, that the Government building be located on "a corner lot, approximating 180 feet front by 180 feet in dimensions, is preferred. If not a corner lot, the property must approximate 180 feet by 220 feet in dimensions, the 220 feet to be street frontage." The act referred to requires, among other things, after the said advertisement is made, "that thereafter the Secretary of the Treasury shall cause examination to be made of the said bids and the said proposed sites, and shall cause statements, maps, and plats thereof to be taken and submitted to him."

Your petitioners therefore allege:

First. That no examination, such as is required by the act referred to, has ever been made.

Second. That they are informed and believe that the site was selected by one H. A. Taylor, who had visited Salt Lake City but three times and at dates long prior to 1899, and hence was not qualified at the date said site was selected to make a proper or suitable selection without personal examination.

Third. That it is south of all the business portion of the city and not in the direction of the city's growth.

Fourth. That it is on low ground, only 1½ blocks above the line of the gravity sewer. It is on ground similar to that on which the city and county building is located, the foundation of which is estimated to have cost from $40,000 to $50,000 more than if located on solid ground in the center or upper portion of the city.

Fifth. The advertisement fixed the size of the site 180 feet square if located at a street intersection. Streets in the business portion of Salt Lake City are 132 feet wide. The site selected is located on the corner of East Temple and Market streets. Market street is a private street, one block in length, half the width of the regular streets, hence it does not comply with the terms or intention of said advertisement.

Sixth. Your petitioners believe that the capital of the State of Utah should receive more consideration in the selection of a site for a public building.

That no proper consideration was given to the other numerous sites offered.

That if proper examination had been made the site which was situate on lowest ground and which would require the greatest expenditure for foundation would not have been selected.

Seventh. Your petitioners request that a committee be appointed to make a proper examination and select a site in the business district of the city, where it will be centrally located as regards population, in the direction of the city's growth, and where it will be convenient to all residents, and at the same time present an imposing and dignified appearance. They also request that all persons may be awarded an impartial hearing to present the merits of their respective locations.

And your petitioners will ever pray.

Lewis S. Mills, president Deseret National Bank; Heber J. Grant, president State Bank of Utah; John E. Dooly, banker; The Brigham Young Trust Company, by N. W. Clayton, chairman executive committee; Cooperative Wagon and Machine Company, Geo. T. Odell, general manager; Spencer Clawson & Co., wholesale dry goods; McCormick & Co., bankers; Henry Dinwoody, Dinwoody Furniture Company; Wm. R. Wallace, property owner; Hooper Building, by Jos. E. Caine, agent; Continental Market Company, J. E. Caine, president; W. F. Armstrong, president of Utah Commercial and Savings Bank; Thomas W. Jennings; Mary H. Jennings, by Thos. W. Jennings; P. W. Madsen; Utah Stove and Hardware Company, P. W. Madsen, president; Western Loan and Savings Company; J. B. Toronto, vice-president Western Loan and Savings Co.; Thomas G. Webber, merchant; Home Fire Insurance Company of Utah, by Heber J. Grant, president; Salt Lake Theater Company; Consolidated Implement Company, by Geo. A. Snow, president and general manager; The Deseret News, H. G. Whitney, business manager.

Mr. GLYNN. Mr. Speaker, this petition is signed by many of the leading business men of Salt Lake City, including representatives of 10 of the 14 banks of that city. It asks that the site upon which it is proposed to erect a public building there be investigated by a committee before any of the money appropriated for this building be expended. These gentlemen are among the most prominent men of that city. They speak for themselves in this petition. They claim that there was an irregularity in the selection of the site and that the title to a part of it is imperfect. For that reason they ask an investigation. I know that petitions have been filed on the other side in opposition to this; but I want to call attention to the fact that 10 out of the 14 banks in that city have signed the petition just read. The United States attorney at Salt Lake has filed with the Attorney-General a statement that the title of the proposed site is defective.

These gentlemen claim that the city of Salt Lake has only one-half of the title of this property on one side of the street—Market street—that the other half is merged in some estate.

The people of that city asked for a hearing before the Committee on Public Buildings and Grounds. They were notified that a hearing would be held on the succeeding day at 9 o'clock. It happened that one of the leading men of Salt Lake City, who signed that petition, was in the city of Washington. He appeared before the committee and informed them that only a few feet away from where it is proposed to erect this building there has been erected a large building, and in order to secure a foundation for it it was necessary to sink railroad ties.

They also claim, in another petition, printed in the RECORD of January 23, that the proposed site does not meet the requirements of the Government advertisement for a site. The gentlemen whose signatures appear on this petition stand ready to donate to the Government any site in Salt Lake City which may be selected by a committee to be appointed in accordance with their prayer in the petition as the best site in the city for a Federal building. Now, Mr. Speaker, I do not want to be misunderstood in this matter. I am not against the appropriation for the building at Salt Lake. I am in favor of the whole amount mentioned in this bill for that city, but I am also in favor of this House paying respectable attention to the prayers and requests of the prominent business men of Salt Lake City.

Surely, the standing and prominence of those men are sufficient to entitle them to attention from the members of this House; surely, those men would not place their names on a petition which stated aught else but the strict truth; surely, they are not asking anything unreasonable when they petition Congress to make an investigation for the purpose of securing the best possible site in Salt Lake City for the erection of a $500,000 building. I, for one, do not believe that we have any right to vote away the people's money for the erection of a public building without at least a reasonable assurance that the best possible site is being selected. But in this case, Mr. Speaker, men of prominence assert, in cold type, that the proposed site is the worst one of the eleven offered to the Government.

In the snap hearing before the Committee on Public Buildings and Grounds on this matter Mr. Spencer Clawson, one of the leading business men of Salt Lake City, distinctly stated that a more objectionable site than the one proposed could not be selected. Now, sirs, I do not believe that a man of Mr. Clawson's standing would make such an assertion unless it were true, and I do not think that any of you do, either. In fact, sirs, every person from Salt Lake City that I have talked with admits that there are more desirable sites in Salt Lake City than the one selected.

A gentleman sitting near me whispers for information as to how a public building at Salt Lake City interests me. He states it is not a New York State matter. I agree with him in a degree. But in another degree it is a New York State matter just as much as it is a Utah matter. New York does not furnish all the money for the public buildings, though I am rather under the impression that it furnishes a good deal indirectly for everything this country does. Neither does Utah furnish all the money. The money comes from the Federal Treasury. We are Federal officials, and every man here should be interested in every cent spent from the Treasury, even if it does not go into his own district.

I am well aware, Mr. Speaker, that no words of mine, or of anyone else, as far as that is concerned, will have the least influence upon this bill. I know that not a single line will be changed or a single amendment allowed. Knowing that, though, does not deter me in presenting the claims of the prominent men on this petition before the members of this House. The die has been cast; the logs have rolled; the booty has been so distributed that enough votes are behind the bill to ride roughshod over the prayers of

these prominent men of Salt Lake. They may be right, they may be wrong; but, right or wrong, they are certainly entitled to a hearing to make good the serious charges they present in their petition, and I am in favor of giving them this opportunity, even though the sauce has been so spread over this appropriation pudding as to make it toothsome to the majority of the members of this House.

Mr. MERCER. Mr. Speaker, in reply to what has just been said I wish to say that the Representative from Utah [Mr. KING], who at the outset favored the site in the interest of which the gentleman from New York has spoken, comes in now, and, with nearly all the citizens of Salt Lake, asks that the present site, which was given to the Government free of cost, be taken for this building, and the whole matter settled. I ask unanimous consent to publish with my remarks some data and reports covering this whole matter.

The SPEAKER. The gentleman from Nebraska [Mr. MERCER] asks unanimous consent to print with his remarks certain papers. Is there objection?

Mr. SULZER. I object.

Mr. MERCER. I now ask for a vote.

Mr. SULZER. Mr. Speaker, I withdraw the objection.

Mr. MERCER. I thank the gentleman for his courtesy. I now submit the data referred to concerning the Walker site in Salt Lake, upon which the Government building is to be erected.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 5, 1900.

SIR: In compliance with the request contained in your letter of the 19th ultimo, for a report in connection with S. 2198, providing for an increase of limit of cost of the public building at Salt Lake City, Utah, I have the honor to advise you that an increase in present limit, namely, $300,000 to $500,000, will be sufficient for the erection of a building affording ample accommodations to meet all the requirements of the public service at Salt Lake City.

Respectfully,

O. L. SPAULDING,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

TREASURY DEPARTMENT, *Washington, D. C., December 17, 1900.*

DEAR MR. MERCER: Referring to our conversation by telephone on Saturday, I wish to submit to you, in corroboration of what I stated, a number of telegrams which I have received to-day. You will notice that one of them is from the city engineer, one from the State engineer, and two from ex-engineers, members of the board of public works. Of course no men are so well qualified to give an opinion as these men, and it puts an entire quietus on those who are claiming that it is not possible to get good foundations for the Salt Lake building.

I also understand that there is some complaint about there not being sufficient approaches. There is no more ground for this than for the other complaint. Ample approaches have been provided for. There was some controversy about a title to one-half of the street on one side of the building, but this has all been settled. The United States attorney says the title is perfect, and it has been so certified to us by the Department of Justice.

Let me say that this whole agitation is the result of disappointment on the part of certain parties who were not able to sell sites to the Government at big prices. I went over the whole matter of the Salt Lake building thoroughly. All these questions were raised before, and I satisfied myself fully in regard to them before selecting the site. I hope these telegrams which I inclose will settle the matter. If not, and if there is any more information desired, will you be kind enough to inform me and let me appear before the Committee before any adverse action is taken on the estimate for more money with which to construct the building.

It is my opinion that the extra money asked for should be appropriated. Salt Lake is a very important and growing city and greatly in need of a public building, and I hope such action will be taken as will permit us to begin its construction at an early date.

Please return the telegrams.

Very truly, yours,

H. A. TAYLOR.

Hon. DAVID H. MERCER,
Chairman Committee on Public Buildings, House of Representatives.

TREASURY DEPARTMENT, *Washington, D. C., December 18, 1900.*

SIR: Your letter of yesterday to the Secretary of the Treasury has been referred to me for reply. I wrote you yesterday, inclosing various telegrams, which I presume will satisfy you that there is no ground for the charge that the site for the Federal building is located where it will be impossible to secure good foundations. You also say that it is claimed that the site is removed some distance from the business portion of the city. As a matter of fact, it is on the main street of the city, less than two blocks from the point that everybody concedes is the business center, and is south, in the direction in which nearly all the growth of the city at present is being had.

You say that other sites were offered to the Government free of cost. Only one, and that was at the extreme northern end of the city, adjoining the Mormon Temple. That site has since been occupied by the erection of a building. This matter, as I wrote you before, has all been thoroughly investigated, and the Department believes that the site selected is the most suitable one to be had and meets the approval of a great majority of the people of the city, as papers on file in this office show.

Truly, yours,

H. A. TAYLOR,
Assistant Secretary.

Hon. DAVID H. MERCER,
Chairman Committee on Public Buildings, House of Representatives.

ENGINEERING DEPARTMENT,
WATERWORKS DIVISION, CITY HALL,
Salt Lake City, January 5, 1901.

To whom it may concern:

I hereby certify that the relative elevation of the Walker and Dooly sites offered to the United States Government is as follows:

Walker site	4,294
Dooly site	4,303

I also certify that the Walker site is nearer the present business center of Salt Lake City than the old city hall, Mormon Church, or Dooly sites, and 2 blocks nearer the present business center than the joint city and county building, in which the courts are held and the public records kept, and which cost about $1,000,000.

Also, that the sewer which passes the Walker site is over 12 feet below the sidewalk at the corner of said site, and the main 42-inch outlet sewer, 1¼ blocks below, is 26 feet below said corner.

I also certify that the foundation at said site is good and is better than the foundation where the joint city and county building is erected.

F. C. KELSEY, *City Engineer.*

Subscribed and sworn to before me this 5th day of January, A. D. 1901.

[SEAL.] M. J. CHEESMAN, *Notary Public.*

My commission expires July 14, 1901.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.] C. W. JOHNSON, *Notary Public.*

STEPHEN H. LYNCH,
TREASURER OF SALT LAKE COUNTY,
Salt Lake City, Utah, January 2, 1901.

To whom it may concern:

I, W. O. Carbis, deputy county treasurer, hereby certify that the real estate valuations of blocks Nos. 51, 59, 71, and 88, Plat A, Salt Lake City survey, for the year 1899, as shown by the books in the office of the county treasurer, were as follows, to wit:

Block 51, Walker site	$210,384.00
Block 59, Dooly site	169,308.00
Block 71, Young site (old city hall)	156,578.00
Block 88, Church site	97,685.00

Said valuations were assessed by the county assessor and approved and fixed by the boards of equalization of both the county and State for the year 1899.

W. O. CARBIS,
Deputy County Treasurer.

Subscribed and sworn to before me this 5th day of January, A. D. 1901.

[SEAL.] GEO. F. FELT, *Notary Public.*

My commission expires May 14, 1904.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.] C. W. JOHNSON, *Notary Public.*

To the HONORABLE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners, bankers, merchants, business and professional men of Salt Lake City, Utah, respectfully request that you make the additional appropriation of $200,000 for the new Federal building to be erected in this city on the Walker site, purchased by the Hon. Lyman J. Gage, Secretary of the Treasury Department, for $1 consideration, said site having cost the donors over $40,000. On August 1, 1899, said site was conveyed to the United States Government.

We make the above request on the ground that the site selected and purchased is as good and as centrally located as any that was offered to the Government, and that the Government will require a building of that size, to cost not less than $500,000, to accommodate its business in a city the size of Salt Lake.

We respectfully call your attention to the affidavits of the county treasurer and the city engineer, herewith attached, showing the relative value of the Walker site as compared with the others, and that the protests filed against said site are by parties who were directly interested in other sites.

We would respectfully call your attention to the certificate of the county treasurer, herewith attached, showing that the real estate in block 51, in which the Walker site is located, was assessed for the year 1899 by the county assessor (the same being approved by the State and county boards of equalization) at 34.3 per cent more than the real estate in block 71, in which the old city hall site is located; at 115.3 per cent more than the real estate in block 88, in which the Mormon Church site is located, and 24.3 per cent more than the real estate in block 59, in which the Dooly site is located.

And your petitioners ever pray.

The National Bank of the Republic, by Frank Knox, president; The Commercial National Bank, by George M. Downey, president; Bank of Commerce, by Samuel C. Park, cashier; Walker Brothers, bankers; J. E. Bamberger; North American Trust Company, by R. B. Whittemore, agent; David Keith, president Silver King Manufacturing Company; A. C. Ellis; Lindsey R. Rogers; Ezra Thompson; G. S. Holmes; Ogden Hiles, district judge; H. W. Lawrence; H. G. McMillan; Salt Lake and Ogden Railway Company, S. Bamberger, general manager; Herman Hill. Dickson, Ellis & Ellis; A. C. Ellis, jr., attorney at law; Walker House, by M. A. Dudley, proprietor; Clift House, by W. T. Lynch, proprietor; J. W. Houston; Buckle & Son; Bamberger & McMillan; E. W. Genter, manager Utah Savings & Trust Co.; Don H. Porter, proprietor Kenyon Hotel; Geo. Mullett & Co.; Knutsford Hotel, by G. S. Holmes; The Kentucky Liquor Co., John Strickley, manager; Smith Drug Co.; Boyd Park; Bamberger Coal Co., J. S. Critchlow, manager; A. R. Derge & Co., books and stationery; A. Fred Wey; S. S. Walker Estate Co., by Sharp Walker, president; P. J. Moran; James O'Connor, druggist; Ward & Co., per Geo. Ward, wholesale and retail butchers; W. S. Henderson, wholesale and retail grocery; Druehl & Franken, druggists, Main and Third South sts.; Walker Brothers' Dry Goods Co., per S. V. Shelp, manager. Freed Furniture and Carpet Company, by Lester D. Freed, manager; L. & A. Cohn, dry goods; O. J. Salisbury, treasurer Groesbeck Company; W. H. Bancroft; The Wilson-Sherman Company; W. J. Halloran; A. G. Norrell; Sam Levy Cigar Manufacturing Company; F. J. Hill & Co.; James A. Miner (chief justice); Nelden Judson Drug Company, by Jno. J. Judson, vice-president; William C. Hall; Houston Real Estate Investment Company, C. W. Johnson, secretary; The Lace House Company, by L. G. Ransohoff, secretary; R. B. Whittemore, member of city council; Ben Davis; Davis Shoe Company; Thos. G. Shearman estate, Thos. W. Partridge, agent; Western Hotel Company, S. T. Pearson; Odd Fellows' Building Association, by J. J. Thomas, president; W. J. Wolstenholme; Wm. Bartling, New York Cash Store; E. B. Wicks, real estate; John Lollin; John McDonald, jr.; F. D. Hobbs; Frederick Heath; Ernest Quayle; F. D. Clift; Dan. Wolstenholme; Citizens' Coal Company; W. H. H. Spafford; Jas. K. Shaw.

I, E. J. Wills, a notary public, do hereby certify that the foregoing is a true and correct copy of the original document.

[SEAL.] E. J. WILLS, *Notary Public.*

My commission expires May 10, 1901.

The question being taken on the motion to suspend the rules and pass the bill with the amendments, it was agreed to, two-thirds voting in favor thereof.

QUESTION OF PRIVILEGE.

The SPEAKER. The Chair lays before the House the sundry civil appropriation bill with Senate amendments. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. OTEY. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OTEY. I would like first to submit a parliamentary inquiry. I believe we are now still in the session of yesterday. Is that true, parliamentarily speaking?

Several MEMBERS. That is right.

The SPEAKER. This is the Calendar day of Saturday, but it is the legislative day of Friday.

Mr. OTEY. Well, Mr. Speaker, this is a matter involving high personal privilege—involving the rights of every member on this floor.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. OTEY. Yesterday—or rather to-day—about 4 o'clock yesterday evening, when I made some extemporary remarks without any manuscript, I made no request whatever to have those remarks submitted to me for revision. I turn to page 3639 of the RECORD to-day and I find that my speech is not in the RECORD. It simply says:

[Mr. OTEY addressed the House. His remarks will appear hereafter.]

I think, sir, it is the right of every member to have his speech published in the RECORD just as he delivers it. [Laughter.] I made a speech yesterday—perhaps the best one I ever made in my life—and I find that it is not in the RECORD. I ask, sir, the poor privilege of a member of this House to put that speech in the RECORD just as I delivered it.

The SPEAKER. Has the gentleman concluded his statement?

Mr. OTEY. Yes, sir.

The SPEAKER. The Chair finds no question before him to be decided. [Laughter.] The Chair is advised—though not knowing the facts—that the gentleman's speech consisted of standing poetically silent, holding his watch, without saying a word.

Mr. OTEY. I did say a word. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title:

H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3288. An act for the relief of Daniel Coonan.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. ROBINSON of Indiana. I desire to reserve points of order upon this bill.

The SPEAKER. There is no report yet.

Mr. CANNON. I ask unanimous consent that the House nonconcur in all of the Senate amendments to the sundry civil appropriation bill and ask for a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virgia [Mr. OTEY] can have his "word" printed in the RECORD.

The SPEAKER. The Chair had not stated the request of the gentleman from Illinois. That gentleman, chairman of the Committee on Appropriations, asks unanimous consent that the House nonconcur in all the amendments of the Senate to the sundry civil appropriation bill, and request on the part of the House a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virginia [Mr. OTEY] be permitted to print his "word" in the RECORD.

The SPEAKER. That permission will be cheerfully given. [Laughter.]

Mr. RIXEY. Mr. Speaker, I have been unable to procure a copy of the sundry civil bill as passed by the Senate. One of the amendments, I understand, is a provision in which I feel an interest—an amendment providing for the building of a bridge across the Potomac. I want to say to the gentleman from Illinois that I have no objection to his motion, provided we can have some assurance that before that amendment is finally disposed of we may have a vote upon the question in the House.

Mr. CANNON. Well, I will say to the gentleman that I have no expectation or belief that there can be a complete agreement upon this bill in the first instance. If there should not be, I am entirely content to report that item back for the consideration of the House.

Mr. RIXEY. That will be satisfactory.

The SPEAKER. The Chair hears no objection, and it is so ordered. The Chair appoints the following managers on the part of the House: Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to call up the conference report on the legislative appropriation bill, and ask unanimous consent that the statement be read instead of the conference report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the legislative bill, and asks unanimous consent that the statement be read, and that the reading of the report be omitted. Is there objection?

Mr. SULZER. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will read both the report and the statement.

The Clerk proceeded to read the report.

Mr. SULZER (during the reading of the report). Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman withdraws the objection. The Clerk will report the statement only.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 33, 34, 35, 36, 39, 40, 41, 42, 53, 55, 59, 62, 65, 66, 67, 72, 73, 76, 77, 78, 88, 94, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 115, 121, 122, 124, 125, 127, 131, 143, 144, 146, 149, 153, 154, 155, 156, 157, 175, 176, 179, 180, 182, 183, 191, 192, 204, 206, 207, 216, 220, and 221.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 22, 25, 26, 31, 32, 44, 45, 47, 49, 50, 51, 56, 58, 60, 61, 64, 68, 69, 70, 71, 74, 75, 79, 80, 82, 86, 87, 90, 91, 92, 93, 95, 96, 108, 109, 110, 111, 112, 113, 114, 116, 119, 120, 123, 126, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 145, 148, 150, 151, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 187, 188, 201, 202, 203, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 222, 225, 226, and 227, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,200;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $780, or so much thereof as may be necessary; Chief Clerk, journal clerk, and 2 reading clerks, at $3,000 each; tally clerk, $3,000; printing and bill clerk and disbursing clerk, at $2,500 each; file clerk, $2,750; enrolling clerk, $2,250; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, distributing clerk, and stationery clerk, at $1,800 each; 1 bookkeeper, 2 assistant librarians, and 7 clerks, at $1,600 each; document and bill clerk, $1,600; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; cabinetmaker, who shall be skilled in his trade, $1,200; 2 assistant cabinetmakers, who shall be skilled in their trade, at $900 each; 1 assistant in Clerk's office and 1 assistant in disbursing office, at $1,400 each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at $1,200 each; 1 assistant in library, 1 assistant in document room, and 1 assistant in stationery room, at $900 each; 1 page, $720; 2 laborers in the bathroom (Robert Richardson and William Richardson), at $720 each; 2 laborers, at $720 each; assistant index clerk, $1,500; page in enrolling room and messenger in Chief Clerk's office, at $720 each; in all $91,460.

"The library of the House of Representatives shall hereafter be under the control and direction of the librarian of Congress, who shall provide all needful books of reference therefor. The librarian, 2 assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules."

On page 14 of the bill, after line 8, insert as a separate paragraph the following:

"For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of $720 per annum each, from December 1, 1901, to June 30, 1902, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $8,412."

On page 14 of the bill strike out all of lines 12 to 20, inclusive, and insert in lieu thereof the following:

"Office of Sergeant-at-Arms: For Sergeant-at-Arms of the House of Representatives, $4,500; deputy to the Sergeant-at-Arms, $2,000; cashier, $3,000; paying teller, $2,150; bookkeeper, $1,800; assistant bookkeeper, $900; messenger, $1,200; clerk in charge of pairs, $1,400; page, $720; and skilled laborer, $840; in all, $18,510."

And the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $600, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; 10 messengers, including the messenger to the reporters' gallery, at $1,200 each; 13 messengers, at $1,000 each; messenger to the Speaker's table, $1,000; 14 messengers on the soldiers' roll, at $1,200 each; 12 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 1 laborer, $600; 8 laborers, known as cloakroom men, at $50 per month each; 10 laborers, during the session, at $60 per month each, $4,180.60; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 4 clerks in folding room, 1 at $1,800, and 3 at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; 9 folders, at $900 each; 5 folders, at $840 each; 18 folders, at $720 each; night watchman, $900; driver, $600; 2 chief pages, at $900 each; 33 pages, during the session, including 2 riding pages and 2 telephone pages, at $2.50 per day each, $17,407.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at $2.50 per day each, $5,275; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; 6 assistants in document room, 1 at $1,600, 2 at $1,400 each, 1 at $1,200, and two at $1,000 each; in all, $150,893.10."

On page 16 of the bill strike out lines 22 to 25, inclusive, and on page 17 of the bill strike out lines 1, 2, and 3 and insert in lieu thereof the following:

"For the following minority employees authorized and named in the resolution adopted by the House of Representatives December 7, 1899, namely: One special employee, $1,500; 2 special messengers, at $1,200 each; and 1 special chief page, $900, and $500 additional for services as pair clerk; in all, $5,300."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments as follows: On page 17 of the bill strike out lines 19 to 24, inclusive, and on page 18 of the bill strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, at $50 per month, from March 4, 1901, until June 30, 1902, inclusive, $796.67.

"Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July 1, 1902.

"Office of postmaster: For postmaster, $2,500; assistant postmaster, $2,000; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 8 messengers, at $100 per month each, during the session, $5,574.16; and 1 laborer, $720; in all, $25,194.16.

On page 20 of the bill, strike out lines 7 and 8 and insert in lieu thereof the following:

"For packing boxes, $3,218.40. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same."

On page 20 of the bill, after line 18, insert the following as new paragraphs:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

"It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

"It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

"No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

"The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

"The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

"It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,920;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant, $1,400;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three assistants, at $1,000 each;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,180;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant for evening service, $1,200;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,300;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$360;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,945;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,220;" and the Senate agree to the same

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,329.44;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,960;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two clerks;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,380;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$577,860;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,520;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty-one additional agents, to be appointed under the provisions of section 3 of said act, in lieu of the;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$550,000;" and on page 58 of the bill, after line 7, insert as a new paragraph the following:

"For compensation of the official authorized in section 12 of the act entitled 'An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 30, 1898, and to reduce taxation thereunder,' at the rate of $3,000 per annum, until the close of the fiscal year 1902, $4,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$206,880;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,640;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,140;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,320;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "dollars," insert the following: "bookkeeper, $1,600;" and in line 4 of the matter inserted by said amendment strike out the words "seven thousand six" and insert in lieu thereof the words "nine thousand two;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement

to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,050;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,920;" and the Senate agree to the same.

The action taken by the committee of conference and recommended in this report with reference to amendments of the Senate numbered 16, 17, 18, and 19, whereby new matter and certain provisions of law are inserted affecting the officers and employees of the House of Representatives, is based upon the authority expressed in the concurrent resolution of the two Houses, adopted February 27, 1901, and which is as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives."

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

W. B. ALLISON,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, relating to the employees of the Senate: Provides for such additional employees and at such rates of compensation as the Senate proposed by its amendments.

On Nos. 14 and 15: Provides for 5 additional Capitol policemen at $900 instead of 6, as proposed by the Senate.

On Nos. 16, 17, 18, and 19, relating to the House of Representatives: Provides under the authority of a concurrent resolution of the two Houses for a reorganization of the employees under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, with the following results, compared with the bill as it passed the Senate, namely:

"In the Clerk's office: One librarian, reduced from $2,000 to $1,800; 2 assistant librarians, reduced from $1,800 to $1,600 each; 1 locksmith is reduced from $1,440 to $1,200; 1 cabinetmaker, $1,200, created; 2 assistant cabinetmakers, at $900 each, created; 2 messengers in House library, at $1,314 each, omitted; 2 assistants, 1 in Clerk's office and 1 in disbursing office, at $1,400 each, created; 3 laborers, at $720 each, omitted; 3 assistants, 1 in library, 1 in document room, and 1 in stationery room, at $900 each, created; 1 assistant index clerk at $6 per day during the session, with average annual pay of $1,539, omitted; 1 assistant index clerk, at $1,500 per annum, created; for hire of horses and wagons and cartage for use of the Clerk's office the sum is reduced from $900 to $780; the net result is an increase of $2,434.

"In the office of the Sergeant-at-Arms: It is proposed to omit from the Capitol police 1 private at $960 and the $500 additional heretofore paid for services in looking after pairs; provides for a clerk in charge of pairs at $1,400; increases the compensation of the paying teller from $2,000 to $2,150; increases the compensation of the laborer from $660 to $840; making a net increase of $270.

In the office of the Doorkeeper: One messenger is provided for at $1,200 in lieu of a folder in the sealing room, at same salary, dropped; 1 clerk in folding room at $1,200 is provided for in lieu of a folder at $900, dropped, who receives $300 extra pay; 3 folders at $720 each are provided for instead of 3 folders at $70 per month each during the session; 2 telephone pages are provided for instead of 1 telephone and one telegraph page; 5 additional messengers, including one at the Speaker's table, at $1,000 each are provided for; 10 pages for duty at the entrances to the Hall at $2.50 per day each during the session are proposed, $5,275; 20 janitors for committee rooms at rate of $720 per annum each from December 1 next are recommended, $14,400 per annum, or $8,412 for balance of fiscal year from December 1, 1901; the salary of the assistant superintendent of the document room is reduced from $2,000 to $1,800; the salary of one assistant in the document room is increased from $1,314 to $1,400; 2 laborers at $720 each are provided for instead of 2 messengers at $70 per month each during the session; making a total proposed net increase of $11,622.30.

Office of the Postmaster: Two additional messengers are provided for at $1,200 each; 4 additional messengers during the session at $100 per month each are provided for; 3 messengers during the session at $800 each are omitted; 3 messengers have heretofore been authorized by resolution at each session at $100 per month each. Net increase for Post-Office under the foregoing will be $696.77.

Minority employees: Five hundred dollars is included as additional for one special chief page at $900 for services as pair clerk. The salary of one laborer is reduced from $720 to $600 to conform to the pay of other cloakroom men.

The total apparent net increase under the foregoing reorganization amounts to $15,403.07 on the face of the bill, or to $21,391.07, if the salaries of the new committee janitors are reckoned for a whole year instead of for the seven months remaining of the fiscal year from the beginning of their term of service in December next. On the other hand, the claims for compensation for extra services recommended at this session, amounting to $13,376.14, will be avoided in the future, and there will no longer be necessity for the usual provision for 15 extra folders at $75 per month each during a long session of Congress, which for six months would amount to $6,750; and by providing for the three skilled cabinetmakers as proposed the payments to the House carpenter, which for the past twelve months have amounted to more than $4,000, will likewise be avoided. These three sums aggregate $24,126.14, or nearly $3,000 more than the whole proposed increase reckoned on the basis of a year.

The new positions provided for are: One cabinetmaker at $1,200, and 2 cabinetmakers at $900 each, under the Clerk; 5 messengers at $1,000 each, and 10 pages at $2.50 per day each during the session, under the Doorkeeper, and 20 janitors to committee rooms at $720 each.

The following new provisions of law applying to the service of the House are proposed:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same.

On Nos. 20 and 21: Fixes the salary of the chief clerk of the Government Printing Office at $2,750, as proposed by the Senate, instead of $2,500, as proposed by the House.

On Nos. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, relating to the Library of Congress: Fixes the salary of the Librarian's secretary at $1,800, as proposed by the Senate, instead of $1,500; of 1 clerk in the Librarian's office at $900 instead of $1,000, as proposed by the Senate; provides for additional assistants in the catalogue division as follows: One at $1,800, 1 at $1,500, 1 at $1,400, and 2 at $1,000 each; provides for the salary of 1 assistant in the reading room for the blind at $1,000, as proposed by the Senate, instead of $900; strikes out the proposed increase in the salary of 1 assistant in the manuscript division from $720 to $900; provides for an assistant in the law library for evening service at $1,200 instead of $1,500, as proposed by the Senate; strikes out the provision for a chief clerk in the copyright office at $2,000; omits the appropriations of $12,000 and the provision proposed by the Senate to open the Library

on Sundays; appropriates $60,000 instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for increase of the Library; increases the compensation of the 2 attendants in the ladies' room from $325 to $480 each, as proposed by the Senate, of the 2 check boys from $325 to $360 each, of charwomen from $180 to $240, and of 1 assistant engineer from $1,000 to $1,200.

On Nos. 55, 56, and 57, relating to the Civil Service Commission: Strikes out the provision for an additional assistant messenger and provides for 2 firemen and 1 elevator conductor at $720 each, and for 2 messenger boys at $360 each, as proposed by the Senate.

On Nos. 58, 59, 60, 61, 62, and 63, relating to the Department of State: Provides for the salary of the chief clerk at $3,000, as proposed by the Senate, instead of $2,500; strikes out the provision proposed by the Senate for 1 additional chief of bureau at $2,100; appropriates $200 additional to the Chief of the Bureau of Accounts as disbursing clerk; provides for 3 additional clerks of class 1, and for a chief messenger at $1,000 instead of a messenger at $840.

On Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, affecting the divisions of the office of the Secretary of the Treasury: Changes the title of locksmith to that of locksmith and electrician and strikes out the proposed increase of $200 in his salary, omits the additional fireman for the Butler Building, provides for 2 law clerks at $2,000 each instead of a clerk of class 4 and a clerk of class 3 in the division of customs, strikes out the proposed increase in the salary of the chief of the loans and currency division from $2,500 to $2,750, provides for an additional clerk of class 1 in the miscellaneous division, and strikes out the provision for an additional clerk of class 4 in lieu of 1 of class 3 in the office of disbursing clerks.

On Nos. 79, 80, 81, and 82: Provides for 5 temporary clerks at the rate of $1,600 per annum each during the remainder of the current fiscal year to dispose of accumulated appeals in the office of the Comptroller of the Treasury.

On Nos. 83, 84, and 85: Provides for 1 additional clerk of class 4 in lieu of a clerk at $900 in the office of the Auditor for the Navy Department.

On Nos. 86, 87, 88, and 89: Appropriates for 5 clerks of class 4 and 4 additional messengers, as proposed by the Senate, and for 25 laborers, at $660 each, instead of 23, as proposed by the Senate, in the office of the Auditor for the Post-Office Department.

On Nos. 90, 91, 92, 93, 94, 95, 96, and 97: Fixes the salary of the deputy assistant treasurer at $3,200 and of the assistant cashier at $3,000 in the office of the Treasurer, as proposed by the Senate; provides for an additional chief of division at $2,500, for 8 expert counters at $720 each, for two additional pressmen at $1,400 each, for 6 additional separators at $660 each, and for 6 assistant messengers in said office, as proposed by the House, instead of 7, as proposed by the Senate.

On Nos. 98, 99, and 100: Strikes out the increase proposed by the Senate of 2 clerks at $900 each to $1,000 each in the office of the Register of the Treasury.

On Nos. 101, 102, and 103: Strikes out the increase proposed by the Senate of the salary of the bookkeeper from $2,000 to $2,100 in the office of the Comptroller of the Currency.

On No. 104: Strikes out the provision proposed by the Senate authorizing the use of $500 of the appropriation, for services of experts, for the purchase of books, etc., for the Bureau of Statistics.

On Nos. 105, 106, and 107: Provides for the salary of the Chief of the Secret Service Division at $4,000, as proposed by the House, and the chief clerk at $2,500.

On Nos. 108, 109, and 110: Increases the salaries of the adjuster and the verifier in the office of construction of standard weights and measures from $1,500 to $1,800, as proposed by the Senate.

On Nos. 111, 112, and 113: Provides for a clerk of class 2 instead of a clerk of class 1, as proposed by the Senate, in the office of the Director of the Mint.

On No. 114: Makes the appropriation for collection of statistics relating to the annual production of precious metals applicable also to statistics of the consumption of precious metals.

On No. 115: Appropriates $1,500, as proposed by the House, instead of $2,500, as proposed by the Senate, for postage for the Treasury Department.

On No. 116: Appropriates $9,394, as proposed by the Senate, instead of $8,890, as proposed by the House, for rent of buildings for the Treasury Department.

On Nos. 117 and 118: Appropriates $550,000, instead of $650,000 as proposed by the House and $400,000 as proposed by the Senate, for continuing the additional employees in the office of the Commissioner of Internal Revenue, restricts the number of additional agents to be appointed to 21 instead of 30, and provides for an official at the rate of $3,000 per annum to conduct investigations to secure the efficient enforcement of the tax imposed upon legacies provided for in the new revenue act.

On Nos. 119 and 120: Provides for an additional assistant paying teller at $1,500 in the office of the assistant treasurer at Chicago.

On Nos. 121, 122, 123, 124, and 125: Strikes out the proposed increase of $250 in the salary of the cashier in the office of the assistant treasurer at Cincinnati; strikes out the provision for a paying teller at $1,500 in place of a clerk at $1,200, and the increase of the salary of the messenger from $600 to $720, and provides for a clerk and watchman at $840 and a night watchman at $600, instead of 2 night watchmen at $720 each.

On Nos. 126, 127, 128, and 129: Provides for additional assistant tellers in the office of the assistant treasurer at New York, as follows: One at $1,200 and 1 at $900.

On No. 130: Appropriates $60,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for contingent expenses of the mint at San Francisco.

On No. 131: Appropriates $27,500, as proposed by the House, instead of $30,000, as proposed by the Senate, for wages of workmen in the assay office at New York.

On Nos. 132, 133, and 134: Appropriates $4,750 to continue the assay office at St. Louis, as proposed by the Senate.

On Nos. 135, 136, 137, 138, 139, and 140, relating to the office of the Commissary-General: Provides for a rearrangement of his clerical force, as proposed by the Senate, at a net increase of $1,200.

On Nos. 141 and 142: Appropriates $3,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for rent of the depot quartermaster's office of the War Department.

On Nos. 143 and 144: Strikes out the addition of 1 clerk of class 2, proposed by the Senate, in the office of the Naval Records of the Rebellion.

On Nos. 145, 146, and 147: Provides for a draftsman at $2,000, as proposed by the Senate, and strikes out 1 additional clerk of class 3 in the Bureau of Equipment.

On Nos. 148, 149, 150, 151, and 152, relating to the Naval Observatory: Provides for a librarian at $1,200 instead of $1,400, as proposed by the Senate, and provides for 2 assistants, at $1,000 each instead of 1 laborer at $720 and 1 laborer at $660, as proposed by the Senate.

On Nos. 153 and 154: Strikes out increase of salary for draftsman from $1,000 to $1,200, proposed by the Senate, in the Bureau of Steam Engineering, Navy Department.

On Nos. 155, 156, and 157: Strikes out provision for 1 clerk of class 2 instead of 1 clerk of class 1, proposed by the Senate, in the Bureau of Supplies and Accounts, Navy Department.

On Nos. 158, 159, 160, 161, 162, 163, 164, and 165, relating to the office of the Secretary of the Interior: Increases the compensation of the chief clerk $250; provides for 2 additional special inspectors at $2,500, 2 additional clerks of class 4, 3 additional clerks of class 3, 5 additional clerks of class 2, 1 additional clerk of class 1, and 3 additional clerks at $1,000 each, all as proposed by the Senate.

On Nos. 166, 167, and 168: Provides for 1 assistant attorney at $2,750, instead of 1 assistant attorney at $2,500, and an additional sum of $250, as proposed by the Senate.

On Nos. 169, 170, 171, 172, 173, and 174, relating to the Indian Office: Provides for 1 additional clerk of class 3, 2 assistant messengers, 1 laborer, and 4 charwomen, and strikes out provision for 1 female messenger at $840, all as proposed by the Senate.

On Nos. 175 and 176: Strikes out increase of salary of captain of the watch of the Pension Office building from $840 to $900.

On No. 177: Appropriates $5,000, as proposed by the Senate, for equipment of the library rooms of the Patent Office.

On Nos. 178, 179, 180, and 181: Increases the salary of the Commissioner of Education, as proposed by the Senate, from $3,000 to $3,500, and strikes out the proposed increase in the salary of 1 specialist in educational systems from $1,400 to $1,600.

On Nos. 182 and 183: Strikes out the provisions proposed by the Senate permitting the purchase of newspapers and books for the Bureau of Education.

On No. 184: Provides for the continuance of the office of Commissioner of Railroads during the fiscal year 1902, as proposed by the Senate.

On Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to the offices of surveyors-general, as compared with the provisions therefor proposed by the House, provides for the following increases, namely: For clerks in Alaska, $1,000; in Colorado, $1,500; in Idaho, $500; in Nevada, $500; in Utah, $1,000; in Washington, $200, and in Wyoming, $700; and increases the amount for contingent expenses of the office in Wyoming from $1,000 to $1,315.

On Nos. 202, 203, 204, 205, and 206, relating to the office of the Third Assistant Postmaster-General: Provides for 1 additional clerk of class 4 and 1 of class 1, and strikes out 1 additional clerk at $1,000 and 1 assistant messenger proposed by the Senate.

On No. 207: Fixes the rate of per diem allowance of assistant superintendents of the registry system at $4, as proposed by the House, instead of $3, as proposed by the Senate.

On Nos. 208 and 209: Provides for 3 additional clerks at $1,000 each in the office of the Fourth Assistant Postmaster-General, as proposed by the Senate.

On Nos. 210 and 211: Provides for an electrician for the Post-Office Department at $1,400, as proposed by the Senate, instead of $1,200, as proposed by the House.

On Nos. 212, 213, 214, and 215: Appropriates $15,500, as proposed by the Senate, instead of $15,000, as proposed by the House, for miscellaneous items for the Post-Office Department.

On No. 216: Strikes out the appropriation of $8,000 proposed by the Senate for the employment of a competent lawyer to represent the United States before committees of Congress.

On Nos. 217, 218, and 219: Provides for a law clerk at $2,000 instead of a clerk at $1,600 in the office of the Solicitor of the Treasury, as proposed by the Senate.

On Nos. 220 and 221: Strikes out the increase proposed in the compensation of the reporter of the United States court for Hawaii from $1,200 to $1,500.

On Nos. 222, 223, and 224: Makes a verbal correction in the text and provides for the reporter of the court of appeals of the District of Columbia at $1,200 instead of $1,000, as proposed by the House, and $1,500, as proposed by the Senate.

On No. 225: Appropriates $250, as proposed by the Senate, for contingent fund for the commissioner's office of the Yellowstone Park.

On Nos. 226 and 227: Increases the compensation of the chief clerk of the Court of Claims from $3,000 to $3,500, as proposed by the Senate.

The bill as finally agreed upon appropriates $24,600,753.85, being $196,205.58 more than as it passed the House, $798,755.58 less than the estimates, and $425,101.32 more than the appropriations for the current fiscal year.

The appropriation for the temporary employees in the Bureau of Internal Revenue in connection with the act to provide for war expenditures was fixed in the bill as it passed the House at the amount provided for the current fiscal year, namely, $650,000. In passing the bill the Senate reduced this amount to $400,000 in order to bring the matter within the jurisdiction of the conference committee. The conference committee fixed the amount at $550,000, that being the sum which it is estimated will be required for the service of the fiscal year 1902 under the provisions of the new revenue act which has been agreed upon by both Houses.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, unless there is some inquiry to be made, I move that the report be adopted.

Mr. BAILEY of Texas. Mr. Speaker, I did not hear what the report was.

Mr. HEMENWAY. The report of the committee of conference on the legislative bill.

Mr. BAILEY of Texas. Is it a full agreement?

Mr. HEMENWAY. It is a full agreement.

Mr. BAILEY of Texas. Mr. Speaker, there is one matter I simply desire to call attention to; but if there is a full agreement I have no hope of correcting it now. If the gentleman will permit, I understand that in reforming the appointments in the House the conferees have placed the House library under the control of the Librarian of Congress. Is that true?

Mr. HEMENWAY. That is true. I will state, however, that the patronage of the House library will continue as heretofore, with this exception. The employees will be appointed by the Clerk, with the approval of the Speaker of the House, and after they have once been appointed they can not be removed without consent of the Committee on Rules.

Mr. BAILEY of Texas. Well, will that leave the library under the control of the House?

Mr. HEMENWAY. It leaves it under the control of the House.

Mr. BAILEY of Texas. My question was based on the fact that I have seen a statement in the public prints that the House library was put under control of the Librarian of Congress; and I hope that is a mistake.

Mr. HEMENWAY. I will state that the same provision that was

shown to the gentleman from Texas the other day is left in the bill. It is simply that the supervision of the books and the selection of the books is with the Librarian. He has no other power.

Mr. MOODY of Massachusetts. Read the gentleman the exact language.

Mr. HEMENWAY. I will read the gentleman the exact language of the provision:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Mr. BAILEY of Texas. Mr. Speaker, I think it entirely proper to provide in this way for the appointment, but I have very serious doubt about the propriety of the House placing its library under the control of a gentleman who bears no relation to the House. The Librarian of Congress is now appointed by the President and confirmed by the Senate. The House, having once by law placed its library under his control, would find it necessary to enact a law to regain absolute control of it; and it appears to me an unwise provision for the House itself to share with the Senate and the President the control of its library. The Librarian of Congress is not responsible to the House; he is not an officer of the House, and to turn over to his supervision and control the library of this body seems to me of more than doubtful propriety.

Mr. HEMENWAY. I will state to the gentleman from Texas the only object of this is that the Librarian may select the books that go into this library; and I have no doubt if there is any member of Congress who desires a particular book in the library, and suggests it to the Librarian of Congress, that the book would be furnished. Why, the Public Printer simply prints upon the orders of the House; and I have no doubt the Librarian would furnish such books as members of the House desire. Now, the object of this provision is this: that we may have in the library such books as members of Congress desire; that we may have as near as possible a permanent force of competent men, who, when a member on the floor calls for a particular book, will be able to put their hands on it and give it to him.

Mr. BAILEY of Texas. That is all very desirable.

Mr. HEMENWAY. I think the Librarian of Congress is probably more competent to select the books for this library than anyone else. I have no doubt, as I said before, on the suggestion of any member that he desired certain books placed here in the library, that he would be pleased to put them there.

Mr. FITZPATRICK. Will the gentleman allow me to interrupt in this colloquy, and let us understand each other fairly. Does the bill mean to say that it gives arbitrary power to the Librarian of Congress or not?

Mr. HEMENWAY. I would say we will not give more power to the Librarian than we give to the Public Printer down here. He bears the same relation to the House that the Public Printer does.

Mr. MOODY of Massachusetts. May I suggest this fact. I agree with the gentleman from Texas that it would be unwise to part with complete control of the library. I suggest to the gentleman from Texas that by delegating this authority to the Librarian of Congress he becomes the servant of the House for that purpose. This designates a person who for the time shall be the servant of the House. And we very frequently do that in public law. For instance, in the case of the Commissioner of Immigration, the duty of looking after analogous public service—the Chinese restriction law; and I think that in giving this duty to the Librarian we do not give it to one who is not our servant, but we make some one ad hoc our servant for the purpose and duties with which we intrust him.

Mr. FITZPATRICK. Does the gentleman mean——

Mr. MOODY of Massachusetts. Permit me to finish the colloquy with the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. The only trouble about that is this. Take this instance, while wholly improbable, not impossible: The House disagrees with the Librarian about the manner in which he manages that library. The House would have no power to withdraw its authority except by law. Now, what I should want, if I expected to remain a member of this House, would be authority, whenever dealing with any officer of the House who might transgress the rules of the House, that there should be ample power to remove him.

Mr. MOODY of Massachusetts. Practically it comes to that, because, as the gentleman from Texas knows very well, on any resolution relating to House affairs sent to the Senate they would agree to it, as we extend the same courtesy to them. I think there is no danger. I agree with the gentleman's view.

Mr. FITZPATRICK. Will the gentleman allow me?

The SPEAKER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. One moment; I would like just a word.

Mr. HEMENWAY. I will yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I would like to say a word on the amendment which is the provision in the conference report. That I understand provides all the officers of the House and reassigns the places and fixes the salaries of the House employees.

Mr. HEMENWAY. It does.

Mr. UNDERWOOD. Now, I want to say this: The report brought in here by the gentleman from Indiana may be very proper, and probably is, but the minority have not had any opportunity whatever to investigate this report and to consider it. I know in the closing hours of this session that we can not go into it intelligently now.

Mr. HEMENWAY. Let me suggest to the gentleman, right in connection with your statement, that on this special committee, appointed by the House, the minority was represented by the gentleman from Texas [Mr. BAILEY] and the gentleman from Nevada [Mr. NEWLANDS]. Every provision that is in this bill was submitted to Mr. BAILEY and to Mr. NEWLANDS, and from time to time I consulted with the gentleman himself as to the minority employees.

Mr. UNDERWOOD. If the gentleman will permit me, I do not think there will be any great difference. I will state yesterday afternoon the report was submitted to me. I was informed that it had to go back to the Senate within twenty minutes, and had to be passed on by the Senate in twenty minutes; and upon the question of the appointment of the employees of this House and the amount of salaries that they should receive, and as to whether we had too many or too few to perform the duties, I did not think we could do that in that time; and therefore I did not attempt to consider it.

Now, all I desire to say is this, that the House has by resolution provided a committee for the reorganization of the employees of the House, authorizing them to sit during recess, and therefore I think the minority members can very well allow this to go, notwithstanding the fact that they have had no real opportunity to investigate it. The gentleman from Indiana, and gentlemen on the conference committee on that side, have assumed this responsibility. We can not interfere with it now, and I merely wish it to go in the RECORD that we have not had a chance to investigate it.

Mr. HEMENWAY. The gentleman will understand that at this late day in the session, the agreement having been reached yesterday late in the day, and the report being a long one, there could be little opportunity upon our part to offer him a chance to investigate; and at the time the report went back to the Senate yesterday afternoon it was expected that the Senate would immediately act upon it, but they were delayed and did not act upon it as early as was expected.

Mr. UNDERWOOD. We do not propose to oppose the passage of the bill, but having had no chance to investigate it, I stated that we did not assume any responsibility in the matter, as we can not know what is in it.

Mr. HEMENWAY. I yield to the gentleman from Georgia ten minutes.

Mr. LIVINGSTON. Mr. Speaker, the employees of the House are cared for. There is $500 added to the messenger who arranges the pairs on this side of the House, which takes him out of the deficiency bill hereafter and gives him a salary of $900. That place is now filled by Mr. English. Another alteration is in regard to an employee in the cloakroom who now gets $60, and he is reduced to $50, which puts him on the same basis as the employees of the cloakroom on the right of the House. These are the only changes in the minority employees. Making the best analysis of changes I could, there are 14 places dropped and 25 created. That, however, does not include the 10 pages to be employed for the session nor the 20 janitors for committee rooms. There is one gentleman who has been on the roll who is employed now that has not been taken care of in this arrangement. I refer to Mr. McCloskey.

Mr. HEMENWAY. Let me suggest to the gentleman that he would have to be taken care of on the deficiency bill.

Mr. LIVINGSTON. I was going to suggest that that gentleman can be taken care of on the deficiency bill if the House proposes to continue his services. I want to say that the managers on the part of the House, I think, have succeeded very well in keeping down appropriations, or in reducing the appropriations in our dealings with the conferees or managers on the part of the Senate. I think the bill carries just about as small an amount of money as your managers on the part of the House could possibly secure at the hands of the Senate. We did our utmost to reduce the amount as low as possible.

Mr. HEMENWAY. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as suggested by the gentleman from Alabama [Mr. UNDERWOOD], it is unfortunate that we have to vote upon these very important provisions without an opportunity to know what they are. It is unfortunate, I think, that the work of preparing the legislation in regard to the employees of the House was not left to the committee to be provided under the resolution which the House adopted a day or two ago. I hope that the mem-

bers of the committee, headed by the gentleman from Massachusetts [Mr. MOODY], have been given an opportunity to inspect this legislation, and that they are cognizant of it fully, and that it has their approval or disapproval. It seems to me, from what I can gather, that the main effect of the legislation is to provide that the employee under the present regulations who gets, say, $900 in the regular way and $300 or $400 in the deficiency bill, will get the increase at once as a matter of course, and in the regular course, instead of by indirection.

It seems to me, as I gather from the reading by the Clerk of the new provisions, that the thought of keeping down salaries to what would be a reasonable limit, that the possibility of reducing instead of increasing the number of employees in the House, have had but little consideration, if any, in this committee.

Mr. HEMENWAY. I will state to the gentleman that the result of the reorganization is a net reduction of $3,000.

Mr. DE ARMOND. That is, with the amounts allowed in the deficiency bill?

Mr. HEMENWAY. Yes; for extra pay.

Mr. DE ARMOND. Well, it seems to me, Mr. Speaker, that if we were desirous of making reductions we could go much further. The gentleman from Georgia has suggested that care has been taken of minority employees. The one thing, it seems to me, which care has not been taken of is the interests of the people who pay the minority employees as well as the majority employees. I do not believe that 357 or 400 employees in this House (secretaries to members not included) are at all necessary. I believe that one-half the number, or less than half the number, if properly selected and under proper discipline, would render more efficient service.

Mr. KING. Does the gentleman from Missouri state that there are 357 employees connected with this House?

Mr. DE ARMOND. That was the report of the special committee.

Mr. KING. And with such a report as that does the gentleman mean to say that this committee has not recommended a reduction?

Mr. DE ARMOND. I understand the number has been increased instead of lessened. It does seem to me that this is a rash way of legislating. While I make no question of the good intentions of anybody, and could not with the lack of knowledge I have, which must be shared by every other member of the House, it seems to be possible, at least—I will not put it more strongly—that we may discover after the new provisions have gone into law that we have crystallized and anchored abuses in the law, while taking away some objectionable features of the system that have prevailed, those of "addition, division, and silence."

Now, Mr. Speaker, I wish we could have a separate vote upon this. I wish the matter could be so arranged that it could have the consideration of the House in something approaching an intelligent manner. This emphasizes what I think is an exceedingly bad practice—that of putting onto appropriation bills legislation of vast importance, of the propriety and effect of which no member of the House not upon the conference committee can have anything like a fair or adequate conception. It ought not to be done; it is not the way to do, and instead of removing abuses we are perpetuating them.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HEMENWAY. I yield to the gentleman one minute more in order to make a suggestion. I want to make a suggestion that in the Missouri legislature there are more employees than we have in the House of Representatives.

Mr. DE ARMOND. I want to suggest to the gentleman that he is entirely mistaken in his illustration. Will the gentleman be kind enough to direct the line of his suggestion to the territory where he probably knows something about things, and not to that of which he does not know. How about the Indiana legislature?

Mr. HEMENWAY. There are a great many more there than there ought to be. Did not the Democratic candidate for governor admit that there were more than 400 employees under the Missouri legislature, and did not the Republican governor claim that there were more than 500?

Mr. DE ARMOND. I do not know about the details of that. The Missouri legislature at times when the gentleman's party was in control had more employees and paid at a far higher rate of compensation than public interests would permit or require.

But the suggestion of the gentleman in regard to the legislature of Missouri has nothing at all to do with the kind of legislation that we have here now—legislation in regard to which there is no possibility in knowing what it is; legislation that may be all right—I do not say it is not—but legislation that the House can not understand; legislation that the House will enact, if it does enact it, in the dark, and by this process, so much resorted to, putting upon appropriation bills and carrying through with the appropriation bill as a vehicle measures which could become law by no other agency and which by no process of reasoning could be justified as law.

What I have suggested is—and I come right to the point—the unfortunate state of affairs is that upon matters of so much importance as these we are to legislate in the dark, and that this committee has seen proper to take the place of the committee to be appointed by the Speaker of the House to consider intelligently this subject for such time as they desire and make their recommendations.

I believe, and I think it will be found to be true, that this legislation will fasten upon the House, with its approval, the employment of far more employees than are needed to discharge the business of the House and at a much higher rate of compensation than is necessary. At least it will forestall the intelligent investigation to be made under the order of the House by a committee appointed by the Speaker; and in that respect it is objectionable.

I for one, inasmuch as I must vote in the dark in this matter, with no more information than can be gathered by trying to listen to the hurried reading of the clerk—inasmuch as it is impossible for anybody, unless he has been upon the conference committee, to know whether this is right or wrong, good or bad—I for one being compelled to vote in the dark—recognizing this method of legislation as very objectionable and usually very bad in its results—shall vote against the adoption of this conference report.

Mr. HEMENWAY. In comparison with the number of employees in the Missouri legislature, which I am informed is larger than the number in this House, I suggest to the gentleman from Missouri that this provision, notwithstanding his lack of knowledge, is a good one.

Mr. FITZPATRICK. I would like to put a question to the gentleman from Indiana [Mr. HEMENWAY]. When I am asking a question, simply and purely for information, as to whether this measure will place absolute power in the hands of one officer, whoever he may be, does the gentleman think that it is a fair answer to refer to the fact that possibly outrages are perpetrated in the printing and folding departments?

Mr. HEMENWAY. I have answered that question.

Mr. CORLISS. I wish to ask whether this provision does not create a life position, the incumbent to hold it indefinitely unless removed for cause?

Mr. HEMENWAY. The gentleman is referring to the librarian?

Mr. CORLISS. Not only the librarian of the House, but his three assistants. The provision certainly creates life positions.

Mr. HEMENWAY. The object of the provision is to secure in the library competent men, so that when a gentleman on his feet perhaps in the House making a speech desires some information—desires a book from the library—there will be some one there who can put his hand on the volume which is wanted and have it sent here promptly when called for.

Mr. CORLISS. But this creates life positions.

Mr. HEMENWAY. No; not necessarily.

Mr. CORLISS. Is there any limitation in this measure with reference to the length of tenure?

Mr. HEMENWAY. The appointments are to be made by the Clerk.

Mr. CORLISS. And the incumbents can not be removed except for cause during life. Is not that true?

Mr. HEMENWAY. That is true.

Mr. CORLISS. I certainly think that is an outrage on the House.

Mr. HEMENWAY. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for many Congresses the library of the House of Representatives has been a library in name only—a place for incompetency—where the employees substantially have simply drawn their salaries without any intelligent service, and where what little service we have had has been from one, and sometimes two, employees drawing inferior salaries. There ought to be a provision which would give permanency of employment to competent people in the library, where competent service is required, and frequently required on the instant.

Mr. HOPKINS. Suppose you should get an incompetent man in that life position, then where are you?

A MEMBER. He can be removed for cause.

Mr. CANNON. Oh, there will be no trouble about removing an incompetent man, if such a one should get the position. But the man is appointed with the approval of the Speaker.

Mr. CORLISS. Gentlemen say the officer can be removed for cause. For what cause can he be removed? This is an act of Congress, and will give the legal incumbent a right to the office until removed for cause, and there is no cause set forth.

Mr. CANNON. Well, I will say blindness would be a cause; senility would be a cause; incompetency would be a cause.

Mr. CORLISS. That is your interpretation?

Mr. CANNON. There are a thousand possible causes; nobody could specify all of them.

Mr. HEMENWAY. The Committee on Rules would determine the cause.

Mr. CORLISS. You do not provide who shall exercise the power of removal.

Mr. HEMENWAY. Oh, I beg to differ with the gentleman. The officer to be appointed by the Clerk with the approval of the Speaker.

Mr. CORLISS. But there is no power to remove him.

Mr. HEMENWAY. Certainly there is. He can be removed whenever sufficient cause is presented to the Committee on Rules. Whenever the Committee on Rules thinks that the officer is not competent, that is cause enough and he goes out.

Mr. CORLISS. There is no such provision.

Mr. HEMENWAY. Oh, yes, there is.

Mr. CORLISS. I submit that there ought to be a defined tenure of office. We do not want life positions created anywhere.

Mr. HEMENWAY. I read from the provision of the amendment:

> And thereafter no removals shall be made from the said position except for cause reported to and approved by the Committee on Rules.

The Committee on Rules is to determine whether the officer is competent. If at any time a member asking for a book should find that the employee in the library is incompetent, he would immediately say to the Committee on Rules: "This man is not competent; he does not know where to find a book which is wanted." I have no doubt if the charge was sustained the Committee on Rules would at once say: "That is a sufficient cause for his removal."

Mr. CORLISS. I have not been very successful myself in obtaining action from the Committee on Rules. [Laughter.] Therefore I think we had better have some limitation upon this power.

Mr. RICHARDSON of Tennessee. I would like to occupy a few minutes.

Mr. HEMENWAY. I will yield to the gentleman for three minutes.

Mr. RICHARDSON of Tennessee. As I understand, the provision now reported with respect to employees in the House library is an effort to make the tenure of office of those employees more permanent. Is that true?

Mr. HEMENWAY. That is the object.

Mr. RICHARDSON of Tennessee. How many of these employees are there?

Mr. HEMENWAY. Four.

Mr. RICHARDSON of Tennessee. Now, it is proposed to fix their tenure of office by law, making it to that extent permanent. I understand they must be removed for cause, with the consent of the Speaker.

Mr. HEMENWAY. No; the Committee on Rules.

Mr. RICHARDSON of Tennessee. Well, the Committee on Rules, presided over by the Speaker. Now, that is right. I believe that all the officers and employees of the House should have some permanent tenure to the extent of enabling them to stay here until they learn their duties. They ought not to be changed so often. But the objection which I make in this case is that you extend this permanent tenure to these library employees when you on the other side have all four of the officers.

Mr. HEMENWAY. No doubt that is true. I will ask the gentleman right there——

Mr. RICHARDSON of Tennessee. One moment. You are entitled to it, and you need not expect them to be permanent if the opportunity comes to change, when they are all of one party; because there has never been any civil service in this Government that has been absolutely fair.

Now, what I would suggest to the gentlemen would have been, when they were making these appointments, they should divide these offices when you are undertaking to make a permanent establishment, so that there would be no political inducement to make these changes. In other words, you can not so arrange it that there will not be found cause to remove a man when all the employees of that special bureau belong to any one political party.

Mr. HEMENWAY. I want to say to the gentleman that I have no doubt that if the Democrats secure control of the House—and I hope they never will—that the Committee on Rules will soon find a cause for the removal of the four——

Mr. RICHARDSON of Tennessee. No, that would not be right; and I would not insist on that, where there is a law to protect them. I would not ask a total violation of the law upon any kind of a pretext; but you will always find that there will be some way by which they will get a part of them, and that you may not expect human nature will ever get so perfect and pure that men will not claim their share; and it would have been a great deal better in undertaking to make a permanent roll that they should have been equally divided between the two parties.

Mr. HEMENWAY. While the Republicans are in control of Congress, this will no doubt result in continuing the same force, if they are competent librarians; and I have no doubt should the Democratic party control for ten years, and have four competent men, it would keep them for the ten years.

The SPEAKER. The time of the gentleman has expired.

Mr. HEMENWAY. I move the adoption of the conference report.

Mr. HEPBURN. I desire to make a point of order.

The SPEAKER. Does the gentleman yield to the gentleman?

Mr. HEMENWAY. Does the gentleman desire to ask a question?

Mr. HEPBURN. I desire to make a point of order. Mr. Speaker, all points of order were reserved on the bill.

Mr. HEMENWAY. I do not yield to the gentleman for that purpose.

Mr. HEPBURN. I think the gentleman will have to yield.

Mr. HEMENWAY. If I do, I will be very glad to; but I decline to yield for that purpose.

The SPEAKER. The Chair must hear the point of order.

Mr. HEPBURN. Mr. Speaker, my point of order is that the amendment in the report of the committee is not germane to the amendment, and that it is a recommendation of a usurpation on the part of the conference committee of a subject-matter in their report not having been referred to them, and there being no disagreement between the two Houses upon that subject.

Mr. HEMENWAY. If the gentleman will permit me there——

Mr. HEPBURN. I decline to yield to the gentleman for that purpose. [Laughter.]

The SPEAKER. Let the gentleman state his point of order.

Mr. HEPBURN. Amendment No. 16 reads as follows: The Senate strikes out of the resolution "February 2, 1901." That is the entire amendment. There is no addition, and the only disagreement between the two Houses is whether or not the House will consent to the striking out of those words.

Mr. MOODY of Massachusetts. Will the gentleman yield to a suggestion?

Mr. HEPBURN. Yes.

Mr. MOODY of Massachusetts. The gentleman must have been absent when the House unanimously, on my motion, conferred upon the conference committee authority to deal with this whole subject.

Mr. HEPBURN. What whole subject?

Mr. MOODY of Massachusetts. The whole subject of House employees. It was on an action of the special committee, reporting a concurrent resolution reported by the committee of which I was chairman.

Mr. HEPBURN. That perhaps would justify the committee in a portion of their report. If I could have the report a moment I would call the attention of the Chair to it.

Mr. HEMENWAY. I call the attention of the gentleman to the last page.

Mr. HEPBURN (reading):

> That the committee is authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

Now, the first portion of the recommendation of the committee refers to certain officers of the House, and my friend——

The SPEAKER. The Chair will have to interrupt the gentleman from Iowa, as our time is very precious. In the first place, no reservation of any points of order was made upon this legislative bill report.

Mr. HEPBURN. I think I distinctly heard a gentleman; I was rising to make that reservation.

The SPEAKER. The Clerk states that is not the case. It was upon the sundry civil bill, made by the gentleman from Indiana [Mr. ROBINSON], but not on this bill. Secondly, if the point had been reserved against the report it is too late to bring it up as to this particular part of the report, because it has been under consideration for some time.

Therefore the reservation of the point of order would not protect the gentleman from Iowa if he allows a discussion to proceed and then waits to bring up his point of order. In the third place, as called to his attention, this matter was absolutely referred to the conferees on the legislative bill, with full power. Therefore the Chair is compelled to overrule the point of order.

Mr. HEPBURN. It is on the question of fact that I desire to dispute with the Chair. I find no authority to transfer the library.

The SPEAKER. The Chair overrules the point of order.

Mr. HEPBURN. The Chair can do that.

The SPEAKER. The question is on agreeing to the report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HEPBURN. Division.

The House divided: and there were—ayes 82, noes 41.

So the report of the committee of conference was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the conference report was agreed to, was laid on the table.

RAILWAY THROUGH THE FORT ONTARIO MILITARY RESERVATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The Clerk read as follows:

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation in the State of New York, to the Oswego and Rome Railroad Company.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to grant to the Oswego and Rome Railroad Company, a corporation organized and existing under the laws of the State of New York, its successors and assigns, the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, said right of way to be a strip of land of sufficient width of each side of the center line of the railroad of said Oswego and Rome Railroad Company, as the same is now located and constructed across the northerly and westerly portions of said military reservation, to enable said company to properly and efficiently operate said line of railroad.

SEC. 2. That the Secretary of War shall have power to impose such terms, conditions, restrictions, and limitations as he shall deem advisable in said grant of right of way, and shall have power from time to time to make and enforce such reasonable and necessary rules and regulations concerning the operation and maintenance of said line of railroad across said military reservation as he may deem necessary for the proper protection of the interests of the United States in the use of said military reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLICATION OF SUPPLEMENT OF REVISED STATUTES.

Mr. BARBER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

The bill was read, as follows:

A bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

Be it enacted, etc., That the publication of the Supplement to the Revised Statutes, embracing the statutes, general and permanent in their nature, passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, and citations of judicial decisions, be continued and issued in one volume, to include the general laws of the Forty-third to the Fifty-sixth Congresses, inclusive, with a table of alterations and a general index to the whole, to be prepared and edited by the editors of the current part of the existing Supplement, authorized by the act of February 27, 1893, chapter 167, Supplement to the Revised Statutes, volume 2, page 91, and the act of January 12, 1895, chapter 23, section 73, Supplement to the Revised Statutes, volume 2, page 354, and the act of June 4, 1897, chapter 2, Statutes at Large, volume 30, page 30, and to be known as Supplement to the Revised Statutes, volume 1, 3d edition, 1874 to 1901, to be stereotyped at the Government Printing Office, using the present plates, as far as practicable, with such alterations as may be found necessary, the work and plates and all right and title therein and thereto to be in and fully belong to the Government for its exclusive use and benefit.

SEC. 2. That a sufficient number of copies be printed and bound for distribution, and to be distributed to members of Congress for themselves and for distribution by them, and to the departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the pamphlet copies of the statutes of each session of Congress as provided by the act of January 12, 1895, section 73, chapter 23, Supplement to the Revised Statutes, volume 2, page 354, and the same number to each of the editors as to a member of Congress, and such additional copies on the order of the Secretary of State as may be necessary from time to time to supply such number as may be certified by the head of any department to be required for the use of his department, and for offices newly created, and for keeping for sale in the same manner and like terms as the Revised Statutes are required to be kept for sale. For preparing and editing said supplement, including the legislation of the Fifty-sixth Congress, and the indexing and all clerical work necessary fully to complete the same, there shall be paid to said editors the sum of $6,000.

SEC. 3. That the publication herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change or alter any existing law or preclude reference to or control, in case of any discrepancy, the effect of any original act passed by Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Without objection the amendment to the title will be agreed to.

There was no objection, and it was so ordered.

On motion of Mr. BARBER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. CARTER, and Mr. HEITFELD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 85.

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House Document No. 336, Fifty-sixth Congress, second session, entitled "A report on the work and expenditure of the Agricultural Experiment Stations for the year ended June 30, 1900," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

PRIVILEGE OF SEVENTH SECTION OF IMMEDIATE-TRANSPORTATION ACT.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5022.

The Clerk read as follows:

A bill (S. 5022) to extend the privileges of the seventh section of the immediate-transportation act to Fall River, Mass.

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Fall River, Mass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

OFFICERS OF NAVY AND MARINE CORPS TO ADMINISTER OATHS.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1632.

The Clerk read as follows:

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895.

Be it enacted, etc., That the act entitled "An act authoring certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, be, and is hereby, amended so as to read as follows:

"That judges-advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy-yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistant adjutant and inspector, commanding officers, and recruiting officers of the Marine Corps be, and the same are hereby, authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGISTRATION OF NAMES OF PERSONS ENGAGED IN TRANSPORTATION BUSINESS.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13109.

The Clerk read as follows:

A bill (H. R. 13109) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business.

Be it enacted, etc., That any person, firm, or corporation incorporated under the laws of the United States, or of any of the States or Territories thereof, engaged in transportation, for hire, of passengers, goods, merchandise, and other property between any of the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, may register the trade, firm, or corporation name under which such business is conducted in the Patent Office by complying with the provisions of this act and with such rules and regulations not inconsistent with this act as the Commissioner may make.

SEC. 2. That the application for such registration of such name must be accompanied by a written declaration, verified under oath, that such person, firm, or corporation is engaged in the transportation, for hire, of passengers, goods, merchandise, and other property between the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, and has at that time the right to use the name sought to be registered, and that no other such person, firm, or corporation has, since the date of the passage of this act, acquired the use of such name in the identical form of or in such near resemblance thereto as may cause confusion or mistake and be calculated to deceive. In case of several applications for registration of the same name or of names of such near resemblance as aforesaid which have been in use prior to the passage of this act, the Commissioner shall and may determine which applicant for registration first used such name, and, upon compliance with the terms of this act, shall allow the registration of such name by such applicant and by no other.

No name shall be registered which is merely a surname, or which is identical with another registered name, or is in such near resemblance thereto as may in use cause confusion or mistake and be calculated to deceive. Each application for such registration shall be accompanied by a fee of $25, which shall cover the expense of examining the application, registering the same, and issuing a certificate therefor.

SEC. 3. That the certificate of registration of such name shall be issued in the name of the United States of America under the seal of the Patent Office

and be signed by the Commissioner of Patents, and the record thereof, together with printed copies of the application, shall be kept in books in the Patent Office, and such certificate of registration shall be evidence in any suit in which such name shall be brought into controversy.

SEC. 4. That such registration shall vest in such person, firm, or corporation, their successors or assigns, the exclusive right and privilege to use such registered name.

SEC. 5. That the registration of such name in the Patent Office shall be prima facie evidence of the ownership, and any person, firm, or corporation who shall imitate such name as registered in the Patent Office under this act shall be liable to an action for damages for the wrongful use of the said name at the suit of the owner thereof, and the party aggrieved shall also have the right, according to the course of equity, to enjoin the wrongful use of such name and to recover damages therefor in any court having jurisdiction of the person, firm, or corporation guilty of such wrongful act, and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount of damages in controversy.

SEC. 6. That any person, firm, or corporation who shall procure the registry of the name in the Patent Office by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof by the injured party, to be recovered in an action on the case.

SEC. 7. That this act shall take effect on and after the 1st day of July, 1901.

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Pennsylvania if this bill has been reported from a committee?

Mr. ADAMS. It has been reported from the Committee on Interstate and Foreign Commerce.

Mr. SULZER. It seems to me that this bill should have gone to the Committee on Patents. That is the proper committee.

Mr. ADAMS. It was referred to the Committee on Interstate and Foreign Commerce, and reported out of that committee. It relates to firms and corporations trading between the different States. It is limited to that. This matter is protected in the State courts, but this is to make it effective throughout the United States.

Mr. SULZER. Does not the patent or trade-mark law at the present time protect the trade-marks of firms, individuals, and corporations? Why should there be further legislation?

Mr. ADAMS. That is the object of this bill, to put it on a par with the law as to patents and trade-marks. It follows the act in reference to trade-marks and patents, and was submitted to the Commissioner of Patents, who makes a favorable report and shows the analogy between the two questions, and he advises and urges the passage of the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object.

Mr. ADAMS. I hope the gentleman will not object.

The SPEAKER. Objection is made by the gentleman from Mississippi.

Mr. ADAMS. I hope the gentleman will withdraw his objection.

Mr. WILLIAMS of Mississippi. This is offering the general trade law of the country for the benefit of some private concern. If they were protected by the general law they would have no need of the bill. I object.

BRIDGE ACROSS THE CUMBERLAND RIVER AT NASHVILLE, TENN.

Mr. GAINES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14238) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS of Mississippi. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this is an ordinary bridge bill, with the ordinary language.

Mr. GAINES. Yes; approved by the Secretary of War, and has the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS of Mississippi. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I shall not object to this bill, but I desire to call the attention of the House to the fact that this is the third bridge bill that has passed to-day, evidently coming from our Committee on Interstate and Foreign Commerce, which does not contain the reservation that the bridge shall be a post road. I desire to call the attention of the House to the danger in the closing hours of Congress in passing these bills in this manner. I do not care whether they reserve them for post roads or not, but I desire to call to the attention of the House that these reservations are not made here as they are when the House is in its sober senses.

Mr. PAYNE. I want to suggest, Mr. Speaker, that if the gentleman from California had proposed such an amendment to any bill the House would not have opposed it.

Mr. LOUD. I have not the language in my head of that amendment. Personally I do not care.

Mr. GAINES. This is to be a free bridge for everybody; there is no toll to be exacted.

Mr. HEPBURN. I will say these provisions were not placed in the bill because it is to be a free bridge.

Mr. LOUD. But what would the gentleman say in relation to the bridge across the Monongahela River which the gentleman from Pennsylvania brought up this morning? This is the third bill of the kind to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. GAINES, a motion to reconsider the last vote was laid on the table.

PRISONERS CONVICTED IN CONSULAR COURTS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13396) to amend section 5546 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5546 of the Revised Statutes be amended by adding after the words "any court of the United States" the words "including consular courts," and after the words "District or Territory" by adding the words "or country," and after the words "where the conviction has occurred" by adding the words "and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund.

"But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner or some one in his behalf."

Mr. RICHARDSON. Mr. Speaker, it is almost impossible in hearing a bill of this character read to understand it. It seems to me it is pretty far-reaching. I do not like to object to a bill of a general character like this, but unless the gentleman has some good reason for taking it up by unanimous consent I shall have to object. I would like to hear from the gentleman what the scope of the bill is.

Mr. LITTLEFIELD. Mr. Speaker, this bill simply confers upon the Government the same power with reference to transferring prisoners under conviction and in confinement by consular courts that the Government now possesses with reference to Territories and the District of Columbia. It is merely a matter of convenience on the part of the Government in the proper confinement and punishment of criminals. It is asked for by the Department of State.

They now have in confinement in Korea, for instance, one life convict who is held in prison with great inconvenience and much insecurity. It is very desirable that he should be removed to some safe penitentiary. The Attorney-General is anxious to have the bill passed in order to confer upon the Government such power with reference to convictions in consular courts that it now has in connection with convictions in other United States courts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

DELIVERY OF CERTAIN IONIC COLUMNS TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, MD.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13776) authorizing and di-

recting the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the 12 columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. DENNY, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF PIGEON RIVER, MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14128) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulkheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed 125,000 feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than $5 per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber upon such terms and conditions as the Secretary of the Interior may prescribe.

The following committee amendments were read:

Strike out all after the word "Reservation," in line 14 of page 2, and insert the following: "and to the passage of all other timber for a reasonable charge therefor."

Add at the end of the bill the following:

"*Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commissioner."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask what committee reported this bill.

Mr. MORRIS. I will say to the gentleman from Tennessee that the object of this bill is only for the purpose of enabling these parties to go upon the Indian reservation and improve this stream so as to admit of the passage of saw logs.

If the Indian reservation were not adjacent to these cascades, it would not be necessary to come to Congress at all in relation to this matter; the power would exist without additional legislation. But the Indian reservation being adjacent, it is necessary to get permission to go upon the Indian reservation and cut this small amount of timber—only 125,000 feet; and provision is made for payment, under the supervision of the Secretary of the Interior, at a minimum price of $5 per thousand feet—a high minimum, I will say—so that the logs which may be cut thereafter on the Indian reservation would come down free through these cascades.

Mr. RICHARDSON of Tennessee. Has the bill been submitted to the Secretary of the Interior?

Mr. MORRIS. It has been submitted to the Commissioner of Indian Affairs and to the Secretary of the Interior, and is recommended by both of them. It has also been unanimously reported by the Committee on Indian Affairs, before whom I appeared and explained the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the last vote was laid on the table.

JAMES A. HUTTON.

Mr. NEWLANDS. I ask unanimous consent for the consideration of the bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James A. Hutton, late a captain of infantry in the Army of the United States, to the position of captain of infantry, at the foot of the list of captains therein, the list of captains of the infantry arm of the service being increased to that extent until a vacancy shall occur; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Hutton shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provisions of this bill.

The SPEAKER. Is there objection?

Mr. RAY of New York. I reserve the right to object. I would like to hear some reason for the passage of this bill.

Mr. NEWLANDS. Mr. Speaker, Captain Hutton was a graduate of West Point and was commissioned in the Regular Army. He was dismissed from the Regular Army in 1894 for absence without leave and disobedience of orders. Later on he volunteered in the late Spanish war and was appointed a second lieutenant in a California regiment.

He was ordered to the Philippine Islands, where he rendered very distinguished service upon the staff of General King, the staff of General Wheaton, and the staff of General Anderson; and these officers, as I understand, all recommend his restoration to the Army on the ground of distinguished and courageous service in the Philippines.

Mr. RAY of New York. Then, as I understand, this man has redeemed himself by his subsequent conduct, so that it is now thought proper to authorize his reappointment to the Army, which the President can not make without this bill?

Mr. NEWLANDS. The President can not do it without this bill; and the conduct of this officer ever since his dismissal has been, according to the testimony of numerous officers, unexceptionable.

Mr. RAY of New York. I have no objection.

Mr. SULZER. Mr. Speaker, just a few words. I wish to say that this matter has been carefully examined by the Committee on Military Affairs, and the Committee unanimously recommend the passage of the bill. It is a very worthy case. As the gentleman from New York [Mr. RAY] has expressed it, Captain Hutton has redeemed himself, and in my judgment is entitled to this relief. He is a brave and gallant soldier, and has made a splendid record. I hope there will be no objection.

Mr. BROMWELL. How old is he?

Mr. NEWLANDS. I should judge about forty-five.

Mr. BROMWELL. And he is not eligible to appointment in the Regular Army under the provisions of the act recently passed?

Mr. NEWLANDS. No, sir.

Mr. BROMWELL. What was the cause of his discharge from the Army?

Mr. NEWLANDS. Absence without leave and failure to obey an order commanding him to report. With reference to that point, I wish to say that I have carefully looked over all the testimony given before the court-martial on whose finding he was dismissed; and the conclusion of that court seems to me to have been very, very severe.

The case has been looked into most carefully by both the Senate committee and the House committee. The Senate committee took it up a year ago, and were then in favor of recommending the restoration of this officer, but concluded to let the matter rest until the present session in order to obtain reports concerning his character and conduct meanwhile. The testimony has now come from officers of the Army high in standing, stating that his conduct and character have been unexceptionable, and the result is these favorable reports by both committees.

I will state further that two distinguished officers of the Army who had been in the Philippine war—Lieutenant-Colonel Edwards, the chief of staff of General Lawton, and Brigadier-General Barry, chief of staff of General Otis—both appeared before the Military Committee of the Senate and testified to the value of the services rendered in the Philippines by this officer and urged his restoration to the Army. Colonel Edwards stated among other things that upon two occasions he had heard General Lockwood say that he intended to urge the restoration of this officer to the Army at the conclusion of the war.

Mr. BROMWELL. What was his rank when he was discharged?

Mr. NEWLANDS. He was a captain.

Mr. BROMWELL. Then this bill will not place him above his proper rank?

Mr. NEWLANDS. It puts him at the foot of the list.

Mr. BROMWELL. I have no objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. NEWLANDS, a motion to reconsider the last vote was laid on the table.

REGISTRATION OF EMPLOYEES IN TRANSPORTATION BUSINESS.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a few moments ago I objected to the present consideration of the bill offered by the gentleman from Pennsylvania [Mr. ADAMS]. I have since looked over the bill and report very carefully, and I still think the bill ought not to pass. But the pressure of my friends upon my courtesy is so great that I do not feel like taking the responsibility of defeating the bill by my sole objection. I therefore withdraw the objection, but I hope the House will vote down the bill.

Mr. ROBINSON of Indiana. I renew the objection.

CIVIL GOVERNMENT OF ALASKA.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (S. 5573) to amend section 208 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

Be it enacted, etc., That section 208 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," be amended so as to read as follows:

The treasurer of the corporation shall be ex officio treasurer or the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That 50 per cent of all licensed moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk.

The money received by the treasurer of the corporation from the clerk of the court for licenses shall be used, under the direction of the council, for school purposes: *Provided*, That where it is made to appear to the satisfaction of the district court that the whole amount heretofore or hereafter received by the treasurer of the corporation from the clerk of the court is not required for school purposes, the court may from time to time, by orders duly made and entered with a statement of the facts upon which they are based, authorize the expenditure of the accumulated surplus, or any part thereof, for any of the municipal purposes enumerated in this chapter.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. I would like to hear some explanation of the bill by the gentleman from Illinois; and I ask him to state also whether the Secretary of the Interior has approved the bill.

Mr. WARNER. Mr. Speaker, the purpose of the bill is double. In the first place, it has been discovered that more money has been derived from licenses in the incorporated towns of Alaska than is necessary for school purposes in those towns. The bill provides that the surplus of this money may be turned over to the incorporated towns or municipalities for municipal purposes, under the direction of the court.

Then, again, the schools outside of the municipalities are not provided for at all. This bill provides that 50 per cent of the money derived from licenses on business outside of incorporated towns, or so much thereof as the Secretary of the Interior may deem necessary, shall be expended, under the control and direction of that officer, for school purposes outside of municipalities.

Heretofore Congress has appropriated money for schools in Alaska, starting with $50,000 a year, and since 1893, to and including the current year, has appropriated $30,000 a year, and the Committee on Appropriations has now declined to make any further appropriations for school purposes in Alaska.

Mr. RICHARDSON of Tennessee. And that would take the place of that which is provided on the sundry civil bill.

Mr. WARNER. There are 25 schools that would be closed if this appropriation is not made. The Secretary of the Interior approves it, the President in his message recommended that such a bill be passed, and it has the approval of all the Departments.

Mr. MOODY of Massachusetts. The gentleman stated that the Committee on Appropriations had declined to make the appropriation. Was that not for the purpose of enabling your committee to deal with the subject-matter in this way?

Mr. WARNER. The chairman of the Appropriation Committee told me he wanted our committee to provide for these schools with this license money.

Mr. RIDGELY. Will the gentleman permit me to ask him a question?

Mr. WARNER. Certainly.

Mr. RIDGELY. Can this money be taken and given to sectarian or religious denominations?

Mr. WARNER. No distinction is made as to denominations. The Secretary of the Interior controls the schools outside of the incorporated towns. The municipalities control them inside their jurisdiction.

Mr. RIDGELY. But those inside the jurisdiction, they are to be public schools, are they not?

Mr. WARNER. They are to be public schools, the same as we have them in Kansas and Illinois.

Mr. RIDGELY. Under this law, if the Secretary should see fit to turn it over to churches or religious societies he could do so.

Mr. WARNER. No; they must be public schools.

Mr. SHACKLEFORD. If this matter was so pressing a necessity and of such urgency, why was it not presented earlier in the session?

Mr. WARNER. It has been reported out from the committee I do not know how long, and I have been making the Speaker's life a burden to him trying to get recognition in order to obtain consideration of this bill.

Mr. LOUD. Has he been opposed to it?

Mr. WARNER. No.

Mr. SHACKLEFORD. We have been sitting here for some days without having anything to do, and it seems to me that would have been a proper time to have considered this bill.

The SPEAKER. Is there objection? The Chair hears none. The question is on the amendment.

The amendment recommended by the committee was agreed to.

Mr. SULZER. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Add at the end of the bill that "hereafter no hides of deer shall be exported from Alaska under a penalty of $100 for each hide."

Mr. WARNER. I raise the point of order on the amendment; it is not germane, and is new legislation.

Mr. SULZER. Upon that I desire to be heard.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. SULZER. Mr. Speaker, when the Alaska code bill passed this House, by some inadvertence there was no provision put in that bill to protect the deer of Alaska. This was a mistake of grave importance. The deer of Alaska are being rapidly exterminated by the Indians, who hunt the deer simply for their hides. I am reliably informed—in fact, I know—that thousands and thousands of deer in Alaska are slaughtered every winter by the Indians. During the winter the deep snows compel the deer to come down from the mountains, and the natives ruthlessly slaughter them for their skins. Their skins are sold for from 50 cents to a dollar apiece. If this thing continues——

The SPEAKER. The Chair is prepared to rule on the question.

Mr. SULZER. Mr. Speaker, just one moment more. If this thing continues, in a very short time the deer of Alaska will be exterminated, and the people who live there and who to a certain extent subsist on the meat of the deer will be unable to get fresh meat. The natives slaughter the defenseless deer, and in ninety-nine cases out of a hundred leave the carcass to rot.

This amendment is a matter of great importance to the people of Alaska and in the interest of the protection of the deer. It ought to be adopted. Every true sportsman should favor it. I trust the gentleman will withdraw his point of order against the amendment. If he does not—and the Chair sustains it—I shall at once prepare and introduce a bill to accomplish the purpose desired.

The SPEAKER. The bill has entire relation to educational matters in Alaska and no relation whatever to deer, and therefore the amendment is clearly out of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESCALERO INDIAN RESERVATION, N. MEX.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 213) setting aside certain lands within the Mescalero Indian Reservation, in New Mexico, for the use of the Indians thereon, and providing for the sale of the residue of the lands therein for the benefit of said tribe of Indians.

Resolved, etc., That the President of the United States be, and he is hereby requested and directed, through the Secretary of the Interior, to allot the lands of the Mescalero Apache Indians in Donna Ana County, N. Mex., to the individual members of said tribe, under the act of Congress of February 8, 1887, and of February 8, 1891, and that he negotiate with said tribe of Indians for the cession of the unallotted lands to the United States, and that the same be disposed of under all of the land laws of the United States.

For the purpose of carrying out this resolution the Secretary of the Interior is hereby directed to order an Indian inspector to the Mescalero Apache Agency, in New Mexico, to allot said lands among said Indians and to negotiate with said tribe for the relinquishment of all their interest in the unallotted portion of said reservation, and that such relinquishment be in the form of an agreement, which shall be subject to ratification and confirmation by Congress: *Provided*, That any agreement entered into by said inspector shall contain a proviso that the United States shall make no payment for the relinquishment of the title to said land until the receipt of funds from the sale thereof, and as fast as the lands opened for settlement are sold the money received from such sale shall be covered into the United States Treasury and placed to the credit of the said tribe of Indians.

The SPEAKER. Is there objection?

Mr. RAY of New York. Reserving the right to object, I desire to know what committee this comes from?

Mr. STEPHENS of Texas. This bill comes from the Committee on Indian Affairs, on a unanimous report from the committee.

Mr. RAY of New York. Do I understand the gentleman to say that this is a unanimous report?

Mr. STEPHENS of Texas. It is; I made the report myself in behalf of the committee. This bill has but few of the same provisions as were contained in the original bill. I introduced a bill providing for the acquirement of these lands, and provided that

allotments should be made to the Indians and the remainder thrown open for settlement.

In this reservation there are 471,000 acres of land. About 70,000 will be allotted to the Indians, who are 444 in number, and, giving 160 acres to each Indian, will leave 403,000 acres to be thrown open for settlement. The bill as originally introduced was to open the reservation unreservedly for settlement. The bill as amended and now under consideration provides that a commission shall be appointed by the President who shall negotiate a treaty with these Indians for the purpose of purchasing the land and have them allot the land among them, and then open the remaining lands for settlement after the treaty has been ratified by Congress.

Consequently this is only a preliminary step, and is necessary because a railroad from El Paso, called the El Paso and Northeastern Railroad, now a part of the Rock Island system, passes near the reservation, just to the west of it, and it is very necessary to the development of that country that this reservation should be thrown open to settlement.

The agent of these Indians, Capt. V. E. Stotler, has resigned and joined the Army, and when this agency was under his control he recommended strongly in different reports that this reservation should be opened to settlement, after first allotting to each Indian 160 acres of land. He stated that the Indians desired the lands allotted among them.

The lands where they now live are irrigable lands, and it is understood that the treaty would set apart irrigable lands to the Indians as their allotment for themselves, and the remainder would be opened for settlement. This opening of this reservation has frequently been requested by the governors of the Territory in different reports, and I hope there will be no objection to the bill.

Mr. RAY of New York. The bill seems to dispose of a large amount of land, or provides for it to be disposed of. What proportion of it will go to the Indians?

Mr. STEPHENS of Texas. About one-seventh, and after the treaty has been made with the Indians allotting them each 160 acres of land, the lands not allotted, six-sevenths, would be opened for settlement and be sold, and the money derived from the sale of the land would be placed to the credit of the Indian tribe.

All the moneys received from the sale of the land would be turned into the Indian fund, and the Government does not pay 1 cent for the land under this bill. Under the terms of the bill the United States pays nothing for the land. Whenever a man purchases a homestead the money goes to the Indians, and until it is purchased there will be no money to turn in. There is no burden on the Treasury, but it throws open 403,000 acres of a desirable country to settlement by white men.

Mr. LOUD. Let me ask the gentleman—does the present Delegate from New Mexico favor this bill?

Mr. STEPHENS of Texas. The present Delegate is opposed to it, but his predecessor was in favor of it, and I understand the succeeding one is in favor of it.

Mr. LOUD. Owing to the fact that the Delegate is not in a position to oppose it, I object.

The SPEAKER. Objection is made by the gentleman from California.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will state that the Chair did not recognize the gentleman for that purpose.

BRIDGE ACROSS THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13973) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across Niagara River," be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed by June 30, 1904."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. I object.

Mr. ALEXANDER. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. That is in the same situation as the last bill.

ISAAC R. DUNKELBERGER.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3283) for the relief of Isaac R. Dunkelberger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint Isaac R. Dunkelberger, late a captain, First United States Cavalry, and brevet lieutenant-colonel, United States Army, a captain of cavalry in the Army of the United States, and when so appointed he shall be placed on the retired list of officers of the Army.

Mr. RAY of New York. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. JETT. Mr. Speaker, this was a bill passed by the Senate in the first session of the Fifty-sixth Congress, and, as I remember, it was reported unanimously by the Committee on Military Affairs of the House during the last session. There was a great injustice done this officer at the time he was forced out of the service.

I want to say by way of parenthesis that I am as much opposed to putting officers on the retired list as any man on the floor of this House, but when a great injustice has been done, as I believe has been done to Captain Dunkleberger, I believe as a member of this body it is our duty to correct the error if it is in our power so to do. When he was dismissed his disabilities were such that he should have been placed upon the retired list at that time instead of being forced out of the service.

If any member of this House will take the time to investigate this report, he will ascertain also that his condition was the result of wounds received while in the line of service and that he should have been retired and placed on the retired list instead of being forced out of the service, as was done by some medical gentlemen.

Mr. BROMWELL. Mr. Speaker, I do not understand that the gentleman has given us any reason why this bill should be passed or this action should be taken; he has made an argument, but he has not stated any facts. We want the facts.

Mr. JETT. I will say to the gentleman from Ohio that when the act of 1870 was passed, forcing certain officers out of the service on account, as I understand, of the fact that the establishment had got top-heavy with officers, this man was forced out when he had a right to take advantage of his condition and disabilities and go onto the retired list.

Mr. BROMWELL. How was he forced out?

Mr. JETT. He was forced out under an act passed by the Congress of the United States, which went into effect, I think, January 1, 1871. At the time this was done he had received such injuries in the service before as entitled him to take the benefit of the law that would have placed him on the retired list.

In other words, he could have gone before a certain board provided for by law, and if they found he was suffering from certain disabilities resulting from injuries received in the line of service he would be entitled to be placed on the retired list. Instead of that he was forced out of the service. He was not given that notice to which he was entitled before he was forced out of the Army.

Mr. BROMWELL. Mr. Speaker, I object to this bill.

Mr. HULL. Will not the gentleman withhold it a minute?

Mr. BROMWELL. I will reserve the objection, Mr. Speaker.

Mr. HULL. Mr. Speaker, I think the gentleman from Illinois has stated the facts partially. Under that act the man was entitled, if he was subject to retirement, to notice, and had a right to appear before the retiring board. This officer had no notice of the action of the Department until he was entirely out of the service. Serving where he was, he had no knowledge that he was even to be retired or dismissed from the service until it was an accomplished fact.

Now, Mr. Speaker, I would not be in favor of retiring officers because they were out of the service as the result of the act of 1870. The act was right, and if they had received proper notice so they could protect their interests, and then they were dismissed by the Department, this Congress, nor no other Congress, should ever interfere in the matter. But in place of this man having the right to do as he had under the law and go before a retiring board, the "benzine board," as it was called, situated in Washington, did not comply with the law and give him notice.

Mr. BROMWELL. Was that the case with other officers of the Army at that time?

Mr. HULL. Very few; and most of them have been retired by act of Congress.

Mr. BROMWELL. How many other cases are there probably of this kind?

Mr. HULL. I do not know of any.

Mr. BROMWELL. Twenty-nine years afterwards he comes here to have this thing corrected.

Mr. HULL. It is not twenty-nine years. He has been fighting for it and got favorable reports for a number of years. I yield to my colleague [Mr. CAPRON].

Mr. CAPRON. Mr. Speaker, I only want to say a word which I think may be of interest and perhaps will strengthen this case, having been on the subcommittee which examined it from the beginning. In the report you will find that it says this case was referred to the Secretary of War April 20, 1871, and he says "If this applicant can be sent before a retiring board legally, I think he should be sent." That is signed "U. S. Grant."

A little later on there is a statement, "I am afraid that injustice has been done him," meaning Captain Dunkleberger. And that

is signed by "P. H. Sheridan, U. S. A.," and the board of physicians say the same thing. No stronger case was ever brought before that committee than this.

Mr. RAY of New York. Then, as I understand, this man is not out of the service and is not seeking relief because of any official misconduct or moral turpitude?

Mr. CAPRON. Not at all.

Mr. RAY of New York. As I understand, similar relief has been granted in a large number of cases?

Mr. CAPRON. Yes, sir.

Mr. HULL. Let me add that everyone of this man's disabilities was contracted during his service in the civil war—from wounds received in battle.

Mr. CAPRON. No man who reads this man's record could object to the bill.

Mr. BROMWELL. If this explanation had been made in the first place, I should not have objected. I now withdraw the objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. JETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES A. SOMERVILLE.

Mr. THOMAS of Iowa. I ask unanimous consent for the present consideration of the bill (H. R. 7603) to correct the military record of James A. Somerville.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against James A. Somerville, late of Company D, Fifth New Jersey Volunteer Infantry on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said James A. Somerville an honorable discharge, the same to date from the muster out of the said Fifth New Jersey Infantry.

The amendment reported from the Committee on Military Affairs was read, as follows:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. HAY. I would like some explanation of the bill.

Mr. HALL. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7603) to correct the military record of James A. Somerville, report the same back to the House favorably, with the recommendation that it do pass with the following amendment:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Lieutenant Somerville was sent to hospital from Fair Oaks in July, 1862. He was dismissed in December for absence without leave, although he was then in hospital at Newark, N. J., and so reported by the surgeons, who stated that he was not fit for active service. In February, 1863, he asked that the dismissal be revoked and that he be granted an honorable discharge. The military commission reported that he ought not to be restored to the service, and took no action. He was notified that he had no appeal.

Beyond all question he was dismissed while he was in hospital, without notice. No reason can be given for the dismissal, and he is entitled to an honorable discharge with the usual proviso.

We add the record in this case as an appendix.

Mr. KING. I would like to ask whether this bill, if passed, will give this man a pensionable status?

Several MEMBERS. They all do that.

Mr. KING. Then I shall object.

Mr. CAPRON. The record shows that this man never deserted.

Mr. KING subsequently withdrew his objection, and the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

RIVER IMPROVEMENTS AT ST. JOSEPH, MO.

Mr. COCHRAN of Missouri. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

Be it resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

Mr. COCHRAN of Missouri. Mr. Speaker, my reason for asking the adoption of this resolution is that the report which it asks for can not be made available for the use of the House or the Senate except by the adoption of a resolution of this kind.

There being no objection, the House proceeded to the consideration of the resolution, and it was adopted,

JAMES W. LONG.

Mr. WM. ALDEN SMITH. I ask unanimous consent to take up for consideration the bill (H. R. 3651) placing James W. Long, late a captain of the United States Army, on the retired list.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to place the name of James W. Long, late a captain in the United States Army, upon the retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry.

The amendment reported by the committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James W. Long, late captain in the United States Army, a captain of infantry, and to thereupon place his name upon the unlimited retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry, retired."

The SPEAKER. Is there objection?

Mr. HAY. Reserving the right to object, I ask the reading of the report.

The SPEAKER. The report will be read unless the gentleman would prefer to hear a statement.

Mr. WM. ALDEN SMITH. Mr. Speaker, I am satisfied that no unanimous consent has been asked of the House upon a more meritorious bill than the one I have presented. Indeed, I do not look with favor upon special bills of this character ordinarily, though I have never yet objected to one where the member presenting it felt that it was proper legislation, and I do not think there will be anyone in the House who will consider this measure improper from any standpoint. This is the first unanimous consent I have asked, and I should not avail myself of this privilege were it not for the fact that a great injustice has been done Maj. James W. Long, which it would be proper and right that Congress should rectify.

Major Long was appointed second lieutenant by President Lincoln in 1861, and served in the Regular Army for ten years. There is not a blemish upon his record. He was gallant, fearless, punctual, soldierly in his conduct and in his bearing, from the time he entered the Union Army until he severed his connection therewith. He bears many honorable wounds upon his person, the most serious of which has destroyed the sight of one eye and left his face somewhat mangled and disfigured, as the result of loyal services to his country.

He was recommended for retirement in 1867 on account of wounds, but the War Department, knowing he was a valuable man and an excellent soldier of exceptional ability, assigned him to service as Indian agent for the State of Michigan, under an old law set forth in section 2062 of the Revised Statutes. This was during the Administration of President Grant, when Army officers were assigned to Indian service. His work was of the most delicate character, and he did it with signal ability, calling forth the commendation of the Department many times while he was thus engaged.

He was with the Army of the Potomac, and participated in the campaigns of that army at Yorktown, Gettysburg, and the seven days' fight on the Peninsula, during which time—at the battle of Gaines Mill—he received three wounds, one from a pistol ball, a shell in the left foot, and an Austrian rifle ball, explosive caliber .69, which entered his face at the right ala of the nose, passing upward, outward, and downward, fracturing the superior maxillary bone, lodging at the lower angle of the jaw, from which it was afterwards extracted by Asst. Surg. Gen. W. C. Spencer, of the United States Army.

This latter wound thoroughly disabled him, and he was sent to the rear. Upon his arrival in Washington he was examined and ordered to his home to recruit his health and obtain necessary medical treatment. While at his home, and before his wound was healed sufficiently to allow of the removal of the bandages, he was placed on recruiting service, and from that time on he was either in the field or on special duty, or under medical care during the balance of his service, and during this fearful test of his physical condition he went through severe campaigns and battles and hardships, commanding his regiment through the battles of the Wilderness and Spottsylvania Court-House, where he was again prostrated by an attack which ended in typhoid fever and resulted in a long and dangerous sickness.

Again Surgeon Norris insisted on his retirement, but again this splendid officer was ordered on special duty, both at Louisville, Ky., and Trenton, N. J. From Trenton he was ordered back to the regiment at Newport Barracks, Ky., and from there to Louisville, and from there to Jeffersonville and Warsaw, where he was in command of the post.

Thence he was ordered to Atlanta, Ga., with his regiment, for consolidation of the Sixteenth and Second Regiments of the United States Infantry, all of which is set forth in General Orders of the War Department, under date of March 15, 1869. While at Atlanta, this officer, who served continuously through the entire civil war, who had endured hardships that no one thought he could stand, who had suffered from wounds that weaker men would have yielded to, who was dauntless and fearless in battle, and intelligent and discriminating in the performance of his every duty, was finally ordered before the examining board at Atlanta, Ga., and by that board found to be disqualified for active service on account of physical disability.

By the decision of this Atlanta board he lost his regimental

standing of the company, the association of nearly ten years of service, and was practically told that on account of his physical disabilities he was no longer fit for active service. This meant, according to the laws of Congress, his retirement from active service, with the right to appear before a regularly constituted retiring board.

This, however, was not done, but Major Long, after going to his home and reporting his address, as prescribed, was ordered to the Indian service by General Orders No. 49 of the War Department, May 7, 1869. He was placed in charge of the Mackinac Indian Agency, performing all of the duties required of him and drawing the pay to which he was entitled as an officer of the Army on duty. While holding this civil position by the direction of the War Department he was made ineligible to assignment on the active list of the Army, the decision of the Atlanta board standing in his way; and to further complicate his status, the following paragraph in public act 185, approved July 15, 1870, was enacted by Congress:

SEC. 18. *And be it further enacted*, That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, either by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

Now, Mr. Speaker, there was but one remedy for this gallant soldier after this law was passed, and that was to get off the active list. He having been pronounced unfit for active service, and having lost his regimental position and status by virtue of the decision of the Atlanta board, he made application to be ordered before the retiring board, which was done, and that tribunal found that he was fit for active service, contrary to the finding of the Atlanta board, who said that he was not fit for such service.

Major Long was then the Indian agent. He could not help it; he was acting under orders. He could not leave his post without being relieved; had he done so, he would have been tried by court-martial and dismissed. He was not relieved from duty, and he could not relieve himself, and found that the only alternative for him was to resign, or be legislated out after ten years of service, with two brevets, both for bravery in battle, and under this misinterpretation of his rights he resigned, receiving an honorable discharge. General Corbin, Adjutant-General of the Army, says Major Long's "record is good."

There is no dismissal by court-martial to be explained away. There are no charges of any kind against him. His record is eloquent with gallant service during the whole period of his Army career. He is entitled to be restored, and I urge my associates here to give this just and proper recognition to this splendid soldier. When the Atlanta board found him unfit for service he was entitled to be retired, and this is but a very tardy act of justice which I seek to accomplish for him to-day. The following letter, written by Brig. Gen. and Chief Signal Officer A. W. Greely to the chairman of the Committee on Military Affairs, is a high testimonial to Major Long's service as a soldier. The letter says:

WASHINGTON, *December 4, 1900.*

MY DEAR MR. HULL: I have always viewed applications for restoration to the Army with disfavor, but from a knowledge of the case of James W. Long I believe that his is one of exceptionable hardship and that this restoration of a man very badly wounded and practically forced out of the service, through no fault of his own, has particular merits. I earnestly hope that his bill will pass.

Yours, truly,

A. W. GREELY,
Brigadier-General, Chief Signal Officer U. S. A.

Hon. J. A. T. HULL,
Chairman Military Committee, House of Representatives.

With such a record as this soldier has, Congress is justified in doing for this soldier what should have been done for him years ago. I urge it in the interest of justice and in recognition of a most worthy officer of our Army.

Mr. UNDERWOOD. Is this gentleman now receiving a pension on account of his injuries in the service?

Mr. WM. ALDEN SMITH. I do not so understand. He has for years been anxious to have a measure of this kind passed so that he could go back to the Army, where he belongs.

Mr. UNDERWOOD. Is he seeking to go back into the Army on the retired list?

Mr. WM. ALDEN SMITH. He is seeking to go back into the Army.

Mr. UNDERWOOD. Does not this bill provide for his retirement?

Mr. WM. ALDEN SMITH. Yes; he may be retired.

Mr. UNDERWOOD. I would like to understand this matter distinctly, because if this bill proposes to retire him I will object; if it merely seeks to give him a status in the Army, that he may go upon regular duty, I will not object.

Mr. WM. ALDEN SMITH. The gentleman has not objected to other cases less meritorious than this.

Mr. UNDERWOOD. I beg the gentleman's pardon.

Mr. WM. ALDEN SMITH. I have never asked unanimous consent, and would not now, if this case were not highly meritorious.

Mr. UNDERWOOD. I am not making any objection against the gentleman, but against his bill.

Mr. WM. ALDEN SMITH. I want to put this officer back where he belongs.

Mr. UNDERWOOD. I would like to have the bill read again.

The SPEAKER. If there be no objection the bill will be again read.

The bill with the amendment was again read.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I ask that the bill be read again.

The bill was again reported.

Mr. UNDERWOOD. Mr. Speaker, I object to the bill.

The SPEAKER. Objection is made.

NEW DIVISION OF EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk of said court, and for other purposes," approved February 19, 1901.

Be it enacted, etc., That section 5 of said act be, and the same is hereby, amended to read as follows:

"SEC. 5. That the clerk of the circuit court of said eastern district shall maintain an office, in charge of himself or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division; and the district judge for the said eastern district shall appoint a clerk of the district court who shall maintain an office at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUING THE ACT APPROVED JUNE 27, 1890.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution No. 8.

The Clerk read as follows:

Joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

Resolved, etc., That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy.

The amendment recommended by the committee was read, as follows:

In line 11, after the word "from," insert:

"Nothwithstanding a prior service in the Confederate army or navy, and section 4716 of the Revised Statutes of the United States is amended accordingly."

After the word "navy," in line 3, on page 2, add:

"Nor to those who served more than one year in the Confederate army or navy; nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1885: *And provided further*, That no pension shall be granted for any disability incurred while aiding or abetting the late rebellion; and that no pension shall be granted under this resolution except on application therefor filed after its passage."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want the bill explained. It looks that the bill might be held to include every person who served ninety days in the Army.

Mr. LINNEY. It does not.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to say that we can not hear one solitary word of what is being said, and unless we can we will object.

The SPEAKER. If the gentleman in charge of a bill would talk distinctly so that all could hear him, it would preserve order. The trouble is they talk between themselves, instead of in a manner that they should if they were addressing an audience of 10,000 people, which is necessary in this Hall.

Mr. LINNEY. Mr. Speaker, I think I can explain the resolution so that there will be very little, if any, objection to it on its merits. Discriminations have been made by a construction of section 4715 of the Revised Statutes touching pensions, which reads as follows:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Now, by various amendments and constructions of this section, I find that there have been seven separate exceptions made. The first is, widows of soldiers who served in the Revolutionary war; second, those who served in the war of 1812 against Great Britain; third, those who served in the Mexican war; fourth, those who

served in the Indian wars; fifth, those who served in the Spanish war (though they had formerly been Confederate soldiers); sixth, those who received a pensionable disability in the United States Army (see act of March 3, 1877), and, seventh, those who received a pensionable disability in the United States Navy, although the soldier may have given former service to the Confederate cause.

No soldier, whatever may have been the character of his service, and whatever may have been the injuries originating in the service in the Federal Army, is entitled to a pension. Now, this resolution, as I understand it, and I do not think it is capable of any other construction, simply places the soldier himself upon the same footing—that is, where he has received injuries in the Federal service—as other soldiers who are now receiving a pension.

Those who served in certain regiments mentioned in this resolution—First, Second, Third, and Fourth Infantry—shall not get anything. Why? Because it has been generally supposed that those persons enlisted in the service of the United States under an agreement that they were not to fight their former comrades, but to do service in the Indian wars, or something of that sort, and to receive no bounty or pension. This resolution expressly excepts them, and these will take no benefits whatever from my resolution.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. RICHARDSON of Alabama. I understand you to say now that men who belonged to the Confederate army and afterwards fought in the Union Army are not entitled to a pension.

Mr. LINNEY. He is not, as the law is now construed.

Mr. RICHARDSON of Alabama. That is right.

Mr. LINNEY. Those who joined the Federal Army and rendered faithful service have much merit in their claim for pension now, because the Government accepted their services, and is thereby estopped now to say they are not entitled to the same treatment that their comrades get.

Mr. RICHARDSON of Alabama. I am opposed to giving pensions to men who were in the Confederate army and joined the Union Army.

Mr. LINNEY. Will you do me the kindness to hear me a moment? There were many men of the South who went into the Southern army under influences they could not resist, and the first opportunity they joined the Federal Army and did good service. Are they not entitled to a pension?

Mr. RICHARDSON of Alabama. I am for giving a pension to any true, loyal Federal soldier in every way, shape, and form, and opposed to Confederates receiving a pension, because I am opposed to rewarding a man who deserts any cause.

Mr. LINNEY. As a general rule your proposition may be correct; but, Mr. Speaker, when the Government desired his services and welcomed him into the ranks of the Federal Army, he is in every sense a Federal soldier. There is one class just as worthy as any soldier. Suppose a man volunteered, under peculiar influence brought to bear, in the Confederate army, and honestly seeing his error, joined the Federal Army and shed his blood for the Union, is he not even more of a hero than the average soldier?

Conscription began and was rigidly enforced from 1862 to 1864. It took in our boys at the tender age of 17 years. Now, who doubts the patriotism of a boy of 17 years, who under strong pressure joined the Confederate army, and, following his convictions, left it? Has he not shown more moral courage than the average soldier if he afterwards was loyal to the last to the Union cause?

Mr. BROMWELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROMWELL. All this discussion, as I understand, is subject to the objection reserved?

The SPEAKER. It is all under the unanimous-consent privilege.

Mr. BROMWELL. And the objection can still be made.

The SPEAKER. An objection from any member prevents consideration.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. HAY. Is it the purpose of this bill to put on the pension list men who were in the service of the Confederacy and then served in the Federal Army?

Mr. LINNEY. Under certain restrictions, it is.

Mr. HAY. I object.

The SPEAKER. Objection is made.

ADDITIONAL POWERS TO MARINE-HOSPITAL SERVICE.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4171.

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Be it enacted, etc., That an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893, be amended and added to as follows:

That section 6 of said act shall be amended to read as follows:

"SEC. 6. That on the arrival of an infected vessel at any port not provided with the proper facilities for treatment of the same the Secretary may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel, or inspection of any vessel not infected, at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station."

That there shall be added the following sections:

"SEC. 10. That national quarantine stations shall be conducted in accordance with the provisions of this act, and the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels, which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $300 or imprisonment for not more than one year, or both, in the discretion of the court.

"Any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court.

"SEC. 11. That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from any foreign port or place shall be admitted to entry or enter without a certificate of said officer that the United States quarantine regulations have been complied with.

"Any vessel sailing from any foreign port without the bill of health required by section 2 of this act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

"SEC. 12. That the medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States."

The SPEAKER. Is there objection?

Mr. FITZGERALD of New York. Reserving the right to object, I would like to ask the gentleman if there is in any way any interference with the State's rights?

Mr. MEYER of Louisiana. Not in any way.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. STRADLING.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 12807.

The Clerk read as follows:

A bill (H. R. 12807) for the relief of James M. Stradling.

Be it enacted, etc., That James L. Stradling shall be held and considered to have been mustered into the service of the United States as a second lieutenant of the First Regiment of New Jersey Cavalry Volunteers on the 19th day of July, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a second lieutenant of said regiment, to date from the 16th day of September, 1864: *Provided*, That nothing in this act shall be so construed as to entitle the said Stradling to receive any pay, allowances, or pension.

The amendment recommended was read, as follows:

In line 3 strike out the letter "L" and insert the letter "M."

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have the report read in that case.

Mr. GARDNER of New Jersey. Possibly I can save time by stating the case in a few sentences.

James M. Stradling enlisted in the First New Jersey Cavalry Volunteers as a private in 1861, and served until 1864. He was promoted to corporal, sergeant, and finally quartermaster-sergeant. On the 19th day of July, 1864, he was recommended for promotion to a second lieutenancy, to fill a vacancy then existing, and the company contained 102 members, or above the number of men required.

The commission was issued as of the date of July 19, 1864. For a reason that has never been explained it never reached him. He was mustered out September 16, 1864, without having been mustered in as a lieutenant. This bill simply requires the Secretary of War to issue to him a discharge as second lieutenant instead of quartermaster-sergeant.

Mr. SLAYDEN. Do I understand the gentleman to say that the company had a sufficient number of men?

Mr. GARDNER of New Jersey. It had 102 men—2 more than necessary.

Mr. SLAYDEN. How do the War Department explain the failure of this commission to reach him?

Mr. GARDNER of New Jersey. The War Department had nothing to do with it. Volunteer commissions were issued by the governors of the States; they were sent by mail to the commandants of the regiments.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GARDNER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE OVER THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 13973, to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The SPEAKER. This is the bill that has been already once read this morning?

Mr. ALEXANDER. Yes.

The SPEAKER. The Clerk will read the bill again by its title.

The Clerk again read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

LIEUT. ROBERT PLATT.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3077) authorizing the President to appoint Lieut. Robert Platt to the rank of commander.

The bill was read at length.

Mr. UNDERWOOD. Mr. Speaker, I think I shall have to object. I understand this is taking a civilian and putting him on the retired list.

Mr. MEYER of Louisiana. My friend from Alabama is in error. Lieutenant Platt is now an officer of the Navy and has been in service since the civil war. He was made a lieutenant in the Navy a generation ago for gallant services in that war. For certain reasons which I do not know, perhaps because of prejudice against civilian officers then existing, a limitation to the act appointing him barred him from promotion. Under existing law a naval officer can not be retired for age unless he has reached the rank of commander.

Hence he is still on the active list, although 67 years of age. He has served faithfully in the low grade of junior lieutenant for over thirty years. This bill proposes to retire him with rank of commander, but to meet the objections of certain members I have sent to the desk an amendment providing that he shall be retired with the rank of lieutenant, which is the next higher grade to the one he now occupies. The Senate has several times passed an act authorizing him to be retired to a higher grade. The bill is unanimously approved by the Committee on Naval Affairs, and I urge it as an exceedingly worthy one. Lieutenant Platt is old, infirm, and deserves this consideration.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I regret, Mr. Speaker, to object, but, as I understand it, it is to put a man on the retired list, and I renew my objection.

AMERICAN REGISTER FOR THE BARKENTINE J. C. PFLUGER.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barkentine *J. C. Pfluger*, of San Francisco, Cal., purchased and wholly owned by a citizen of the United States and repaired by him, to be registered as a vessel of the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

FRANK B. CASE.

Mr. METCALF. Mr. Speaker, I desire to present a conference report on the bill (H. R. 11598) for the relief of Frank B. Case, and I ask unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. UNDERWOOD. I desire, Mr. Speaker, to reserve all points of order to the report.

The SPEAKER. Points of order are reserved to the report, but no objection is made to the request.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

V. H. METCALF,
JAMES E. WATSON,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
WILLIAM E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House bill authorizes the President to appoint Frank B. Case a line officer in the Navy, with the proviso that when appointed "he shall perform shore duty, or such duty at sea as the physical disability for which he was retired will permit."

The amendment of the Senate authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint said Case upon the retired list of the Navy, with the rank of ensign.

In view of the fact that the disability of said Frank B. Case applies only to the question of his vision, and that under the statute the Secretary of the Navy is empowered to assign him to shore duty in any branch of the naval service for which he may be qualified, your conferees recommend that the House recede and concur in the Senate amendment.

Mr. UNDERWOOD. I understand this is a private bill?

Mr. METCALF. It is a private bill.

Mr. UNDERWOOD. I desire to oppose the conference report and I ask the gentleman to yield me sufficient time to be heard.

Mr. METCALF. How much time does the gentleman desire?

Mr. UNDERWOOD. Ten minutes, although I may not use all of it.

Mr. METCALF. Very well; I will yield to the gentleman ten minutes.

Mr. UNDERWOOD. Mr. Speaker, this is a similar case to the bill that has just been before the House. The House bill, it seems, was passed providing that this officer might be once more enlisted in the Navy. As I recollect the bill when it came before the House, it was shown that he was retired on account of color-blindness, and the board retired him permanently from the Navy. It was afterwards discovered that he could do duty on shore.

A bill was brought in here placing him back in the Navy, where he could serve the Government and could be of service to the Government, giving the Government the benefit of his time for the money that was paid. He is a young man, if I recollect the report right. His services can be used; he is healthy; there is no objection to him in the world, except he is color-blind and could not recognize the signals on board of ships at sea.

Mr. SOUTHARD. I would like to ask the gentleman what is to prevent his being detailed if put on the retired list?

Mr. UNDERWOOD. I do not want him put where he does not have to work. When the Government of the United States employs a man and pays him a salary it should be his duty to work.

Mr. SOUTHARD. Is it not a fact that he would have to work if detailed?

Mr. UNDERWOOD. I do not think the details are ever made except in time of war. If you expect him to be detailed and sent back to work, why not insist on the House bill and put him on the retired list of the Navy, where he can work? It has been repeatedly said in this House within the last few days that they wanted to place men on the naval list because the Navy needed the men, that it needed trained men, and there is but one reason that can be assigned for this why he should not be placed on the regular list as provided by the House bill, and that is that a little clique of naval officers want to have their sea service cut down and be able to stay at home in fat positions as long as possible.

If this man was put on duty he would have to be assigned to shore duty, and it would possibly, for a few days or a few weeks, prevent some able-bodied naval officer from occupying that position.

Mr. METCALF. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Yes.

Mr. METCALF. Under the House bill he would be named as a line officer to perform practically shore duty, and as such officer perform shore duty, and for shore duty he would receive $2,500 a year, and when performing duty at sea, $3,000 a year. Under the act of June, 1900, if he is placed upon the retired list, the Secretary of the Navy can order him to active duty, and if ordered to active duty on shore he would draw $1,480. He is now drawing $1,800 in the Judge-Advocate-General's department.

Mr. UNDERWOOD. If he is color-blind and is only performing shore duty he ought not to be sent to sea. If he can perform shore duty, there is no reason why he should not be assigned to a

position down at Indian Head, where color-blindness would not interfere with him.

There is no reason why he can not go out to one of these shipyards to superintend work done for the Government. There is no reason why he can not be sent to Bethlehem to inspect armor plate. There are thousands of positions in which this man's services could be used. If it is true, as high naval officers have asserted, that the Navy is in need of officers, it would be very proper to put him on the active list and let him engage in some work for the Government. But that is not what is wanted. The object is to put him on the retired list. I know there is a provision of law that a retired naval officer may be assigned to active duty. But I ask gentleman to tell me a case where any naval officer is so assigned.

Mr. METCALF. There are such assignments in the Judge-Advocate-General's Department. I made inquiry at the Navy Department and learned that in every instance the Secretary of the Navy orders retired officers to active duty, if they are competent to perform it. This man is forty-two years old. Under the act of 1900 he would have to serve for twelve years, when he would reach the age of fifty-four. If placed on the retired list he would have to be placed there as an ensign, drawing half pay.

Mr. UNDERWOOD. If he is to be assigned to duty, why can we not fix that now and let him be retired at a proper age? But if he is placed on the retired list, he can bring his political influence to work, can avoid any assignment to active duty, can go on and attend to his private business. While on the retired list, unless the Secretary of the Navy should assign him to active duty, he will draw three-fourths pay.

Mr. Speaker, we have reached the point where officers of the Army or Navy, after resigning in order to engage in civil business—after getting tired of the Army and Navy and seeking to launch their fortunes on the sea of commerce—come back to Congress, after making a failure in civil life, and, upon some excuse, want to be put on the retired list, where they may live upon the bounty of the Government for the balance of their lives. I say it is time to call a halt upon this practice.

Mr. SOUTHARD. Mr. Case never resigned from the Navy. He was wholly retired.

Mr. UNDERWOOD. I am not speaking particularly of this case. I am speaking of the practice of putting men on the retired list. We have a pension list. If an officer has been injured in the service, we provide that he shall receive a pension.

But as for this practice of men getting bills through here by means of political influence, to put them on the retired list for the rest of their lives, drawing pay from the Federal Treasury, it is time this practice should be stopped. I hope the House will vote down the conference report.

Mr. METCALF. I yield five minutes to the gentleman from Ohio [Mr. SOUTHARD].

Mr. SOUTHARD. Mr. Speaker, I wish to say that there is no case similar to this. There never has been a retirement in the naval service from which this case is not easily distinguishable. I wish to occupy only a moment in stating the circumstances under which this retirement was brought about.

Mr. Case entered the Naval Academy, I think, in 1873. He was wholly retired some time in the eighties, just after a long cruise in the Arctic regions. His incapacity for active service developed on an examination for promotion. It was discovered that he was either permanently or temporarily color-blind. At that time the medical officers of the Department were insisting that color-blindness was congenital—that it could never be acquired. Mr. Case was retired under a different rule from that under which anybody else has been retired for color-blindness since we have had a Navy.

This was the first retirement in that service for color-blindness. Three or four or five officers have been retired since that time for color-blindness; and a different rule has been followed in their cases from the rule which was applied in this case. All the others have been retired either on half pay or three-fourths pay.

We doubt, of course, whether this is a genuine case of color-blindness. Prior to the Spanish war Mr. Case was examined for the railroad service and passed. During the Spanish war he came down here to be examined for the naval service. The medical board at the navy-yard here examined him. He was passed by that board as not being incapacitated because of color-blindness. He then disclosed, as he ought to have done, the fact that he had been retired from the Navy because of color-blindness.

The board examined him again, and then two out of the three members of the board were in favor of passing him. Some dispute arose, and they finally concluded to reject him. Out of some two or three hundred tests in distinguishing different shades of color he made only two or three mistakes. I believe that his color vision is to-day as correct as that of most men.

But he was retired under a different rule from that which has been applied in the case of any other retirement in the naval service. No one who has examined this case has failed to concede readily that a great injustice was done Mr. Case.

The bill to restore him to the active list passed this House and went to the Senate. The Senate for some reason or another would not agree to it.

Now, something ought to be done. This injustice ought to be remedied. For fourteen or fifteen years he has been kept out of what is his just due. Let the same rule be applied to him as has been applied to every other officer in the Navy similarly situated. There is no one who has examined this case who does not agree that a great injustice has been done.

Mr. UNDERWOOD. I hope the gentleman will understand that I have no objection to this man being restored to the service and being put to work. It is admitted that he is competent for some classes of work in the Department. He ought to be assigned to such duty as he is qualified for. But because the United States Senate insists on his retirement why should we, as we too often do, lie down before that body?

Mr. SOUTHARD. I agree with the gentleman that the other bill—the bill introduced in the House—provided what ought to be done. But the Senate will not agree to it. If this bill passes, what will be the result? This man will be detailed for service at an annual salary of $300 less than he is now receiving. That will be the result of retirement. It will do him something of an injustice. But the two Houses ought to agree on something. There is no denial of the fact that we ought to do something for Mr. Case.

[Here the hammer fell.]

Mr. METCALF. I yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I freely admit that I have a good deal of sympathy with the argument which has been made by the gentleman from Alabama [Mr. UNDERWOOD]. I agree with him that the House bill was better; but the question before the House now is whether we shall remedy an injustice to this man or perpetuate an injustice.

Now, if the gentleman from Alabama will bring a bill in doing away with the retired list entirely and pass such a bill, then his argument would be proper upon this measure; but when we come here with a measure which proposes to remedy an absolute injustice, that every man who ever examined this record admits has been done against this man, and every officer of the Navy admits has been done, that every medical board of examiners to-day in the United States admits has been done; and then you object to it because you do not want to increase the retired list, I submit that an argument of that sort should not receive serious consideration. Now, here are six of these bills that the House has agreed to for putting men back on the retired list.

Mr. TALBERT. Will the gentleman permit me to ask him a question?

Mr. COWHERD. I will.

Mr. TALBERT. Does this bill seek to remove a charge of desertion?

Mr. COWHERD. Oh, no.

Mr. TALBERT. Does it vacate a sentence of a court-martial?

Mr. COWHERD. Not at all.

Mr. TALBERT. Simply to put him on the retired list?

Mr. COWHERD. Simply to put him on the retired list. The gentleman certainly did not hear the gentleman from Ohio make the explanation. This was a young man who entered the Navy, graduated, made one cruise at sea, and then made another cruise at sea in the Jeannette relief expedition. He was ordered for examination immediately after this cruise, and it then was found that he was color-blind, and he was wholly retired from the Navy on account of color-blindness. The doctors then thought that color-blindness was congenital, and could not be acquired.

The most learned doctors now coincide in the opinion that color-blindness may be acquired and is most frequently acquired where a man is exposed to the glare of the sun upon ice or snow fields. This man had been in that service in Alaska. Upon a similar case a man was placed on the retired list because the House thought color-blindness could be acquired and his eyes were injured in the service, and they give him three-fourths pay.

From every aspect of this case I think this man ought to receive consideration. I agree with the gentleman from Ohio. I challenge the records of the Navy to show where there has been any man wholly discharged from the Navy for a physical disability whether it was incident to the service or not. As a matter of fact there have been very few discharges in the Navy, except in a case where there was something against the man's character.

I know that. I went to see the Judge-Advocate, and stated the case to him, and he laughed at me, and said, "You will find the fellow was drunk or did something." I took the records and ran them down with the Judge-Advocate from the beginning to the end, and there is not a blot upon it anywhere. And I appeal to this House to pass this bill, or agree to the conference report, as it is the only way that this wrong can be remedied. [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. METCALF, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CALENDAR AS A HOUSE DOCUMENT.

Mr. HEATWOLE. Mr. Speaker, the Committee on Printing asks consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution No. 436:

Resolved, That the last issue of the House Calendar for this Congress be printed as a document of the House.

Mr. UNDERWOOD. I ask the gentleman to yield to me two minutes, in order that I may yield to the gentleman from Oklahoma.

Mr. FLYNN. Mr. Speaker, some time since, upon what at the time appeared to me to be good authority, I made some remarks in reference to the gentleman from Texas [Mr. STEPHENS]. Since that time I have taken great pains to investigate the matter, and while I find that he did send a telegram, it was in reply to a letter from a party in Oklahoma requesting him to notify him when a certain bill was passed and when it was signed by the President.

If I had had all the facts at the time I made the remarks I do not suppose that I should have made them. I am the last man in the world who would do an injustice to anybody, much less a member of this House, and I want to make this statement to the House as a matter of justice to myself and to the gentleman from Texas. [Applause.]

The resolution was agreed to.

MOUNTING MAPS.

Mr. HEATWOLE. I ask for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 413.

Resolved, That the superintendent of the folding room of the House of Representatives is hereby directed to mount with rollers and hangers all United States maps hereafter printed and placed to the credit of members of the House of Representatives.

With the following amendment:

After the word "Representatives," in line 5, add: "the cost of mounting each map not to exceed 30 cents."

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY LAWS OF THE UNITED STATES.

Mr. HEATWOLE. I ask unanimous consent for the consideration of the Senate concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, etc., That there be printed for the use of the Senate and House of Representatives 2,000 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF DR. V. K. CHESTNUT AND DR. E. V. WILCOX ON POISONOUS PLANTS IN MONTANA.

Mr. HEATWOLE. I ask unanimous consent for the consideration of Senate concurrent resolution 92.

The Clerk read as follows:

Resolved, etc., That there be printed 10,000 copies additional to the usual number of the report of Dr. V. K. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

AMENDMENT OF PUBLIC PRINTING ACT.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

Be it enacted, etc., That section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same is hereby, amended by striking out of said section the words "said Congressman to deposit with his order the extra expense involved in printing these additional words."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HISTORY OF GENERAL STAFF OF THE ARMY.

Mr. HEATWOLE. Mr. Speaker, I am also directed to ask unanimous consent for the present consideration of the Senate concurrent resolution No. 113.

The Clerk read as follows:

Resolved, etc., That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

PRINTING FOR A COMMITTEE.

Mr. HEATWOLE. There is another resolution.

The Clerk read as follows:

House resolution 419.

Resolved, That the Committee on Irrigation of Arid Lands be, and hereby is, authorized to have printed such papers, documents, and testimony taken at meetings had before that committee, and such as may be necessary for the business of said committee.

The amendment recommended by the committee was read as follows:

Strike out all after the word "Committee" in line 4, and insert in lieu thereof "during the second session of the Fifty-sixth Congress."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

DISPOSITION OF LAND.

Mr. LACEY. Mr. Speaker, I call up a conference report.

The SPEAKER. The gentleman from Iowa calls up a conference report.

The Clerk read as follows:

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 2 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to amendment No. 2 of the Senate, and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

H. C. HANSBROUGH,
THOS. H. CARTER,
HENRY HEITFELD,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the agreement is to adopt the amendment of the House to the Senate amendment authorizing the President to avoid the contest and conflicting claims heretofore resulting from a rush upon a newly opened reservation, by prescribing the manner in which the land may be settled, occupied, and entered, which regulation shall be embraced in the proclamation.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

Mr. LACEY. The gentleman from Texas would like to have a few minutes, and I yield to the gentleman two minutes.

Mr. STEPHENS of Texas. Mr. Speaker, this bill is not as I would like to have it. I think some means should be adopted in opening this reservation whereby we could avoid the horse race, or run, that has heretofore taken place.

It might be done by adopting a plan of drawing similar to that that we have adopted in this House. It would be very easy for everyone who is interested in settling on these lands to file their affidavits showing that they have a right to the land and then draw for it. There will probably be 50,000 people asking for these 10,000 homes, because this is the last reservation of good lands to be opened in the United States.

It is very necessary, in my judgment, that the Interior Department should have some plan other than running for it, as has been heretofore indulged in in Oklahoma. I hope, under the amendment offered by the gentleman from Iowa [Mr. LACEY], that the Secretary of the Interior will see proper to open this reservation by some scheme similar to the one devised by this legislative body for selecting their seats.

Mr. LACEY. Mr. Speaker, what means will be adopted by the Secretary or President it is impossible to say, but I am satisfied that he could not possibly do worse than to continue the present system of racing for the possession. I have no doubt by giving the authority that we do give in this amendment a scheme will be devised to avoid that, and probably something in the line suggested by the gentleman from Texas [Mr. STEPHENS].

Mr. DE ARMOND. I would like to ask the gentleman if this enlarges the power of the Secretary of the Interior?

Mr. LACEY. At present all the power the Secretary has is to throw open the reservation for a race. There is no authority for

making any rules or regulations that will prevent five or six different men from getting onto the same quarter section or having the multitudinous and expensive contests that have ensued from the races in the past.

This law giving the President, by proclamation, power to provide some system of avoiding this will be equitable to all persons. Bloodshed often ensues in contests of this kind, and it takes an army to protect the settlers during the race. I have no doubt some method can be devised that will prevent it. We did not have time in the closing hours of the session to put in perfect shape a plan such as would obviate this difficulty. Therefore I think it is perfectly safe to allow this regulation to be promulgated by the Department of the Interior, under the direction of the President, included in the proclamation.

Mr. DE ARMOND. Are there any limits as to when the proclamation shall issue? Is there any time fixed for issuing the proclamation?

Mr. LACEY. This does not attempt to handle the question in detail. I apprehend the proper way would be to make the applicants file their applications and have some system by lot. There will be 50,000 applicants probably, and of course there will not be a quarter section for all. There will be many more applicants than can possibly obtain land.

Mr. DE ARMOND. Is there anything to determine where this shall be done?

Mr. LACEY. It would have to be done at the land office in the district. We have not attempted to go into these details on account of the lack of time and the rush of business in the closing hours of the session.

Mr. SHAFROTH. If the gentleman will pardon me I will state that unless this bill passes practically in its present form this reservation will not be open for settlement for one year after the 6th day of August. It is true it would be better, and I should prefer it, if we could prescribe exactly what the settler should be entitled to and how he should make his selection, but it is impossible to formulate anything but what would be open to serions objection at this late hour of the session, and I therefore concurred in the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MEDALS OF HONOR FOR ENLISTED MEN OF NAVY OR MARINE CORPS.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

The Clerk read the bill, as follows:

Be it enacted, etc., That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section 1407 of the Revised Statutes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

Mr. BUTLER. Mr. Speaker, perhaps the best explanation I can make will come from a letter addressed to the House Naval Affairs Committee by the Assistant Secretary of the Navy. It is as follows:

NAVY DEPARTMENT,
Washington, February 18, 1901.

To the CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

SIR: I have the honor to invite your attention to an omission in the law providing for the recognition of distinguished services on the part of enlisted men of the Navy. The only clause of the Revised Statutes that applies is section 1407, which is fully set out in the accompanying letter. You will observe that this does not include marines, nor does it include firemen or others than seamen on board ship.

A board is now sitting at the Department to consider the subject of rewards to officers and men in China and the Philippines. This board has addressed the Department a communication calling attention to the omission just referred to, which letter is inclosed herewith.

I have the honor to recommend that this obvious defect in the law be cured by legislation.

Inclosed is a draft of a few words which, if added to section 1407, will, in the opinion of the Department, secure the end desired.

The language of the draft is: "*Provided*, That any enlisted man of the Navy or Marine Corps so recommended may receive a like medal and gratuity."

Respectfully,

F. W. HACKETT, *Acting Secretary.*

Now, let me read a letter from the chairman of the board for the bestowal of awards:

NAVY DEPARTMENT,
Washington, February 18, 1901.

To the honorable the SECRETARY OF THE NAVY.

SIR: Section 1407 of the Revised Statutes provides as follows:

"Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers upon the recommendation of their commanding officer, approved by the flag officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of $100 and a medal of honor, to be prepared under the direction of the Navy Department."

The board, of which I am chairman, ordered to consider the subject of the bestowal of awards upon officers and enlisted men of the Navy and Marine Corps for distinguished services in China and the Philippines and to make recommendations in regard thereto to the Secretary of the Navy, is unable to act upon the numerous cases of enlisted men of the Marine Corps before it.

The board have, therefore, to recommend that the necessary steps be taken at as early date as possible to secure such action by Congress as will enable the board to carry out its instructions regarding the enlisted men of the Marine Corps.

Respectfully,

F. W. HACKETT, *Chairman.*

I would like to read the last clause of the report which is unanimously made by the Committee on Naval Affairs:

Under the term "seamen" there has been a construction excluding enlisted men of the Navy and Marine Corps from the benefits and reward of the aforesaid statute. This bill is simply declaratory of an evident intention to provide for all the enlisted men of the Navy and Marine Corps, and will enable the Secretary of the Navy to amply reward the gallant conduct of our Marine Corps in China and elsewhere.

Does the gentleman from Tennessee desire to ask any further questions?

Mr. RICHARDSON of Tennessee. Will the gentleman state what this bill does?

Mr. BUTLER. The bill was just read.

Mr. MADDOX. Will the gentleman yield to me?

Mr. BUTLER. I shall be delighted to yield to the gentleman.

Mr. MADDOX. What was the bill passed this morning, presented by the gentleman from Louisiana [Mr. MEYER], appropriating $25,000 to give medals for sailors or seamen?

Mr. BUTLER. That bill provided a reward for seamen and marines of the Spanish-American war for gallant services rendered by them on the shores of the Caribbean Sea. This bill is to provide rewards for enlisted men who rendered gallant and distinguished services in the Philippines and China.

I will say for the information of the gentleman from Georgia that the section referred to in the bill was passed in 1877 and has been in operation from that time to the present. This is simply declaratory of what was supposed to be the intention of Congress at the time that bill was passed. It was understood that bill contained sufficient language to enable the Department to confer medals of honor upon the marines as well as upon the seamen. The section has been construed so as to prohibit or exclude the marines from receiving the same reward of merit or the same recognition for conspicuous services that has been since 1877 conferred upon seamen upon shipboard.

Mr. MADDOX. Your bill does not cover the same ground that is covered by the bill offered by the gentleman from Louisiana [Mr. MEYER]?

Mr. BUTLER. No, sir; it provides for separate and distinct services.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BUTLER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 1, 1901:

H. R. 13822. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 9140. An act providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes;

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes;

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes;

H. R. 13951. An act authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay;

H. R. 1845. An act granting a pension to William Allen;

H. R. 13049. An act granting a pension to Elizabeth Fury;

H. R. 13118. An act granting a pension to Rebecca J. Gray;

H. R. 13154. An act granting a pension to Ernestine Lavigne;

H. R. 13569. An act granting a pension to the minor children of Henry R. Hinkle;

H. R. 3861. An act granting an increase of pension to Jesse Millard;

H. R. 3784. An act granting an increase of pension to Linsay C. Jones;

H. R. 8650. An act granting an increase of pension to William C. Whitney;

H. R. 12442. An act granting an increase of pension to Mary E. Starr; and

H. R. 13086. An act granting an increase of pension to Eunice Henry.

The President, on March 2, 1901, approved the following bills:

H. R. 6204. An act for the relief of Olivia M. Clifford; and

H. R. 149. An act referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5573) to amend section 203 of title 3 of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. CARTER, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 425) for the relief of John M. Davis.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 92.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

HARRISON CLARK.

Mr. GLYNN. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 12175) to correct the military record of Harrison Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to correct the military record of Harrison Clark by dating his commission as second lieutenant, One hundred and twenty-fifth Regiment New York Volunteers (civil war), as of the date of May 6, 1864.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of line 7 add the following: "The date of his commission as amended by the governor of the State of New York."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SHACKLEFORD. I believe that we have pending in this House a number of bills of this kind which are meritorious; but I am opposed to selecting one out of the number for special consideration. I think they all ought to take their places on the Calendar and have an equal chance. Therefore I must object.

Mr. GLYNN. I hope the gentleman will withdraw his objection for a moment, while I make an explanation.

Mr. SHACKLEFORD. I will withhold the objection till I can hear the explanation.

Mr. GLYNN. Mr. Speaker, this bill simply seeks to correct the military record of this man in the national archives here as it has been corrected in the New York State archives by order of Governor Roosevelt. Harrison Clark was severely wounded in the battle of the Wilderness. For exceptional bravery in that engagement he was recommended for promotion.

Mr. SHACKLEFORD. I withdraw my objection.

There being no further objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GLYNN, a motion to reconsider the last vote was laid on the table.

LEGAL REPRESENTATIVE OF SAMUEL TEWKSBURY, DECEASED.

The SPEAKER laid before the House the following veto message of the President of the United States, which was read:

To the House of Representatives:

I return herewith, without approval, House bill No. 221, entitled "An act for the relief of legal representative of Samuel Tewksbury, deceased."

This bill provides for the payment to the legal representative of Samuel Tewksbury, late of Scranton, Lackawanna County, Pa., the sum of $5,697, in full compensation for the use and occupation by the United States Government of a brick building and premises owned by him in the city of Scranton, Pa., as a depot or barracks for United States troops by the Provost-Marshal of the United States, from June, 1862, to June, 1865, inclusive.

The records of the War Department show that under date of April 26, 1865 Col. J. G. Johnson, chief quartermaster, forwarded to the office of the Quartermaster-General a claim of Samuel Tewksbury for use of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865, stated at $1,133.33, and damage to said building at $1,400; total, $2,533.33.

In forwarding these papers Colonel Johnson remarked as follows:

"In the spring of 1864, Mr. Samuel Tewksbury presented to me, through his agents, a claim against the United States Government for use of the premises mentioned in the inclosed account and accompanying papers.

"I learned from Capt. S. N. Bradford; provost-marshal, Twelfth district, Pennsylvania, at Scranton, that lodgings were furnished to persons in the military service at that place by Gardner & Atkinson, under a contract with the provost-marshal; also that the contractors rented the building used for the above purpose from Mr. Tewksbury.

"Considering it a matter entirely between that gentleman and his tenants, Messrs. Gardner & Atkinson, I at that time refused to take any action in the matter whatever."

The claim was again submitted to the office of the Quartermaster-General on September 30, 1865, by Maj. W. B. Lane, and was returned on May 1, 1866, with the information that the United States had already paid for lodging all the troops under the control of the provost-marshal at Scranton, Pa., during the time for which charge for rent is made.

The claimant was referred to the officer or person by whom the building was taken for compensation for its use.

No other record of this case is found in the War Department, although it will be observed that the bill covers a period from June, 1862, to June, 1865, inclusive, while the claim as originally presented to the War Department was for occupancy of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865.

It thus appears that when this claim was originally presented it was examined by the proper representative of the Government, and was rejected; that such use and occupation as the United States Government had of claimant's building was under a contract between the Government and the tenants of claimant, and that payment therefor was duly made by the Government. Now, after a lapse of some thirty-seven years, the period of use and occupation covered by the claim has increased threefold, and the compensation asked therefor has more than doubled.

Under the circumstances of this case I do not feel at liberty to approve the bill.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 2, 1901.*

Mr. GIBSON. I move that this message, with the accompanying bill, be referred to the Committee on War Claims and be ordered to be printed.

The motion was agreed to.

NATIONAL BUREAU OF STANDARDS.

Mr. SOUTHARD. I move to suspend the rules and pass the bill H. R. 11350 with the amendments as sent to the desk.

The Clerk read as follows:

A bill (H. R. 11350) to establish the national bureau of standards.

Be it enacted, etc., That the Office of Standard Weights and Measures shall hereafter be known as the national bureau of standards.

SEC. 2. That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard-measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

SEC. 3. That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

SEC. 4. That the officers and employees of the bureau shall consist of a director, at an annual salary of $5,000; 1 physicist, at an annual salary of $3,500; 1 chemist, at an annual salary of $3,500; 2 assistant physicists or chemists, each at an annual salary of $2,200; 1 laboratory assistant, at an annual salary of $1,400; 1 laboratory assistant, at an annual salary of $1,200; 1 secretary, at an annual salary of $2,000; 1 clerk, at an annual salary of $1,200; 1 messenger, at an annual salary of $720; 1 engineer, at an annual salary of $1,500; 1 mechanician, at an annual salary of $1,400; 1 watchman, at an annual salary of $720, and 1 laborer, at an annual salary of $600.

SEC. 5. That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.

SEC. 6. That the officers and employees provided for by this act, except the director, shall be appointed by the Secretary of the Treasury, at such time as their respective services may become necessary.

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of $27,140, or so much thereof as may be necessary; toward the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the entire cost of which shall not exceed the sum of $250,000, $100,000; for equipment of said laboratory, the sum of $10,000; for a site for said laboratory, to be approved by the visiting committee hereinafter provided for and purchased by the Secretary of the Treasury, the sum of $25,000, or so much thereof as may be necessary; for the payment of the general expenses of said bureau, including books and periodicals, furniture, office expenses, stationery and printing, heating and lighting, expenses of the visiting committee, and contingencies of all kinds, the sum of $5,000, or so much thereof as may be necessary, to be expended under the supervision of the Secretary of the Treasury.

SEC. 8. That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.

SEC. 9. That the Secretary of the Treasury shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this act into effect.

SEC. 10. That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury, to consist of men prominent in the various interests involved, and not in the employ of the Government. This

committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. SOUTHARD. I ask unanimous consent that a second may be considered as ordered.

Mr. GILBERT. I object.

The SPEAKER appointed as tellers Mr. SOUTHARD and Mr. GILBERT.

The House divided; and the tellers reported—ayes 78, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD] is recognized as entitled to twenty minutes.

Mr. SOUTHARD. Mr. Speaker, I hope we can have good order while this discussion is going on, for this is a very important measure, and I feel certain that it will be opposed by no one if it is fully and fairly understood.

It provides really for an enlargement of the existing Office of Weights and Measures under the Treasury Department. It, however, creates a separate bureau. The suggestion of this bill came from the Secretary of the Treasury himself. The bill was considered fully in committee, extensive hearings were had upon it; and it afterwards received the unanimous report of the Committee on Coinage, Weights, and Measures.

A similar bill was introduced in the Senate and referred to the Committee on Commerce. A subcommittee, consisting of Senators NELSON, GALLINGER, and TURNER, was appointed, and this subcommittee, after extensive hearings, reported unanimously to the full committee in favor of the bill. It has been indorsed more numerously than any bill we have had before the committee. It has been indorsed by practically all the heads of the Departments of the General Government. It has been indorsed very generally by the heads of the departments in the State governments. It has been indorsed by nearly all the scientific men of the country and nearly all the scientific associations. It has been indorsed by colleges and universities, whose officers have sent us their opinions in the shape of resolutions. It has been indorsed by the great manufacturing and commercial concerns of the country.

It has been especially indorsed by the railroads of the country, many of which maintain separate physical and chemical laboratories in connection with the running of the railroads. It has been indorsed by the great iron and steel manufacturing associations of the country. It has been indorsed by the manufacturers of locomotives, and indorsed especially by the manufacturers of electrical appliances and apparatus. I have to-day received a telegram which I will stop to read. It is signed "Carl Hering, President American Institute Electrical Engineers."

PHILADELPHIA, PA., *March 2, 1901.*

Hon. DAVID B. HENDERSON,
House of Representatives, Washington, D. C.

Consideration and passage standardizing bureau bill to-day extremely important to electrical industry, representing over two thousand millions of dollars. National humiliation not to have own standards. People, manufacturers, and Government all alike interested together; no opposition. Appropriation small. Bill probably pass both Houses if brought up.

CARL HERING,
President American Institute Electrical Engineers.

We have had an office of weights and measures for a great many years, almost since the beginning of the Government, but for a very long time it has been ridiculously inadequate to meet the requirements of modern conditions.

Mr. HOPKINS. Mr. Speaker, I trust we may have better order. This is a very important measure, and every member of the House should have the information which the chairman of the committee is now giving.

Mr. SOUTHARD. Mr. Speaker, the functions of the present office of weights and measures are confined to the ordinary measurements of mass, length, and capacity. That was sufficient, perhaps, when that office was established. In the early days the standards in question were the pound, the yard, the bushel, and the gallon. Now, however, the progress of science and the complexity of industrial processes resulting from it require derived standards of a thousand and one kinds—all kinds of measuring apparatus—volumetric apparatus used in the chemical laboratories of the Government and similar laboratories all over the country—standards of measurement for high and low degrees of temperature, etc.

I must stop here to indicate some of the different kinds of measuring apparatus. They are barometers, thermometers, pressure gauges, polariscopes, instruments of navigation, steam-engine indicators, and instruments of a thousand different varieties. That the graduations and indications of these instruments should agree with the fundamental standards is a question of most vital importance, and without the facilities for such tests and comparisons the public is deprived of the greatest benefits to be derived from the standards recognized by the Government. We have in this country to-day no means of testing these different instruments of precision. The result is, we have to send them to Germany or France or England or somewhere else to have them tested and calibrated.

Mr. Speaker, only last year some of the incandescent lights designed for use in some of our naval vessels were sent to Germany to be standardized to determine whether they came up to the requirements. That means a consumption of time. It means also a matter of expense to our people, and it results in a loss of prestige to this country which is incalculable. Nearly all of the instruments used in our scientific investigations are sent abroad for calibrating and standardizing. This ought not to be so. We are simply providing in this bill for what every large and progressive nation on this earth now has or is making haste to obtain. I think I am not stating that too strongly.

Germany has recently established a very important physical technical laboratory. England has followed suit. Germany appropriates something like $100,000 annually to maintain her institution; England, something like $62,000; Austria, $45,000; Russia, something like $45,000. France appropriates, I think, a larger amount than either of the latter two. This bill carries an annual appropriation for salaries of $27,140. The bill as originally introduced carried an appropriation, for building and all, of something like $314,000. The bill as amended provides for a building of a hundred thousand dollars. It cuts down the appropriation for the force from $34,900 to $27,140. We appropriate annually for standard weights and measures, of which I have just spoken, about $10,000. This, of course, is to be taken from the $27,000, which will make an increase in the actual annual expenditures of something like $17,000.

I want to call the attention of the committee for just two or three minutes to what is provided by other governments in the matter of institutions of like character.

England has a standardizing department of the board of trade, the Electrical Standardizing Laboratory, the Kew Observatory, and the National Physical Laboratory, but recently established. Germany has what they call Die Normal Aichungs Commission, for which a $250,000 building has just been provided; Die Physikalische-Technische Reichsanstalt, the building and grounds for which cost approximately $1,000,000, and is maintained by an annual appropriation of about $80,000. The number of people employed in the Reichsanstalt last year was 87.

As this subject is somewhat technical in character, I would like to call attention very briefly to some of the statements of witnesses who appeared before the committee. I first call attention to the statement of Dr. A. E. Kennelly, president of the American Institute of Electrical Engineers, who appeared before the committee. He says:

This matter is one of vital importance from a utilitarian standpoint alone, and I heartily indorse the remarks of the gentlemen who have preceded me. This is primarily a question of dollars and cents. The cost of the disputes which arise in the electrical business every year would several times cover the annual cost of the institution which you propose to found.

Such a standardizing bureau as it is proposed to create would have such importance and character that everybody would recognize its statements as authoritative, and its determinations should settle disputes which are constantly arising from that one thing alone.

The matter is also important in another direction. When a standardizing laboratory is established in any country there goes with it a certain prestige, a certain technological importance which reacts and ramifies in all the affairs of life. You can not create an establishment which shall declare what is the true measure of anything without creating at the same time the means of settling the numerous questions which come up in connection with such standards, and establishing thereby a focus of knowledge and intelligence. That knowledge and intelligence you can not measure in dollars and cents, but it is, nevertheless, a great power to the nation in the distribution of its labor and its wealth.

Dr. Pritchett, until recently the superintendent of the Coast and Geodetic Survey, has been and is one of the strongest advocates of this measure. He says:

There is no reason why our manufacturers of scientific apparatus should not compete with Germany and England for the trade of Japan, South America, and other foreign countries. But if an American maker at present desires to sell his thermometers or other instruments of precision at home or abroad, the first questions asked will be, What assurance is offered that the instruments have been properly tested; that they are what they pretend to be; that they measure with the correct units? At present no such assurance can be given. The result is that American manufacturers of scientific apparatus are seriously handicapped in their competition with the makers of Germany, France, and England. The encouragement the proposed bureau would afford to American manufacturers of this class would alone warrant its establishment.

An interesting factor in the commercial development of Germany has been the establishment of a similar institution, known as the "Physikalische-Technische-Reichsanstalt." Immediately after the Franco-Prussian war the Germans began a study of the means of extending their commerce, one of the results of which was to provide German manufacturers with the above institution. It has now been in existence thirteen years, and the results obtained by this institution are far beyond those anticipated by its most earnest supporters. To-day German standards and standard measuring apparatus are used the world over. You will find them in every department of our Government doing scientific work.

The fact that Germany can furnish instruments of precision and guarantee them serves not only to introduce that apparatus but other products to the world, and the commercial development which has grown out of the establishment of this institution in Germany has been one of the most interesting things to follow. It has created not only the demand for the instruments of the more accurate sort,

but, having introduced those, the less accurate and the more common instruments of commerce followed.

Therefore I come before the committee, without discussing any of the details, simply to say in a few words that I consider this measure exceedingly important from the standpoint of scientific men who are concerned, scientific institutions, the great branches of the Government which need this work; and from the standpoint of the commercial enterprises which would make use of such a standardizing laboratory I consider this the most important measure which could come before you. The establishment of such an institution would not only enormously advance scientific interest, but in a still greater measure advance the manufacture of precise and delicate measuring apparatus of all kinds, and, through that, a great extension of our commerce in all directions. I consider this the most important measure you could pass relating to weights and measures.

Dr. McMurtrie is the president of the American Chemical Society, or was when he appeared before the committee. He is said to be one of the ablest chemists in the country. He not only stands high professionally, but is in direct touch with the practical side of the question involved in the proposed legislation, and this may be said of almost every man who appeared before the committee. I read a part of Dr. McMurtrie's statement.

I can say for myself and for the organization which I represent here that we fully indorse this measure. It is of the utmost importance to everybody who is engaged in scientific work, because work of the research laboratories furnishes the basis of all the work that is done on practical lines. My personal experience has been not only in the work in the research laboratory, but in later years largely in the practical lines, and I know perfectly well how important a bearing this matter of having accurate standards is to those who are engaged in technical work. It used to be said, speaking of methods which were used in the industries, for analytical work or in various measurements, that, after all, those methods were technical, and if they were approximately accurate it was all right. Now, as a fact, at the present time we find that the practical men of this country are great sticklers for accuracy, and even more so than are the men who are working in the research laboratories.

I have had charge of a laboratory in works in which there were nine chemists employed. Those men were kept busy all the time. They began early in the morning and they kept at work until late in the evening. In making their analyses and the various determinations which they had to make it was not possible for them to duplicate their work—it was not possible to make six or eight determinations and accept the average of those determinations as an accurate result, as a standard of their work, but they must get the average with one determination.

In the research laboratories it is common to follow the methods that I have referred to; that is, to make a series of determinations and accept the average as the final result, but in these technical laboratories that is not possible. There are too many measurements to be made in chemical work, particularly in which I am interested. The accuracy of the work therefore depends very largely and almost entirely upon the instruments with which one has to work. I will illustrate in our own laboratory. An invoice of material was received which was bought upon its purity.

The young men who are employed to determine what that purity is, as I stated before, have to make a great many tests during the day; they have not time to duplicate their work. There was one case which came within our experience, and which after the result was readily found and compared with the result obtained in the laboratory in France there was a very wide difference in the two, and the people whom we represented had a balance against them of about $8,000. I sat down beside the young man who made the test and I found he had followed the methods perfectly; he had done everything that was required of him so far as the method of work was concerned, and it was only for us to determine where his mistake lay. His work was duplicated by one of his associates, and those two men were not able to get improved results. It was difficult to find where the mistake lay.

I found that this young man, who had a series of flasks in which to make his measurements, had an accident and dropped one of the flasks off the table, and it was necessary to substitute another. He did not have the time to standardize this flask, and we found, upon a careful standardization, that it was incorrect; that it varied enough to make the difference in the commercial results I have described. Now, it seems to me that we have no better illustration of the value of reliable standards. If we had had in that laboratory a set of instruments which had been properly calibrated by a person in authority, such as this bill provides for, it would have been an easy matter in the case cited to standardize the flask in question, and this difficulty would not have arisen. It required some three or four months of correspondence back and forth before that matter could be properly settled.

This happens in many laboratories. Constant disputes are occurring, and I think there is no place where there is a better illustration than in the custom-house and the relations between the United States custom-house and importers. I know something about that, because I have had occasion to go before the appraisers in some cases of disputes of tests of materials in which the collection of customs depended upon those tests. We have this illustrated in a most important way in connection with the collection of duties upon sugars. The very large amount of sugar which is imported into this country would make a very great difference in the money value if there should be a variation of even so much as two-tenths of 1 per cent.

Now, such differences are common and may result simply from the differences in the standardization of the instrument of two operators. The tests of the custom-house in regard to sugar particularly are made altogether by polariscope. Now, the use of the polariscope depends not only upon the length of the tubes which are used, but the temperature at which those tubes are used, and any variation of that kind may make a different result in two observers. The observer in the custom-house may get one result and the observer in the refinery would get another. There would be a dispute at once between the manufacturer and the custom-house. Disputes of that kind are always expensive.

Now, if the instruments used in both places are carefully calibrated and are carefully tested all of these disputes will be removed and a great deal of time and worry and expense would be obviated. There is another case which came under my observation very lately—a case which was carried into court. Some very carefully conducted experiments were thrown out entirely and completely because the observed temperatures were not measured with a thermometer calibrated in the German national testing laboratory.

If we had had such a laboratory in this country, then the instruments made in this country could have been used in the observations and the results of those observations would have been accepted by the court. The courts are demanding that kind of work. The courts demand it because commerce demands it and commerce demands it because the people demand it, and it seems to me that in the consideration of this matter you have the people of this whole country behind you, and it seems to me that it ought to influence you very strongly in the consideration of this matter.

These are the principal points I have in mind. Of course in connection with chemical work we have all kind of instruments, and use not only instruments of glass, but instruments of metal construction for making electric measurements. In fact, the whole range of physical tests is followed in the work of chemical laboratories. I am sure that people who have to do with iron and steel will appreciate enormously the work that is proposed here. A slight variation in the composition of steel makes a very decided difference in the strength of that steel, and the railroads of this country are all establishing physical and chemical testing laboratories.

None of the important roads are now without them. The Pennsylvania Railroad during the last twenty-five years, under the direction of Dr. C. B. Dudley, has done an enormous work in the improvement of the manufacture of steel for railroad work and for all kinds of construction. There has been no greater work done in this country than that of Dr. P. H. Dudley, of the New York Central Railroad. We see how all the great industries and enterprises are dependent upon the accuracy of the instruments with which we have to perform the researches required in these various industries and enterprises, and I earnestly hope that the matter will receive favorable consideration of the committee and of Congress generally.

Mr. JONES of Washington. Will the gentleman permit me to ask him a question?

Mr. SOUTHARD. Certainly.

Mr. JONES of Washington. Is this a step toward the adoption of the metric system in this country?

Mr. SOUTHARD. It has nothing whatever to do with establishing the metric system of or any other system of weights and measures. The bill provides that one of the functions of the bureau shall be "the construction, when necessary, of standards, their multiples, and subdivisions;" it in nowise adopts a standard for the Government or anybody else. At present, we are told, there is no reliable photometric standard in this country. If a reliable photometric standard should be constructed by this institution when established, it would be a matter for sincere congratulation, but this bill would not compel anyone to adopt it or use it.

This bill proposes the standardizing of the instruments we possess for the General Government, for the States and municipalities, and for anyone else who may see fit to employ its services. It has nothing whatever to do with the metric system. I made that statement in the start. I wish to read just a paragraph from the statement of Dr. C. B. Dudley, chemist for the Pennsylvania Railroad Company.

You are doubtless quite well aware that where it is essential to have standard apparatus at the present time we are compelled to send abroad for it. There is no reason in the world why this work can not equally well be done in this country, and I am sure I voice the sentiment of everyone who is at all conversant with the facts in the case, and especially those who, like myself, have had endless disputes and conflicts during the years which have passed, some of which would have been avoided if we had had in this country a means of having the apparatus which we use in this country standardized.

The importance of this bureau in scientific investigation I leave to others, confining myself to the actual practical daily use of apparatus in commercial work. I have been connected with the Pennsylvania Railroad Company, I may say, for nearly twenty-five years, and the value of material alone which has been examined in our laboratory during that time can safely be said to be not less than $50,000,000.

I most sincerely hope that your committee will see their way clear to make a favorable recommendation in regard to the establishment of this bureau, and that satisfactory legislation will follow that recommendation.

Captain Sigsbee, United States Navy, made a very interesting and valuable contribution to the information of the committee. I wish I could read all of it, but for want of time I shall read but a small part of what he says:

It seems to me very important that the Navy, when inviting bids, should be able to say that the standards offered should be those of a national bureau of standards. Doubtless bids would then be made by a greater number of competitors, and this would be very advantageous to the Navy. The Bureau of Equipment uses delicate instruments.

At the Observatory, which comes under that Bureau, they make magnetic and astronomical observations, which requires instruments of precision. Surveying and navigation come largely under that Bureau, and also meteorological observations at sea. The Hydrographic Office under that Bureau has between 1,500 and 2,000 voluntary observers of the weather at sea, all of whom use delicate instruments, which must be compared with standards for which again there ought to be an ultimate standard.

The Bureau of Equipment also, I might say, is charged by the Navy with matters pertaining to electricity, and makes many observations accordingly.

The Bureau of Steam Engineering gave me yesterday a list occupying a whole page of foolscap naming tests and observations required in that Bureau, all of which had some relation to the necessity for ultimate standards.

The Bureau of Construction makes tests in many directions which require ultimate standards.

The Bureau of Ordnance, as we all know, deals with questions of ballistics, and of measurements in the manufacture of guns, shells, and powder, and in many other ways the Bureau of Ordnance is interested in the establishment of ultimate standards.

In order to draw a parallel to what we desire to effect, I might invite attention to the fact that our National Observatory gives daily the standard of time for a vast region of country. We set our watches by the standard Observatory time, whereby we know that they are correct with respect to each other. This, in brief, in respect to all measurements, is what we want. I do not see any way of attaining authorized standards for ultimate application except by means of a national bureau; therefore I favor such an establishment.

The present state of the art of steel manufacture in this country is largely due to the high standard of tests persistently demanded by the Navy at the outset and against all opposition. A similar improvement may be expected in other arts from the maintenance of exalted standards. A bureau of standards under Government control would give universal encouragement to this end.

The bill has been enthusiastically indorsed by all the heads of Departments of the General Government having scientific bureaus, as well as by all the chiefs of such bureaus.

As furnishing an illustration of the necessity and value of this proposed bureau to the General Government, I will quote from the statement of the Secretary of Agriculture:

I have the honor to acknowledge the receipt of your letter of April 24, and beg to assure you that the establishment of a national standardizing bureau, having

the function outlined by you, will be of the highest value and importance, not only to the scientific bureaus, offices, and divisions of this Department, but to the country at large. Its influence will be felt wherever the quality and value of substances are fixed by chemical and physical tests, whether this be in connection with scientific investigations, in connection with manufacturing and other industrial processes, or in connection with commercial transactions.

Speaking for this Department alone, I wish to say that it has been our policy to patronize the American manufacturers of scientific apparatus whenever practicable without hampering our investigators by compelling them to use apparatus of an inferior grade. The art of the construction of scientific apparatus has been brought to such a high degree of perfection under the fostering care of European governments—notably Germany—that we have been compelled to send abroad a large proportion of our orders, either directly or indirectly, through importers. The greatest disadvantage resulting from this state of affairs is not the delay, inconvenience, and expense connected with making purchases abroad; nor is it to be found in the danger of injury to delicate and expensive apparatus during transportation across the sea.

It is the necessity of importing the certificate of a foreign government whenever an official certificate of accuracy is desired with apparatus. In Germany an order can be issued for apparatus with the specification that the goods delivered must be of the quality and accuracy recognized by the regulations established by the standardizing bureaus of the Imperial Government. Apparatus made in accordance with these regulations are regular commodities, and are described in the catalogues of all the apparatus makers and dealers. When the goods are received the purchaser is able to send a proper proportion of the shipment to the government standardizing bureaus and base his acceptance or refusal of the goods upon the results of the official tests. For the accommodation of customers who need certified apparatus for immediate use most of the dealers keep in stock apparatus bearing the official stamp.

The disadvantage under which American scientific workers—notably chemists—labor is evidenced by a recent experience of the Division of Chemistry of this Department. The confusion of standards and carelessness which has characterized the manufacture of graduated chemical glassware in the past is notorious. Some months ago the Division of Chemistry issued to an American dealer and importer an order for graduated glassware, to be made in accordance with the regulations of the German Imperial Testing Commission (Kaiserliche Normal Aichungs Kommission).

While all of this apparatus was to fulfill the requirements in point of construction and limits of error in graduation of the regulations named, certain pieces were to bear the official stamp of the Imperial commission. At the special request of the American dealer to whom the order was sent permission was granted to import only the pieces of apparatus requiring the official stamp and to supply for the remainder of the order apparatus of American manufacture, but made in accordance with the regulations named. After considerable delay the goods were delivered. The certified pieces were eminently satisfactory; the uncertified ones were quite the opposite. They were unsatisfactory both in the form of construction and in regard to accuracy.

As an example of the degree of inaccuracy, it may be stated that a flask marked to contain 100 cubic centimeters was found to contain 100.3 cubic centimeters. I do not believe that this experience was due to unworthy motives on the part of either the manufacturer or dealer. This experience is simply the result of the absence in this country of any well-established and authoritative standards governing the forms of construction, the system of graduation, and the allowable limits of error for apparatus of this kind. The mere adoption of regulations relative to the character of apparatus admissible for stamping by a national standardizing bureau will cause a revolution in the apparatus manufactured and give to it that highly important quality, uniformity.

As a further illustration of the great desirability of such an establishment, I may call your attention to the contention which has arisen in the courts in the United States in the last few years concerning the regulations prescribed by the Treasury Department governing the polarization of imported sugars. These regulations were prepared by a joint commission consisting of the Chemist of the Department of Agriculture as chairman, a representative of the Coast and Geodetic Survey, Office of Weights and Measures, and the Chemist of the Bureau of Internal Revenue.

The regulations were based upon the most careful scientific determinations and the apparatus and utensils employed by the customs-house officers standardized by the Office of Weights and Measures of the Coast and Geodetic Survey. Nevertheless, the accuracy of these officials has been called into question by the importers, and the question is now the subject of expensive and tedious litigation. The existence of such an office of your Department as you propose to establish would have avoided all such trouble by the weight of its authority. This is only one of the many instances where the utility of such a bureau would prove of practical advantage to official operations.

The above examples merely serve to illustrate the numerous ways in which the establishment of a national standardizing bureau will directly facilitate and increase the value of the scientific work of this Department. While it is a proper part of every scientific worker's training to be able to assure himself of the accuracy of his instruments and of their suitability for the work in hand, in these days of the division of labor the testing of apparatus has very properly become a well-defined specialty, requiring a special training, in order that the various operations connected with it may be performed with rapidity, with the greatest economy of time and apparatus, and with the highest degree of skill.

Our investigations need, first of all, clearly defined authoritative standards for many forms of apparatus, including volumetric apparatus, thermometers, etc., second, they need the assistance of a readily accessible and properly equipped bureau charged with testing and official certification of apparatus; third, they need from time to time the cooperation of just such an institution as you describe in aiding them in devising and perfecting new apparatus for special purposes, as the progress of discovery in various branches of agricultural science makes them possible and useful.

I am sure that the close of this century of most brilliant scientific discoveries can not be given a more enduring monument in this country than the establishment of just such an institution as you describe under the head of a national standardizing bureau.

It would take much more time than we have at our disposal to refer even briefly to the many splendid indorsements received in support of the pending bill. The hearings had before the Committee on Coinage, Weights, and Measures, and also those had before the subcommittee of the Committee on Commerce in the Senate, have been printed, those in the Senate as a Senate document. No one can read these hearings without wondering why this country has waited so long to take the first step toward the establishment of a national bureau of standards.

We sincerely hope that the bureau of standards, when established, as it certainly must be, will become an aid to scientific and industrial progress in this country, such as the Reichsantalt has been in Germany. Germany for several years has been rapidly advancing toward industrial supremacy in Europe. One of the potent factors in this notable advance is the perfected alliance between science and commerce existing there, and the Reichsanstalt is universally regarded as the crowning glory of her scientific advancement.

Professor Carhart, of Ann Arbor University, in a paper presented at the one hundred and forty-sixth meeting of the American Institute of Electrical Engineers in New York City, in September last, refers to the necessity of an institution in this country similar to the Reichsanstalt in the following language:

> If Germany has found it to her scientific and industrial advantage to maintain the Reichsanstalt and is proud of what it accomplishes, and if Great Britain is so impressed with the success of the institution that she has decided to imitate it, it is surely the part of wisdom for the United States to move in the same direction. It is therefore very gratifying that at the suggestion of Secretary Gage a bill was introduced in the last Congress to establish a national standardizing bureau, and that the Committee on Coinage, Weights, and Measures reported unanimously and strongly in favor of its passage. So great is the importance of this movement from the point of view of science, of national pride, and of the higher interests of industrial pursuits that the effort, so happily begun, to secure suitable legislation should be repeated with redoubled force and enthusiasm. Some of the reasons for making this effort one does not need to go far to seek.
>
> In the first place, the scientific interests to be served are certainly as great as in any other country in the world. Science is cultivated here with increasing assiduity and success. We are no longer content to follow in the footsteps of European savants and modestly repeat their investigations. Original work of a high order is now done in many American universities; but the difficulties under which university instructors prosecute research are even greater here than in Germany, and we are still compelled to go to Europe for most of our standards.
>
> As a result, inventions of an almost purely scientific character originating here have been carried to perfection in the Reichsanstalt, and Germany gets the larger part of the credit. I need only instance the Weston standard cell, which has been so fully investigated at the Reichsanstalt, and the alloy "manganin," which the same institution employs for its standard resistances after a searching inquiry into its properties. Both of these are the invention of Mr. Edward Weston, one of the past presidents of this institute. So long as there is no authoritative bureau in the United States under Federal control and presided over by men commanding respect and confidence, we must continue "to utilize the far superior standardizing facilities of other governments."
>
> It is true that science knows no nationality, but the scientific workers of any nation can serve their own country better if they are not compelled to obtain their standards and their best instruments from distant parts of the globe. America has the cultivation in physical science, the ability on the part of her investigators, and the inventive faculty to do work in a national institution that we shall not be ashamed to place by the side of Germany's best products. The establishment of a national institution for physical and technical purposes can not fail to foster a vigorous and healthy growth in science, to which we already owe so much of our national prosperity and renown.

In the manufacture of optical and scientific instruments Germany is leading the world, and we can not expect to compete with her in this line of manufacture unless we offer our own people equal facilities for standardization and calibration. If we have been successful in impressing the House with the real value and importance of the measure, we have no fear that it will not receive favorable consideration.

Some objection has been made to the salaries carried in the bill. In the bill as reported by the committee the salary of the director was fixed at $6,000 per annum. In the judgment of the committee this is not too large, but to meet all possible objection in the amended bill the salary is fixed at $5,000, with the hope that Congress may see fit to increase it at some future time. The officers of the bureau of standards will be called upon to determine the most important as well as the most difficult problems.

These decisions must be such as to command the respect of the world. The salaries proposed for the director and others in the scientific class are no higher than the corresponding positions in our leading educational institutions, and it should be kept in mind that the latter positions are to be preferred on account of the general impression which prevails that Government positions are subject to political changes, and the fact that the scientific men of educational institutions receive from three to four months' vacation annually, in which they may travel or study.

When men of the ability required for this position are willing to give up the many advantages they possess at educational institutions, there is open to them the position of scientific expert in the large industrial corporations—positions which frequently pay as much as $10,000 per year. Moreover, a physicist or chemist of repute who holds a responsible position in an educational institution or industrial corporation in one of the large cities is frequently consulted and called upon for expert testimony, thus providing him with a source of income not available to the scientific men of the proposed bureau.

Some have thought the amount authorized for the building too large. The building must be solidly built.

It must be very solidly built, with heavy walls and floors. Many of the walls must be double, on account of temperature changes. The material in the building would be at least 50 per cent more than in an ordinary building of the same size.

The heating of the building is much more complicated and expensive than in ordinary cases. The heating plant must be of the most improved form, and capable of perfect regulation. It will cost twice as much as the usual heating plant.

In addition to the gas and water pipes of an ordinary building every room in the building must be provided with water and gas for laboratory purposes. There is also a system of compressed air and vacuum pipes which extend throughout the building. The

plumbing and piping of a laboratory is a very considerable item of its entire cost.

In addition to the usual electric-light wires there are several systems of wires and switchboards used in the distribution of electricity for experimental purposes to the various rooms. This item would be four or five times that in an ordinary building.

The windows are to be provided with light-proof shutters or blinds, in order that the rooms may be absolutely dark or flooded with light, as the work may require. Many of the windows should be double.

The heating plant, engines, dynamos, motors, pumps, and heavy machines or apparatus would be placed in a small building, detached from the laboratory proper, which must be free from vibration or disturbances of all kinds. The instrument shops would also be in the small building.

It will be understood that owing to the requirements of such a building, the appropriation, rather the authorization, is not too large. The building should be built in an isolated place.

It should be far enough from the city to insure freedom from the disturbances caused by traffic or electric street-car lines, but not too far from the Departments and shipping facilities. The site should be large enough to prevent the construction of buildings, street-car lines, or streets near the laboratory.

Mr. Speaker, as I said in the beginning, the bill should pass without a dissenting vote. A summary of the whole situation could not be made in better terms than those used by the honorable Secretary of the Treasury in his statement before the subcommittee in the Senate. He there said:

> In a most general way I may state that it is open to our observation that a new country is raw in its methods. It does not work by close rule. There is often a large margin for waste. The technical and scientific side of affairs comes later on, when by the development of society the relation of things will become more complex. The law of competition becomes more closely applied, and we learn by slow and painful steps that accuracy and closeness and scientific skill are required to supplement what went on in a tolerably skillful way before.
>
> This country has advanced now to a point where in all the great things of life it is in competition with the older and more thoroughly established nations of the world, and by more thoroughly I mean in the experience of trade, in the scientific application of ideas, and in all the economies which save waste and aid efficiency.
>
> In this particular of standardizing weights and measures and testing apparatus of every kind the older countries are far ahead of us; in fact, it may be said that there is no comparison between us. We are dependent utterly upon Germany, perhaps France to some extent, and England for our measurements and those standards which we are obliged to resort to in testing and comparing when we enter into competitive work against them. The application of a standardizing bureau, if established, will be very wide. It touches the manufacturing arts and commerce and all scientific efforts, and it will be most important in the general work of education. We have come to a period where guesswork will not do and, to use an old familiar phrase, "pretty near" does not count. Exactness and absolute conformity to standards and uniformity are the essentials.
>
> There is another side to that which occurs to me. It may appear to many to have a more sentimental than practical value, but it gives the proposition, to my mind, great force, and that is what might be called the moral aspect of this question, the recognition by the Government of an absolute standard, to which fidelity in all the relations of life affected by that standard is required. We are the victim of looseness in our methods; of too much looseness in our ideas; of too much of that sort of spirit, born out of our rapid development, perhaps, of a disregard or a lack of comprehension of the binding sanction of accuracy in every relation of life.
>
> Now, the establishment of a bureau like this, where the Government is the custodian and the originator of these standards of weights and measures as applied to all the higher scientific aspects of life which we are so rapidly developing in, has, to my mind, a value far and above the mere physical considerations which affect it, although those physical considerations are fundamental and most important. Nothing can dignify this Government more than to be the patron of, and the establisher of, absolutely correct scientific standards and such legislation as will hold our people to faithfully regard and absolutely obey the requirements of law in adhesion to those true and correct standards.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I agree with the gentleman; this is a very important bill—too much so, in my judgment, to be taken up here and passed in forty minutes, without the right of amendment anywhere under the rules of this House.

Now, I should like to ask the gentleman, if he will give me his attention, for information. I do not know anything about the bill. If I understood it, or if it was possible for me to understand it in the time we have to consider it, I might be in favor of it. I want to know what it will cost; how many dollars it will take for this new bureau, and how many officers will be required to run this business.

Mr. SOUTHARD. There is a force of 14 employees provided for in the bill; and I want to say this to the gentleman: I was talking with Mr. Colby, chief chemist of the Bethlehem Iron and Steel Company, and he told me the physical and chemical laboratory of that institution has continuously 36 employees. This bill provides a less force than is usual in the laboratories of the railroads and other business institutions of the country.

Mr. MADDOX. If I understood you just now, this will affect this country very greatly.

Mr. SOUTHARD. No question about it.

Mr. MADDOX. The various instruments that you mention—it will be necessary for the people of this country to buy new ones, will it not?

Mr. SOUTHARD. Oh, no; nothing of that kind.

Mr. MADDOX. Would they not have to have new books on this matter?

Mr. SOUTHARD. Nothing of that kind.

Mr. MADDOX. Now, I say I do not understand the bill. I started out on that idea.

Mr. SOUTHARD. The bill is one which can not be thoroughly understood without some study. It has been very carefully studied by the committees of both Houses, and the original bill was recommended by both Houses.

Mr. MADDOX. It seems to be unfortunate that you brought it up at this time.

Mr. SOUTHARD. It is a very important matter, and some start ought to be made during this session. It ought to have been done twenty years ago.

Mr. MADDOX. Has it passed the Senate?

Mr. SOUTHARD. It will.

Mr. MADDOX. Do you suppose it can possibly become a law at this session?

Mr. SOUTHARD. I have been assured that if it passes the House there will be no objection to it in the Senate.

Mr. MADDOX. What is the cost of this?

Mr. SOUTHARD. This bill carries an appropriation of $167,140. That includes $100,000 toward the building, which is authorized and not to cost to exceed $250,000.

Mr. MADDOX. That includes the buildings and all?

Mr. SOUTHARD. The total cost of the buildings, including one annual appropriation for the force when the building is completed and the full force has been employed, will be $314,000, and the bill carried this appropriation before it was amended.

Mr. MADDOX. What will it all cost? What will be the annual cost?

Mr. SOUTHARD. I am going to state. It is proposed when this is all completed to employ an annual force of 21 persons. When that is done and the buildings completed the total expenditure will be $314,000. Understand, the annual appropriation for the full force would be $34,900. I have already stated that Germany appropriates every year $100,000 for the maintenance of a similar institution; England, $62,000; Austria, $45,000; and Russia, $46,000. Now, I want to say this to the gentleman.

Mr. CANNON. One moment. I think the gentleman from Georgia is getting a misapprehension of the bill, not the fault of either gentleman. This begins with 14 employees. Now, you appropriate $100,000 toward the erection of a building and then fix the limit of cost at $250,000, and then provide for a laboratory besides.

Mr. SOUTHARD. Oh, no.

Mr. CANNON. Yes.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Illinois five minutes.

Mr. CANNON. Now, section 7 reads as follows:

> SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of $34,900, or so much thereof as may be necessary; for the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the sum of $250,000; for equipment of said laboratory, the sum of $25,000.

So that for a bureau of fourteen persons you start out with over $300,000 worth of buildings. I will ask the gentleman if he does not think that he ought to modify this measure for buildings not to exceed $100,000?

Mr. SOUTHARD. I want to say to the gentleman that if he had been present at the hearings before the committee in this case he would readily conclude that these appropriations, or this authorization, is not excessive.

Mr. CANNON. I don't think there ought to be any bureau organized. He starts out and comes full armed, like Minerva from the brain of Jove. He says the scientists come and want it, but there is no use in housing them in $300,000 worth of buildings. I believe it ought to be restricted to $100,000.

Mr. HOPKINS. I ask unanimous consent that it be limited to $100,000. I am greatly in favor of the passage of the bill, and I think we ought to conform to the wishes of gentlemen who are not in full accord with it.

Mr. SOUTHARD. I believe the gentleman from Illinois underestimates the importance of this bureau.

Mr. CANNON. This is a new service, and in my judgment it ought to be a division in the Coast and Geodetic Survey. If it needs some building, I think there is vacant ground on the other side of the Coast Survey building quite large enough for this building. Weights and Measures is now a division of the Coast Survey.

I think it would be better to authorize the standardizing division and let it go under the Coast Survey with a moderate salary to begin with until it justifies itself. But the gentleman thinks differently, and I have great regard for his committee, but I have not so much regard that I want to spend more than $100,000 to house 14 people.

Mr. SHAFROTH. I would like to say that the Superintendent of the Coast and Geodetic Survey, who was before the committee, indorsed the bill heartily, and said that it ought not to be under the Coast and Geodetic Survey.

Mr. CANNON. I understand the gentleman is content to modify his measure so as to read: "For the erection of a suitable laboratory of fireproof construction for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, $100,000, which shall cover the entire cost of the same."

Mr. THROPP. Does that include the site?

Mr. CANNON. Oh, you have got $25,000 for a site besides.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman from Illinois has expired.

Mr. RICHARDSON of Tennessee. I now yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, when this measure was first presented to the committee, I thought the proposition was not a wise one. As a general thing I look upon the creation of offices as something that ought to be very carefully considered. But I have considered the question with great care, have talked with a good many people who know the practical workings of laboratories of the kind that is to be created under this bill, and I must say that in my judgment it is a measure which this Government should have passed long ago.

There is a new creation, as it were, of measures and of standards in the world. The development in electricity, in the great powers of heat, also in the great liquid-air field, have caused the creation of new units of measurements. It is now necessary to the manufacturers of instruments of precision that they should be gauged and calibrated here in the United States.

In the first place, it makes a fixed place to which reference can be made as to what is the standard. The difficulty to-day in the electrical field is that one manufacturer has one standard and another manufacturer a different one, and the result is it is all chaos; whereas if the Government establishes a standardizing bureau it fixes standards which all manufacturers must acknowledge, and thereby conduces to uniformity in measurements. Such a bureau will be of great service in compelling manufacturers to produce perfect work. When their product can be easily tested, self-interest will compel the highest order of work and will prevent the falsification of measures.

Such a bureau will add great reputation to the instruments of precision manufactured in this country, and by reason thereof extend the sales of the same throughout the world. There are contests arising, disputes arising, every day as to whether a certain meter is of the proper kind and measures properly. The Government itself ought to be the arbiter as to whether the meter is properly calibrated.

Now, Mr. Speaker, we find that inasmuch as the Government itself has to send many instruments to Europe for calibration that it would be a saving to the Government itself to some extent. But even if it would not we are hampering our manufacturers in not providing a place where they can have their instruments tested.

On account of the German bureau manufacturers of that country are gaining such reputation and such precedence for their goods that the American producers of the same goods are at a disadvantage in competing with them.

Unless we have some means of giving assurance that the instruments manufactured by Americans are of absolute certainty, they can never be brought up to equal in reputation those of Germany. Within the last ten years Germany has made great advances over England in this matter, although previous to that time England had the greater reputation.

But Germany, on account of the establishment of a bureau there and on account of the careful manner in which they have done their work, has established a reputation which gives to the German instruments calibrated by that Government a reputation all over the world as the most perfect of any. Our own manufacturers in order to sell are often obliged to have the goods sent to Germany to get there the certificate that their instruments are of equal character with those manufactured in Germany. This is a disadvantage which we should not any longer suffer to exist.

The report on this bill was unanimous and I hope the bill will pass.

Mr. RICHARDSON of Tennessee. One criticism, though it is somewhat technical, is suggested by the language of this bill. In providing for the appointment of a director of this bureau the language is that the President "shall appoint" that officer. It is true that the language is added, "with the advice and consent of the Senate;" but the phraseology ought to be that the President "shall nominate and, by and with the advice and consent of the Senate, shall appoint." That is the language of the Constitution. I do not know that there was any object in varying from that language, but it seems to me the wording of the bill should be in accordance with the Constitution.

I yield two minutes to the gentleman from Connecticut [Mr. HILL], after which I will yield two minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HILL. Mr. Speaker, this is the unanimous report of the Committee on Coinage, Weights, and Measures. There is no political question whatever involved in it. If this country is going to "keep up with the procession" in our foreign trade as well as in our home trade we must have the same accuracy of measurements and the same methods of standardizing our various forms of weights and measures that other nations have.

Last year Germany spent $116,000 in this direction, and in four establishments made 28,000 tests of various kinds. England spent $62,000 and had 29,869 tests. Now compare that with the United States. Our Coast Survey in its Bureau of Weights and Measures spent $10,400 and had only 1,333 tests.

If we are going to keep in line with the other nations of the world we must have some improvement in this system, which is a part of our Coast and Geodetic Survey. I believe that in one single thing in the measurement of electric arc street lights by means of a uniform standard, and thus enabling municipalities to know that they are getting the candle power in their arc lights which they are paying for—in this respect alone the establishment which this bill proposes to create will more than pay the people of this country the entire cost of maintaining the bureau. I sincerely hope that there will be in this House, as there was in the Committee on Coinage, Weights, and Measures, a unanimous vote in favor of this proposition.

I do not believe in extravagance. I have voted almost steadily at this and former sessions of Congress against the establishment of new bureaus. But I shall vote for this with pleasure. I hope, however, that the chairman of the committee will accept the suggestion that the appropriation now made be limited to $100,000 instead of $250,000 as proposed in the original bill. Let us establish the bureau, and then let it depend upon its own merits for any further development or enlargement in the future.

Mr. HOPKINS. Mr. Speaker, I do not desire to delay the House by occupying even the two minutes which the gentleman from Tennessee [Mr. RICHARDSON] has kindly yielded me. I regard this as one of the most important measures——

Mr. KNOX. Will not the gentleman occupy a part of his two minutes in explaining how this measure will affect the standardizing systems of the various States? Will it supersede them?

Mr. SOUTHARD. It has nothing to do with those. The bill provides that this bureau shall do its work free for the Government and for the different States, while it is to make a charge for such work as it may do for private individuals or corporations.

Mr. KNOX. Then this bureau will not supersede the similar establishments in the States.

Mr. SOUTHARD. It does not propose to supersede or interfere with anything. It does not determine the standards. It simply provides an institution where the standards can be tested.

Mr. HOPKINS. Mr. Speaker, this measure has been called for by all classes of American citizens, including those manufacturing fine machinery, scientific apparatus, electrical appliances, etc. It has been called for by colleges and by railroads, by cities and States.

As there appears to be no division of sentiment in regard to the adoption of the bill, the only question is as to the expense which ought now to be incurred in the establishment of this bureau. The bill calls for an appropriation of $250,000. I agree with my colleague [Mr. CANNON] that it would be best to amend the bill and make the appropriation $100,000. Let the future take care of the question as to whether we shall increase the expenditures upon this bureau.

[Here the hammer fell.]

Mr. SOUTHARD. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. OTJEN. Is it not true that this bill provides a system of fees which will largely pay the expense of running the bureau?

Mr. SOUTHARD. It will be largely self-supporting. Last September Prof. Henry S. Pritchett, of Ann Arbor University, read a paper before the American Institute of Electrical Engineers in New York City, portions of which I shall take the liberty of including in my remarks.

Mr. Speaker, I now ask unanimous consent that the bill may be amended in accordance with the suggestions of the gentleman from Illinois, striking out $250,000 as the amount of the appropriation and substituting $100,000.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the amendment which he has just indicated be incorporated in the bill. Is there objection?

Mr. GILBERT. I object.

The SPEAKER. The question now is on suspending the rules and passing the bill, with the amendment.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

GOVERNMENT OF ALASKA.

The SPEAKER laid before the House the following Senate bill, with House amendment disagreed to by the Senate.

The Clerk read as follows:

A bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The amendment of the House was read.

Mr. WARNER. Mr. Speaker, I move that the House still insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair announces as managers on the part of the House Mr. WARNER, Mr. GIBSON, and Mr. LLOYD.

CHARGES AGAINST ROBERT W. WILCOX.

Mr. TAYLER of Ohio. Mr. Speaker, I present a privileged report. I ask unanimous consent that the reading of the report be dispensed with. The Committee on Elections No. 1 merely presents it to the House.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the report. There is no action to be taken. The report will be read by its title.

The Clerk read as follows:

In the case of the charges against ROBERT W. WILCOX, a Delegate from Hawaii.

The SPEAKER. This will be printed and referred to the House Calendar.

GEORGE M. DAVIDSON AGAINST G. G. GILBERT.

Mr. TAYLER of Ohio. Mr. Speaker, I present another privileged report in the contested-election case of George M. Davidson against G. G. Gilbert.

The Clerk read as follows:

Contested-election case of George M. Davidson against G. G. Gilbert.

The SPEAKER. This report will be printed and referred to the House Calendar.

E. D. SCOTT.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 12005) to correct the military record of the late E. D. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of E. D. Scott, late first lieutenant of Company E, Fourth Regiment Kentucky Volunteers, in the war with Spain, by erasing from the records any words which reflect in any way upon the military service and character of E. D. Scott, and that such officer be granted an honorable discharge as first lieutenant of said company and regiment, to date February 11, 1899.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I think there ought to be some explanation.

Mr. HAY. I will ask the Clerk to read the report.

The SPEAKER. The report is a very lengthy one.

Mr. BOREING. I suggest that the reading of the report be dispensed with.

Mr. SLAYDEN. Perhaps the gentleman will make a statement.

Mr. HAY. I will make a statement. I will read the report. It appears that when Lieutenant Scott was discharged from the Army that his colonel placed upon his record these words: "Service not honest or faithful, and character bad." Now the committee report that these words placed by his colonel on Lieutenant Scott's record were not justified according to the evidence, and that these words should be erased from the discharge of Lieutenant Scott. This does not carry any pension——

Mr. PAYNE. I have no objecton, Mr. Speaker.

Mr. WHEELER. Mr. Speaker, I dislike to object; but this is not just to Colonel Colson.

Mr. HAY. There is nothing in the report reflecting on Colonel Colson in any way whatever.

Mr. WHEELER. I would like to inquire if Colonel Colson has been heard?

Mr. HAY. I have not heard from him. The bill was introduced by the gentleman from Kentucky [Mr. BOREING], was referred to the Committee on Military Affairs, and was referred to me to draw the report. There is no purpose in it except to gratify the feelings of the father, who himself is about to die. I do not see how it can reflect upon Colonel Colson, and there is no disposition or purpose to reflect upon him.

Mr. WHEELER. Mr. Speaker, I would like the Chair to allow me to speak to my colleague. [After a pause.] Mr. Speaker, I object.

The SPEAKER. Objection is made.

JOHN C. WECKLER.

Mr. BOUTELL of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of John C. Weckler, who enlisted as John C. Brown, late private in Company C, Thirteenth United States Infantry, and to grant him an honorable discharge from said service.

The amendment recommended by the committee was read, as follows:

Add after the word "service," at the end of line 7, the following: "as of date June 21, 1865: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. I object.

Subsequently

Mr. SHACKLEFORD. Mr. Speaker, under a misapprehension a moment ago I made objection to the bill H. R. 1452. I desire to withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELL of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 115.

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings, including the majority report and views of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House of Representatives and 10,000 copies for the use of the Senate. The usual number shall not be printed.

KATE KING.

Mr. BULL. Mr. Speaker, I call up privileged resolutions from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is hereby directed to pay, out of the contingent fund, to Kate King, widow of Mark King, late an employee of the House, a sum equal to six months of his salary, and funeral expenses not to exceed $250.

The resolution was agreed to.

J. R. WHITACRE.

Mr. BULL. Also the following.

The Clerk read as follows:

House resolution No. 353.

Resolved, That the Clerk of the House of Representatives is hereby authorized to pay to the widow of J. R. Whitacre, late a messenger on the soldiers' roll of the House of Representatives, a sum equal to six months' salary, and funeral expenses not to exceed $250, the same to be immediately available.

The resolution was agreed to.

VIRGINIA P. WISE.

Mr. BULL. Also the following.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Virginia P. Wise the sum of $67.75, being the amount due her as clerk to the late Representative Richard A. Wise from December 1 to December 21, 1900.

The resolution was agreed to.

FANNIE A. CLARKE.

Mr. BULL. Also the following.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Fannie A. Clarke the sum of $32.25, being the amount due her as clerk to the late Representative Frank G. Clarke from January 1, 1901, to January 10, 1901, inclusive.

The resolution was agreed to.

RICHARD H. TOWNLEY.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy.

The bill was read, as follows:

Whereas Lieut. Richard H. Townley, United States Navy, after seventeen years of active service, was placed upon the retired list of the Navy by reason of disability incurred through arduous service and excessive and prolonged exposure in the line of duty; and

Whereas the said Richard H. Townley has entirely recovered from the said disability which caused his retirement, and is able to perform active duty; and

Whereas the said Richard H. Townley volunteered for active duty, and served continuously and creditably during the war with Spain; and

Whereas several other officers who have been retired have been restored to and are now on the active list: Therefore, that justice may be done the said Richard H. Townley, and that the Navy Department may be enabled to command his services for all and any duty to which he may be assigned,

Be it enacted, etc., That the President be, and hereby is, authorized to appoint Richard H. Townley, now a lieutenant (junior grade) on the retired list of the Navy of the United States, to the grade and rank of lieutenant-commander on the active list, as of the date March 3, 1899, and next after his classmate, Moses L. Wood; and the provisions of law regulating appointments in the Navy by promotion and limiting the number of lieutenant-commanders on the active list are hereby suspended for the purposes of this act: *Provided*, That the said Richard H. Townley shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That he shall be additional to the number of officers prescribed by law for the grade of lieutenant-commander, and in any grade to which he may hereafter be advanced.

The amendments recommended by the committee were read, as follows:

Strike out line 4 after the word "rank."
Strike out lines 5, 6, 7, 8, and 9 to and including the word "act."
Insert in lieu thereof, after the word "rank," in line 4, "of lieutenant (junior grade) on the foot of the active list."
Strike out, in line 13, the word "and."
Strike out lines 14, 15, 16, and 17.

The SPEAKER. Is there objection?

Mr. HOPKINS. Reserving the right to object, I would like to hear a little explanation of this bill.

Mr. RIXEY. Mr. Speaker, I will say to the gentleman from Illinois that this lieutenant is not a resident of my district.

Mr. HOPKINS. Mr. Speaker, I can not hear what the gentleman says.

Mr. RIXEY. I am not responsible for that.

The SPEAKER. The House will be in order.

Mr. DAYTON. Mr. Speaker, let me say to the gentleman that this is exactly opposite to retiring a man. It is where a man has been retired and wants to return to the service.

Mr. HOPKINS. I do not withdraw my objection. I want to know something about it.

Mr. DAYTON. This man was retired; he is on the retired list, and was retired because of disability. He has recovered from the disability incurred during the service, is now a well man, and it is proposed to restore him to the rank right where he left off—not in advance, but right where he left off. The Navy is needing just such officers. He is a brave, manly fellow; he is now in the Philippines in the service, and he wants to get back into the service.

Mr. HOPKINS. Does it advance him over other officers?

Mr. DAYTON. Not at all. It puts him at the foot of the grade that he was in when he had to be retired.

Mr. HOPKINS. I withdraw my objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RIXEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

WORLD'S COLUMBIAN EXPOSITION.

Mr. HEATWOLE. Mr. Speaker, I present for consideration the following.

The Clerk read as follows:

Senate concurrent resolution 72.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the Special Expert Reports as prepared under the direction of the committee of awards of the Columbian Exposition, held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

The amendment recommended by the committee was read, as follows:

Strike out all after the resolving clause and insert in lieu thereof:

"That there be printed 3,500 copies of so much of the report of the committee on awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups as were prepared by expert judges authorized to act by the World's Columbian Commission, its executive committee on awards, the committee on final report, or the board of reference and control, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the Department of State."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

SHIP BALCLUTHA.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13530) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steamship *Manauense* and the foreign-built ships *Antiope* and *Balclutha*, owned by citizens of the United States, to be registered as vessels of the United States.

With the following amendments, recommended by the committee:

In line 5, before the word "*Balclutha*," insert the word "ship."
In line 7 strike out the word "vessels" and insert "vessel."
Strike out the words "steamship *Manauense* and the foreign-built ships *Antiope* and."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I would like to hear some explanation from the gentleman.

Mr. GROSVENOR. At the time of the annexation of Hawaii there were certain merchant vessels bearing the flag and register of Hawaii. By act of Congress about a year ago in the long session we adopted an American register for all of these vessels excepting this one. The provision originally of this bill was to admit three, but on an investigation there appeared to be some question about the origin of two of them, and the committee reported only in favor of the one that is now submitted.

That one belonged regularly to Hawaiian citizens and was registered under the Hawaiian flag, and was in all respects upon all fours with those admitted heretofore. I will say to the House that it is the last one of the merchant marine of Hawaii that is not already registered under the American flag.

Mr. UNDERWOOD. Who are the present owners?

Mr. GROSVENOR. J. J. Moore, an American citizen.

Mr. UNDERWOOD. And it belonged to a Hawaiian citizen at the time of annexation?

Mr. GROSVENOR. At the time Hawaii came into our country, and it would have been included in the former bill had we known of the exact conditions existing at that time.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOL.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every 20 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least 140 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required.

Mr. ZENOR. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 9 strike out the word "twenty" and insert "fifty."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. ZENOR, a motion to reconsider the last vote was laid on the table.

IMMEDIATE TRANSPORTATION PRIVILEGES, EVERETT, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Everett, a subport of entry in the customs collection district of Puget Sound.

The SPEAKER. Is there objection?

Mr. GROSVENOR. I would like to hear from the gentleman what committee reported this bill.

The SPEAKER. The Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I understand the bill has been reported favorably by the Ways and Means Committee:

Mr. CUSHMAN. Yes; and passed the Senate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11881. An act to amend the acts for the protection of birds, game, and fish in the District of Columbia;

H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent taxes;

H. R. 12904. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; and

H. R. 8068. An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 437. An act for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River;

S. R. 158. Joint resolution ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States; and

S. R. 115. Joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

COMMITTEE ON BANKING AND CURRENCY.

The SPEAKER. The Chair lays before the House the following request:

The Clerk read as follows:

Mr. BROSIUS requests that the Committee on Banking and Currency be authorized to be have printed and bound such matter for the use of said committee as it may deem necessary in connection with the subject considered or to be considered by said committee.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

RECESS.

Mr. PAYNE. Mr. Speaker, I am informed that the deficiency appropriation bill will not be here from the Senate before 10 o'clock this evening, and it is necessary to get it into conference to-night. I therefore move that the House take a recess until 9.30.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes), the House was in recess until 9.30 this evening.

At 9.30 o'clock p. m. the House resumed its session.

The SPEAKER. The Clerk will read the Journal of the proceedings from the last approval up to date.

The Clerk thereupon read the Journal.

The SPEAKER. Without objection, the Journal will stand approved as far as read.

There was no objection.

J. W. PEGLOW.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14269) concerning a lease between J. W. Peglow and the Seneca Nation of New York Indians.

The Clerk read the bill, as follows:

Be it enacted, etc., That the agreement of lease dated October 11, 1900, entered into between the Seneca Nation of Indians, in council assembled, and J. W. Peglow, of Silver Creek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would be glad to have some explanation, reserving the right to object.

Mr. SHERMAN. I will be glad to explain it. It came from the Committee on Indian Affairs. They have considered that carefully. It is simply a proposition to confirm a lease made by the Seneca Nation of Indians in open council and for a piece of property owned by the tribe and not by any individual Indian.

Mr. RICHARDSON of Tennessee. Has the Commissioner of Indian Affairs recommended the passage of this bill?

Mr. SHERMAN. He has not recommended it, because he has not been asked to. It was sent to the Secretary of the Interior, and the only reason it was not confirmed there was because of the opinion of the Attorney-General that they had no right under the law to confirm the lease. Otherwise it would have been confirmed by the Department and Congress would not have been asked to act in the matter. It was a unanimous report from the Committee on Indian Affairs.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it seems to me that a lease of this kind ought at least to have been submitted to the Department or the Indian Bureau and been acted on by them.

Mr. SHERMAN. It was submitted to the Department, though not by the committee; but it was not approved by the Department, because, as I have stated, the Attorney-General held that the Department had no right under existing law to approve the lease.

Mr. BAILEY of Texas. Has the gentleman personally examined the lease?

Mr. SHERMAN. I have.

Mr. BAILEY of Texas. And the gentleman thinks it fair to the Indians?

Mr. SHERMAN. I do.

Mr. BAILEY of Texas. Was this lease before the Committee on Indian Affairs?

Mr. SHERMAN. It was—the original lease.

Mr. BAILEY of Texas. And the committee has unanimously recommended this bill?

Mr. SHERMAN. Yes, sir.

There was no objection; and the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. VREELAND, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS NEHALEM BAY AND RIVER, OREGON.

Mr. MOODY of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

The bill, with the amendment reported by the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

SUBPORTS OF ENTRY AND DELIVERY IN HAWAII.

Mr. KNOX. I ask unanimous consent to take from the Speaker's desk for immediate consideration the bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

The bill was read, as follows:

Be it enacted, etc., That such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is there any objection to the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, a House bill substantially like this bill of the Senate was referred for some reason or another to the Committee on Territories. The Committee of Ways and Means considered the subject, and I was authorized and directed at a meeting a week or two ago to take steps to get the bill into the hands of the Committee of Ways and Means.

But the bill was overlooked until the last meeting of the committee. I have no doubt in my own mind that this Senate bill ought to pass. I believe that if it were considered by the Committee of Ways and Means they would recommend it. I therefore make no objection to the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, House bill No. 13372, similar in its provisions to the Senate bill just passed, will be laid on the table.

There was no objection.

NATIONAL BANKS.

Mr. LANE. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in

any city of the United States having a population of 25,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller, with the approval of the Secretary of the Treasury, shall have authority to grant such request, and every bank located in such city so designated shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes: *Provided*, That no bank with a capital of less than $100,000 shall be thus designated."

Mr. BAILEY of Texas. I demand a second on the motion to suspend the rules.

Mr. LANE. I ask unanimous consent that a second may be considered as ordered.

Mr. BAILEY of Texas. Pending that, I desire to ask a question, after which I may not object to this request.

Owing to the confusion in the Hall during the reading of the bill, I do not feel certain as to its provisions. Is it a bill to reduce the lawful reserve of these banks?

Mr. LANE. It proposes to amend the present requirement as to population, substituting 25,000 for 50,000, and also to reduce the requirement as to capital from $200,000 to $100,000 in reserve cities.

Mr. BAILEY of Texas. It does not touch the amount of the reserve which the banks will be required to carry?

Mr. LANE. Not at all. The requirement in that respect will be the same as now—25 per cent. It simply reduces by 50 per cent the population and the capital required.

Mr. BAILEY of Texas. If that is all there is in the bill, I have no objection.

The SPEAKER. In the absence of objection, the motion to suspend the rules is seconded. The Chair recognizes the gentleman from Iowa [Mr. LANE] for twenty minutes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to suspend the rules——

Mr. BAILEY of Texas. Mr. Speaker, I must have some further explanation of the bill before the vote is taken.

The SPEAKER. Does the gentleman from Iowa desire to be heard?

Mr. LANE. If the gentleman wishes an explanation, I am willing to make one.

The present law requires that the capital of these banks shall be at least $200,000 and the population of the cities in which they are located not less than 50,000. The result of this is that at present, under the existing law, there are in the United States, outside of the 3 special reserve cities, only 28 reserve cities.

Mr. BAILEY of Texas. The effect of the bill, as I understand, would be to increase the number of reserve cities, and thus more evenly distribute the bank reserve throughout the country.

Mr. LANE. That is the object of the bill, and that will be its effect.

Mr. BAILEY of Texas. That being so, I have no objection to an immediate vote.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 14236. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

KNOXVILLE POWER COMPANY.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.

The SPEAKER. The bill will be read.

Mr. GIBSON. The bill has already been twice read in extenso in the hearing of the House. I ask that the reading now be dispensed with.

Mr. PAYNE. I think the bill ought to be read at the present time.

The bill was read, as follows:

Be it enacted, etc., That the Knoxville Power Company, of Knoxville, Tenn., be, and is hereby, authorized to construct a lock and dam across the Tennessee River at or near Knoxville, for the purpose of furnishing power for lighting, manufacturing, and other purposes: *Provided*, That the maximum charges for light, power, and other purposes, provided by the said Knoxville Power Company, shall be at all times subject to the regulation and control of the Secretary of War; but the Secretary of War shall not increase the rates fixed by the city of Knoxville.

SEC. 2. That said company, in the construction and operation of said lock and dam, shall conform to all the conditions and requirements that may be made by the Secretary of War.

SEC. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, etc., to be used in connection with the construction of said lock and dam, and shall have his approval thereof, and until such approval is given the structure shall not be commenced.

SEC. 4. That the work of construction of said lock and dam shall be carried on in such a manner as not to unnecessarily interrupt or impede navigation while it is in progress; and when constructed the lock and dam shall be operated free of cost and charge to all vessels passing through the same, and at the cost and expense of the said Knoxville Power Company: *Provided*, That the works shall be so constructed and operated as not to interfere in any way with the regular flow of water in the river, and any ponding up or storing the water during certain periods so as to use it more rapidly during other periods is hereby prohibited: *Provided further*, That the said company shall be responsible for any damage or injury inflicted upon navigation interests by said works or by reason of the failure of the said company to comply with any conditions or requirements made by the Secretary of War in respect thereto, and the said company shall also be responsible for any damage to private property resulting from overflow, and any litigation arising from any of these causes may be tried in the courts of the United States for the district in which the said works are situated: *Provided further*, That should the works at any time and for any cause whatever become an unreasonable obstruction to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such obstruction at the expense of the said Knoxville Power Company.

SEC. 5. That this act shall be null and void if actual construction of the works be not commenced within two years and completed within five years from the date hereof.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER-CULTURE LAWS.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2866.

The Clerk read as follows:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington.

Be it enacted, etc., That section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended act, insert the words "California, Oregon, and Washington."

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for a brief explanation in regard to this bill.

Mr. JONES of Washington. Mr. Speaker, under the act of 1878 the citizens of the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, and the district of Alaska and the gold and silver regions of Nevada and the Territory of Utah were given the right to cut timber for mining, agricultural, and domestic purposes under such rules and regulations as the Secretary of the Interior might make; and under those regulations also, and under this act, it was provided that in all other mining districts they could do the same thing.

The Secretary of the Interior has held that these terms, general in their nature, do not apply to California, Oregon, and Washington. This bill only proposes to extend the same privilege to the States of California, Oregon, and Washington as are given to other mining States. There can be no question that they are mining States; and the only object, as I say, is to extend the same privilege to the citizens of those States.

Mr. SULZER. Well, I understand that this bill will permit the cutting of timber upon Government reservations.

Mr. JONES of Washington. It allows the cutting of timber on mining lands for domestic and mining purposes. For instance, a man is mining a claim and has not sufficient timber on that land, and he can go into another mining district and take enough for domestic purposes, under such regulations as the Secretary of the Interior may prescribe. If he does that under the law as it now is in those States, he would be liable to punishment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

THIRTEENTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 52.

The Clerk read as follows:

Senate concurrent resolution 52.

Resolved, That there be printed and bound in cloth 8,000 copies of the report of the Commissioner of Labor on hand and machine labor, known as his thirteenth annual report, of which 5,000 shall be for the use of the Department of Labor, 1,000 for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

MEMORIAL VOLUME TO THE LATE HON. JOHN SHERMAN.

Mr. KERR of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 314.

The Clerk read as follows:

Joint resolution (H. J. Res. 314) to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman.

Resolved, etc., That the Librarian of the Library of Congress be, and he is hereby, authorized and directed to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman; the said volume to be prepared by the executors of the will of decedent, and the same to be done without expense to the United States.

The SPEAKER. Is there objection? The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was about to ask the gentleman a question. Is this a usual course? Has this ever been done before?

Mr. KERR of Ohio. I never knew it to be done. It could have been.

Mr. WILLIAMS of Mississippi. I dislike to appear ungracious; but I think we had better not establish this precedent, and I shall object, Mr. Speaker.

The SPEAKER. Does the gentleman from Mississippi object?

Mr. WILLIAMS of Mississippi. Yes, sir.

The SPEAKER. Objection is made.

WILLIAM H. HUGO.

Mr. PEREA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 792.

The Clerk read as follows:

A bill (S. 792) for the relief of William H. Hugo.

Be it enacted, etc., That the laws regulating appointments in the Army of the United States be, and they are hereby, suspended for the purpose of this bill, and that in view of his services to his country the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, now of Fort Bayard, N. Mex., a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army, with the pay and emoluments of a retired officer, with the rank of a first lieutenant, without regard and in addition to the retired list now authorized by law.

Mr. UNDERWOOD. Mr. Speaker, I think it will save time. I object to the bill. This is similar to other bills that have been objected to.

The SPEAKER. Objection is made.

JAMESTOWN AND NORTHERN RAILROAD.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

The bill was read, as follows:

Be it enacted, etc., That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same shall revert to the United States; and that the right to repeal, alter, or amend this act is reserved to Congress.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I want some explanation of the bill.

The SPEAKER. The gentleman from North Dakota is asked to give an explanation of his bill.

Mr. SPALDING. Mr. Speaker, this is a bill which is desired to pass by the Indians that are affected, by the railroad company, and by the Department of the Interior.

This is a bill which provides for the payment by the Northern Pacific Railway Company to these Indians for the right of way which has been occupied by the railroad company through the Indian reservation since 1883, and by reason of the failure of this bill to pass this body, where it has been constantly since that time, although twice passed by the Senate, the Indians have been deprived of their pay for the right of way through the reservation in accordance with the agreement made in writing between the Department and this railroad company in 1883.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us why the railroad has not the right to make that payment without coming to Congress?

Mr. SPALDING. Because of the treaty made between the United States and these Indians in 1867, and because the general law passed since that date on the subject is not applicable to this particular location.

Mr. RICHARDSON of Tennessee. How is the value of this right of way to be ascertained under this bill?

Mr. SPALDING. The value has already been agreed upon by the Indians and the railroad company at $10 an acre, which, in my judgment, having full knowledge of the location of the road and the character and value of the land of that vicinity, is more than the land is worth.

Mr. RICHARDSON of Tennessee. Does the Secretary of the Interior recommend them to sell for $10 an acre?

Mr. SPALDING. He does earnestly recommend the passage of this bill; and it has been the subject of a message of the President of the United States to Congress recommending its passage.

Mr. RICHARDSON of Tennessee. Has the bill been considered by the Committee on Indian Affairs?

Mr. SPALDING. It is unanimously reported favorably.

Mr. RICHARDSON of Tennessee. If the value of the land has been agreed upon between the parties—that is, the Indians and the railroad company—and the Secretary of the Interior approves the bargain, is there no authority to make it without coming to Congress?

Mr. SPALDING. This is the judgment of the Indian Department and the Interior Department.

Mr. RICHARDSON of Tennessee. I do not want to make any objection, if it is necessary to pass the bill; but I ask the gentlemen would it not be wiser legislation, instead of asking Congress to authorize this bargain, to authorize the Secretary of the Interior to make the bargain, if he deems it a proper one for the Indians?

Mr. SPALDING. The bargain, I will say to the gentleman, has already been made and approved by the Indian Department; and all that is lacking to enable them to get the price of the land is the passage of this bill. The money has been held for them since 1883, and caused great dissatisfaction on the part of the Indians because they have not had it before now.

Mr. RICHARDSON of Tennessee. Is this a Senate bill?

Mr. SPALDING. It is not.

Mr. RICHARDSON of Tennessee. Instead of this appeal for Congress to close this deal or contract, I think it certainly would be better legislation for Congress to enact a bill to authorize the Secretary of the Interior, if in his judgment it is proper, to make this contract, and give him authority to do so. I think the gentleman ought to accept an amendment to that effect.

Mr. SPALDING. I will say that several Secretaries of the Interior have already given their judgment in writing to this effect, and have recommended the passage of this bill.

Mr. RICHARDSON of Tennessee. Is that letter on file here?

Mr. SPALDING. I have an executive document which contains several letters from that Department.

Mr. RICHARDSON of Tennessee. I understand the gentleman to say that an executive document contains a letter from the Secretary of the Interior.

Mr. SPALDING. It does; and the Indian Committee of this House have a letter, and also the Indian Committee of the Senate.

Mr. RICHARDSON of Tennessee. Will not the gentleman publish as a part of his remarks the letter from the Secretary of the Interior recommending this bargain?

Mr. SPALDING. I will be very glad to do so. The letters are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June 5, 1900.*

SIR: In response to your letter of the 31st ultimo, with which you forwarded H. R. 10228 and H. R. 11900 for report, I have the honor to state in reference to the latter, being "A bill granting right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota," that the Department, on April 20 last, recommended favorable legislation on S. 3145, a bill similar in its purposes, and renews, in behalf of the above-named H. R. 11900, the recommendation then made for the passage of the said Senate bill.

I transmit for your information copies of letters from the Indian Office, dated April 18 and the 4th instant, on the said Senate and House bills, which meet with my approval.

Separate report of even date has been made on H. R. 10228, herein referred to.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Hon. JAMES S. SHERMAN, *Chairman Committee on Indian Affairs, House of Representatives.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, *Washington, June 4, 1900.*

SIR: The office acknowledges receipt, by Department reference of the 1st instant, for immediate report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, submitting for the report of this Department H. R. 10228 and H. R. 11900, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Mr. SHERMAN requests a report upon said bill by this Department.

Separate report has been made upon said H. R. 10228.

Reporting upon said H. R. 11900, the office has the honor to state that on April 18, 1900, it made report to the Department upon Senate bill 3145, bearing the same title as said H. R. 11900. By comparison it is found that the

two bills are identical. The office therefore incloses a copy of its said report of April 18, 1900, on Senate bill 3145, as its report upon the bill in question.

Mr. SHERMAN'S letter and the bill are returned herewith. A copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 18, 1900.

SIR: The office acknowledges receipt, by Department reference of the 9th instant for consideration and report, of a communication from Hon. JOHN M. THURSTON, chairman of the Senate Committee on Indian Affairs, submitting Senate bill 3145, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Senator THURSTON requests a report upon said bill for the information of his committee.

The bill provides:

Be it enacted, etc., That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency, by F. R. Delano, on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing, thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior, which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company by a resolution of the board of directors of said company, adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cuthead Sioux Indians occupying the Devils Lake Reservation within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes, the same shall revert to the United States, and that the right to repeal, alter, or amend this act is reserved to Congress.

In reporting upon the matter, the office has the honor to state that a full history of this case will be found in office report to the Department dated December 11, 1884, printed with accompanying papers containing the negotiations with the Indians in House Ex. Doc. No. 31, Forty-eighth Congress, second session, to which your attention is respectfully invited. A further report was made to the Department under date of December 12, 1885, also printed with accompanying papers in Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which your attention is also respectfully invited.

Under date of September 4, 1890, in reporting on Senate bill No. 1810, Fifty-first Congress, first session, this office made a further report to the Department on this same subject-matter, to which your attention is also respectfully invited. Said executive documents and the above-mentioned communication present a full history of this case. For your further information in the premises there is transmitted herewith a copy of said office letter of September 4, 1890.

A further report concerning the construction of said railroad through the Devils Lake Reservation was made to the Department on Senate bill No. 175, under date of October 30, 1893. Said report, however, contains no information not found in the said executive documents and the report of this office of September 4, 1890, above referred to.

As will be seen from the correspondence above cited, a number of different bills have been introduced in Congress granting the Jamestown and Northern Railway Company a right of way through the Devils Lake Reservation without definite action having been reached upon any of them. In addition to the bills above referred to, Senate bill No. 839 and House bill No. 316 (substantially identical with previous bills) were introduced during the first session of the Fifty-second Congress, without final action being reached thereon, so far as this office is advised.

The bill submitted by Senator THURSTON for report is substantially identical with the draft of the bill prepared by this office and submitted with said office report of December 11, 1884, and this office has repeatedly urged the importance of securing the legislation proposed thereby. The railroad has been constructed through the reservation and in operation since the spring of 1885, and the Indians are greatly dissatisfied because they have not been paid for right of way of the road through their lands, and they have repeatedly called upon this office for an explanation as to why the amount agreed upon between them and the company has so long been withheld from them.

The "proposition in writing" between the Indians and the railroad company referred to in the bill will be found printed in said House Ex. Doc. No. 31, Forty-eighth Congress, second session. The object and purpose of the bill is merely to ratify or confirm said agreement or "proposition in writing" and to fix a basis for settlement by the company with the Indians.

As heretofore, this office now expresses an earnest desire that the present bill speedily be enacted into law. The bill and Senator THURSTON'S communication are returned herewith; a copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such case;

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes; and

H. R. 11598. An act for the relief of Frank B. Case.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3283. An act for the relief of Isaac R. Dunkelberger;

S. 4171. An act to amend an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893;

S. 5022. An act to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

S. 425. An act for the relief of John M. Davis;

S. 1632. An act to amend an act authorizing certain officers of the Navy and Marine Corps to administer oaths, approved January 25, 1895;

S. 3489. An act authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

S. 4787. An act to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.; and

S. 2936. An act authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the general deficiency bill.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the House nonconcur in all the Senate amendments to the deficiency appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent that the House nonconcur in all the Senate amendments to the general deficiency bill and ask for conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed as managers on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

CIVIL GOVERNMENT FOR ALASKA.

Mr. WARNER. Mr. Speaker, I present a conference report on the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for the civil government for Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

V. WARNER,
HENRY R. GIBSON,
JAMES T. LLOYD,
Managers on the part of the House.

THOMAS H. CARTER,
WILLIAM B. BATE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement of the House conferees on S. 5573, a bill to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The House amended the Senate bill by striking out the word "licensed," in line 10, on page 2, and inserting in lieu thereof the word "license," and by inserting, immediately after the word "chapter," in line 9 of page 2, the following:

"Fifty per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary, by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

The Senate disagreed to the two amendments and asked a conference, which was granted, and the committee of conference having met, after full and free conference agreed to recommend to their respective Houses that the Senate recede from its disagreement to the amendments of the House, and to agree to the same.

V. WARNER,
HENRY R. GIBSON,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

PERSONAL REQUEST.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Mr. SOUTHARD asks unanimous consent to extend his remarks in relation to the national bureau of standards bill in the RECORD—his remarks to be confined to said bill.

The SPEAKER. Without objection, the request will be granted. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until to-morrow afternoon at 2 o'clock.

The motion was agreed to; and accordingly (at 10 o'clock and 33 minutes p. m.) the House was in recess until 2 o'clock to-morrow afternoon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a report of the board of officers on claims for property taken for military purposes within the United States during the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board of the District for the license year ended October 31, 1900—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KING, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 14241), submitted his views thereon (Report No. 2927, part 6); which was referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12552) providing for the purchase and making free of certain toll roads leading into and passing over the Yosemite National Park, reported the same with amendment, accompanied by a report (No. 2989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents, to which was referred the resolution H. Res. 168, reported in lieu thereof a resolution (H. Res. 442), accompanied by a report (No. 2990); which said resolution and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10983) to restore Charles H. Campbell to the Army and transfer him to the retired list, reported the same adversely, accompanied by a report (No. 2987); which said bill and report were ordered to lie on the table.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13587) for the relief of Col. Azor H. Nickerson, reported the same adversely, accompanied by a report (No. 2988); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JETT (by request): A bill (H. R. 14325) relating to the care of the remains of all officers, soldiers, sailors, or other persons connected with the Army, Navy, or transport service, who lose their lives while in the service of their country—to the Committee on Military Affairs.

By Mr. NEWLANDS: A bill (H. R. 14326) to provide for the disposal of the arid public lands and to authorize the construction of reservoirs for the storage of water and other necessary irrigation works for arid-land reclamation, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 315) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China—to the Committee on Foreign Affairs.

By Mr. BROMWELL: A joint resolution (H. J. Res. 316) concerning improvements in the free-delivery service in the city of Washington, D. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas (by request): A joint resolution (H. J. Res. 317) transmitting the claim of Turtle Mountain Indians to the Court of Claims for adjudication and settlement—to the Committee on Indian Affairs.

By Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents: A resolution (H. Res. 442) authorizing the Librarian of Congress to take certain reports and documents for use of Library of Congress—to the House Calendar.

By Mr. LONG: A resolution of the legislature of Kansas, favoring the establishment of a Federal court at Kansas City, Kans.—to the Committee on the Judiciary.

By Mr. BARNEY: A memorial of the legislature of Wisconsin, relative to certain war-revenue taxes—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 14327) for the relief of Ella Willburn—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 14328) granting a pension to George Baker—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 14329) granting a pension to John C. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14330) granting a pension to Mary B. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14331) granting a pension to Electa McLean French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14332) granting a pension to Adelaide C. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Frank Hiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14334) for the relief of James K. Davie—to the Committee on Military Affairs.

Also, a bill (H. R. 14335) granting an increase of pension to Theodore C. Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14336) granting an increase of pension to Thomas Wilkinson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of 68 citizens of Philadelphia, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. BUTLER: Petition of voters of the Sixth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of the American Paper and Pulp Association, in favor of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

By Mr. FITZGERALD of New York: Resolutions of the Paint, Oil, and Varnish Club of New York, advocating the erection of a new post-office in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Association of Official Agricultural Chemists, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the American Paper and Pulp Association, for the passage of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Association of Agricultural Implement and Vehicle Manufacturers, and of the National Board of Trade, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. GAMBLE: Petition of Harney Post, No. 28, Grand Army of the Republic, of Rapid City, S. Dak., favoring the publication of the Records of the Rebellion for distribution to Grand Army of the Republic posts, etc.—to the Committee on Printing.

By Mr. GILLETT of Massachusetts: Petitions of 30 citizens of the Second Congressional district of Massachusetts; Young People's Society of the Fourth United Presbyterian Church of Allegheny, Pa.; Baptist Ministers' Conference at Chicago; executive board of Kings County, N. Y., and Greenpoint Sunday School

Association of Brooklyn, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 16 citizens of Independence, Iowa; Hope Baptist Church and Riverside Baptist Church, of New York City, for the prohibition of the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. GLYNN: Petitions of the Fourth Presbyterian Church of Albany, N. Y., and 84 citizens of Albany County, N. Y., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Resolutions of the American Paper and Pulp Association, in favor of the passage of a bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade and National Business League, for the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. JONES of Washington: Petition of Women's Christian Temperance Union of West Washington, D. C., against the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of Chase & Sanborn, of Chicago, Ill.: Brotherhood of Locomotive Firemen; Chicago Federation of Labor, and National Association of Agricultural Implement and Vehicle Manufacturers, for irrigation and reclamation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. McALEER: Resolutions of American Paper and Pulp Association, favoring the exchangeability of metallic currencies at the Treasury at the option of the holder—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, Washington, D. C., favoring the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MERCER: Resolution of the American Paper and Pulp Association, favoring the passage of the Overstreet currency bill—to the Committee on Banking and Currency.

By Mr. MORRELL: Resolutions of the Chicago Federation of Labor, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. NAPHEN: Resolutions of the American Paper and Pulp Association of New York, favoring the Overstreet currency bill—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Board of Trade, New York, and Carpenters and Joiners of Boston, Mass., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of W. S. Hancock Command, No. 1, Chelsea, Mass., favoring Senate bill No. 5055, known as the prisoners-of-war bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Liberty Assembly, No. 2315, Knights of Labor, of Fort Wayne, Ind., in favor of Charles Morgan's advancement in the Navy—to the Committee on Naval Affairs.

By Mr. RUPPERT: Resolutions of the Paint, Oil, and Varnish Club of New York, favoring the pneumatic-tube service in large cities and the proposed new post-office building in New York City—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Board of Trade in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the American Paper and Pulp Association, recommending action in establishing our currency on a sound basis—to the Committee on Banking and Currency.

By Mr. RYAN of New York: Petition of the American Paper and Pulp Association for the passage of the Overstreet bill, relating to the exchangeability of metallic currencies, etc.—to the Committee on Banking and Currency.

Also, petition of the Paint, Oil, and Varnish Club of New York, favoring extension of the pneumatic-tube service in large cities—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Paint, Oil, and Varnish Club for new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also petition of the National Board of Trade, Washington, D. C., for irrigation and reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SHOWALTER: Petition of voters of the Twenty-fifth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Beaver, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Resolutions of the National Board of Trade for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Paint, Oil, and Varnish Club, of New York, in favor of the extension of the pneumatic-tube postal service in the larger cities, and for the erection of a new post-office building in New York—to the Committee on the Post-Office and Post-Roads.

By Mr. SUTHERLAND: Resolutions of the National Board of Trade, favoring the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. THAYER: Petition of Young People's Society of Christian Endeavor of Worcester, Mass., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Resolutions of American Paper and Pulp Association favoring the Overstreet bill, providing for the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, recommending the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

SENATE.

[*Continuation of proceedings of legislative day, Saturday, March 2, 1901.*]

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, March 3, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the following bills:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington;

A bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.; and

A bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 202, of title 3, of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BURTON, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota;

A bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon;

A bill (H. R. 14269) to confirm a lease between J. W. Peglow and the Seneca Nation of New York Indians;

A bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" and

A bill (H. R. 11350) to establish the National Bureau of Standards.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 8,000 extra copies of the report of the Commissioner of Labor on Hand and Machine Labor.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 12291) making appropriations for

the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and it was thereupon signed by the President pro tempore.

GENERAL DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 11, 25, 65, 74, 79, 80, 83, 86, 109, 120, 140, 141, 146, and 147.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 23, 27, 29, 31, 32, 33, 34, 37, 38, 39, 40, 43, 44, 45, 46, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 67, 68, 69, 75, 77, 78, 87, 90, 92, 100, 103, 104, 106, 107, 139, 142, 143, 144, 145, 148, and 153; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Tender for the Eighth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Eighth light-house district, $125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Add after the word "therein," at the end of the amended paragraph, the following: ", and hereafter no other fund appropriated shall be used for this service:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$25,000;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", to be immediately available;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "lines of reservations except forest reservations;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Before the word "and," in line 2 of the matter inserted by said amendment, insert the following: "not exceeding $6 per day;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$250,000," and on page 69 of the bill, in line 4, after the word "States," insert the following: "including examination of and report on the topography and geology of the territory adjacent to the forty-ninth parallel west of the one hundred and tenth meridian;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Which report shall be published in one octavo volume, and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "authorized," insert the following: "with the approval of the Secretary of the Interior;" and in line 3 of the matter inserted by said amendment strike out the word "of," where it first occurs, and insert in lieu thereof the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the commission authorized by the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes,' approved June 4, 1897, to revise and codify the criminal and penal laws of the United States, is hereby directed to revise and codify, in accordance with the terms and provisions of said act and the acts supplementary thereto, all laws of the United States of a permanent and general nature in force at the time when the same shall be reported.

"That in performing this duty the said commission shall bring together all statutes and parts of statutes relating to the same subjects; shall omit redundant and obsolete enactments, and shall make such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and may propose and embody in such revision changes in the substance of existing law; but all such changes shall be clearly set forth in an accompanying report, which shall briefly explain the reasons for the same.

That the said commission shall arrange such revision under titles, chapters, and sections, or other suitable divisions and subdivisions, with headnotes briefly expressive of the matter contained in such division, and with marginal notes so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the courts of the United States explaining or construing the same, and shall provide by an index for an easy reference to every portion of such revision.

That when the commission has completed such revision in accordance herewith it shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 120 of the bill, in line 10, before the word "within," insert the words "by direction of the Attorney-General;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In the last line of the matter inserted by said amendment, strike out the sum of "$15,000" and insert in lieu thereof "$7,500;" and the Senate agree to the same.

On the amendments of the Senate numbered 5, 6, 8, 17, 20, 26, 28, 30, 35, 36, 41, 42, 49, 62, 70, 71, 81, 82, 84, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 101, 102, 105, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 149, 150, 151, and 152 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
THOMAS C. McRAE,
Managers on the part of the House.

Mr. PLATT of Connecticut. It was so difficult to hear the reading of the report, owing to the confusion in the Chamber, that I will venture to ask the chairman of the committee whether it is a final agreement or whether there are items still in disagreement.

Mr. ALLISON. It is not a final agreement. It is only a partial agreement. There are many items still in controversy.

Mr. PLATT of Connecticut. What are the most important of the items in controversy?

Mr. ALLISON. There are a good many important items in controversy, I will say to the Senator. I can hardly distinguish as to their relative importance. The largest item is that relating to the public expositions. If the Senator has any particular matter in mind, I should be glad to inform him whether an agreement has been reached upon it.

Mr. PLATT of Connecticut. I simply wanted to be informed of the progress that has been made.

Mr. ALLISON. The progress is not very great, I am sorry to say to the Senator, but we are making progress.

The report was agreed to.

Mr. ALLISON. I move that the Senate still further insist upon its amendments in disagreement and ask for a further conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

THE NICARAGUA CANAL.

Mr. MORGAN. I am directed by the Committee on Interoceanic Canals, to whom was referred the joint resolution (S. R. 166) to complete the agreement entered into with the Governments of Nicaragua and Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, which was introduced yesterday by the Senator from Georgia [Mr. CLAY], to report it back without amendment, and with the recommendation that it pass. I ask that it may go upon the Calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar.

The Chair lays before the Senate——

Mr. PETTIGREW. I rise to the unfinished business.

The PRESIDENT pro tempore. The Chair has some other matters on the table to dispose of.

JAMESTOWN AND NORTHERN RAILWAY.

The bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota, was read the first time by its title.

Mr. HANSBROUGH. I ask that the bill be put upon its passage. A similar bill has passed the Senate several times, and there is no objection to it.

Mr. PETTIGREW. Has the bill passed the Senate?

Mr. HANSBROUGH. A similar bill has passed the Senate several times.

The bill was read the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL BUREAU OF STANDARDS.

The bill (H. R. 11350) to establish the National Bureau of Standards was read twice by its title.

Mr. TURNER. I am authorized by the Committee on Commerce to report that bill favorably and to ask unanimous consent that it be put upon its passage at this time.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of this bill, stating that the Committee on Commerce have reported it favorably. It will be read to the Senate in full for its information.

The bill was read.

Mr. TELLER. That is a bill which involves considerable money, the creation of a new bureau, etc. I think at this late hour it ought to go over. At least I should like to look at it before it is passed.

The PRESIDENT pro tempore. The Senator from Colorado objects, and the bill will be placed on the Calendar.

Mr. GALLINGER. I will inquire if the bill that was just objected to can lie on the table without prejudice?

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. TELLER subsequently said: I objected to the passage of House bill 11350 a few moments since. I understand that the Committee on Commerce have had the same bill under consideration and made a favorable report. I desire to withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. PETTIGREW. I object to anything but the unfinished business, which I desire to have disposed of.

PORTLAND, NEHALEM AND TILLAMOOK RAILWAY.

The bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon, was read the first time by its title.

Mr. SIMON. A similar bill has heretofore been considered by the Committee on Commerce, and was favorably reported and passed by the Senate. This bill now comes from the House, and I ask for its immediate consideration.

The bill was read the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PETTIGREW. I shall object to other bills until we dispose of the unfinished business.

REPORT OF WORLD'S COLUMBIAN COMMISSION.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to concurrent resolution of the Senate No. 72.

The amendment of the House of Representatives was to strike out all after the resolving clause and insert:

That there be printed 3,500 copies of so much of the report of the committee on awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups as were prepared by expert judges authorized to act by the World's Columbian Commission, its executive committee on awards, the committee on final report, or the board of reference and control, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the Department of State.

Mr. PLATT of New York. I am directed by the Committee on Printing to move concurrence in the amendment of the House.

The PRESIDENT pro tempore. The Senator from New York, by direction of the Committee on Printing, moves that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

Mr. PETTIGREW. I wish to say that I desire a vote simply, and I do not wish to discuss the bill. I should like a vote on it disagreeing to all the Senate amendments in order to pass the bill as it passed the House. I think it is useless to pass an amended bill at this time. If we could have passed it yesterday it would have been well enough, but now it seems to me it is practically killing the bill to pass it with a Senate amendment. Therefore I shall ask the Senate to disagree to all the Senate amendments and pass the bill as it came from the House.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. PETTIGREW. To that amendment I object, for I believe it destroys the bill; and it is the purpose of the amendment, I think, to destroy the bill.

Mr. THURSTON. Mr. President——

Mr. ALDRICH. Is the subject of the amendment open now for consideration?

The PRESIDENT pro tempore. The amendment is before the Senate.

Mr. HOAR. Can the amendment be read once more?

The PRESIDENT pro tempore. The amendment will be read to the Senate.

Mr. BEVERIDGE. Nobody understands it.

The SECRETARY. On line 8, page 3, strike out the word "less" and insert the word "more;" so as to read, if amended:

That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $100 for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

Mr. HOAR. Is the word "more" in the amendment, or is it a proposed amendment to the amendment.

The PRESIDENT pro tempore. It is a proposed amendment.

The SECRETARY. In line 8, strike out "less" and insert "more."

Mr. PLATT of Connecticut. This bill, as it came from the House, provided a penalty of not less than $100 and not more than $500. The Senate has long ago thought that minimum punishments were not proper to be included in bills. The committee struck out "not more than $500" and left it to read "not less than $100." Of course, with that reading it might be $100 or it might be $10,000. If $100 is not enough as the maximum punishment, I suggest——

Mr. HOAR. The Senator from South Dakota does not object to what the Senator is talking about.

Mr. PETTIGREW. It is another amendment offered by the Senator from Rhode Island to which I do object.

Mr. ALDRICH. The Senator from South Dakota withdraws his objection to this amendment, I understand.

Mr. PLATT of Connecticut. Then I have nothing further to say.

The PRESIDENT pro tempore. To what amendment offered by the Senator from Rhode Island does the Senator from South Dakota object?

Mr. PETTIGREW. Another amendment was offered yesterday, and I do not find that it was adopted.

The PRESIDENT pro tempore. What was the amendment offered yesterday?

Mr. ALDRICH. Is this amendment to the amendment disposed of and adopted?

The PRESIDENT pro tempore. Striking out the word "less" and inserting the word "more." It is not yet adopted. Will the Senate agree to the amendment to the amendment?

The amendment to the amendment was agreed to.

Mr. PETTIGREW. I should like to have the first paragraph of the bill read as it now stands, to see whether the amendment of the Senator from Rhode Island was adopted yesterday. I think the RECORD does not show that it was adopted.

Mr. ALDRICH. It was adopted.

The Secretary read as follows:

Be it enacted, etc., That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, D. C., a monthly report, under oath, of all collisions of trains, or where any train or part of a train accidentally leaves the track, and of all accidents which may occur by reason thereof to its passengers or employees, which report shall state the nature and causes thereof and the circumstances connected therewith.

Mr. ALDRICH. I hope the Senator from South Dakota will not insist upon the bill passing as it left the House. There are serious objections to it. He expressed yesterday a willingness to accept the bill as amended by the committee.

Mr. PETTIGREW. I am willing to accept the bill as amended by the committee, but not as destroyed by the Senator from Rhode Island.

Mr. ALDRICH. Does the Senator mean——

Mr. PETTIGREW. I should like to have the last three lines of that section read again.

The PRESIDENT pro tempore. The last three lines of the proposed amendment will be read.

The Secretary read as follows:

And of all accidents which may occur by reason thereof——

Mr. PETTIGREW. The clause "by reason thereof" is what I wish to have left out. That is the amendment of the Senator from Rhode Island. With that clause left out, I am ready to have the bill passed.

Mr. BEVERIDGE. What is the objection to those words?

Mr. ALDRICH. What is the objection?

Mr. PETTIGREW. It limits it to just this class of accidents and does not embrace thereby all the other vast class of accidents which occur upon railroads, and therefore destroys the purpose of the bill.

Mr. ALDRICH. I was told that the purpose of the bill was that reports should be secured of all accidents which occurred either from collisions of trains or by reason of the derailment of a train or part of a train. As I understand it, that is the sole purpose of the bill, and is not to apply to a case where a man meets with any kind of an accident upon property of a railroad company for which the railroad company may not be responsible and will have nothing to do with the movement of railroads.

This bill is presented here solely upon the ground that it is to regulate interstate commerce. Otherwise we have no jurisdiction over it whatever. But suppose a man is killed upon the property of a railroad company, is it the intention of the Senator from South Dakota to make the railroad company responsible for that kind of an accident?

Mr. PETTIGREW. There is no responsibility about it. It simply requires that accidents to employees should be reported and the causes thereof, and that is all there is to it.

Mr. ALDRICH. What kind of an accident other than those mentioned does the Senator intend to include?

Mr. PETTIGREW. Innumerable accidents that may occur in connection with railroads, in coupling cars in yards, etc.

I am willing to accept the amendment of the committee—that is what I said yesterday—but the Senator from Rhode Island, keen as he is, comes in with an amendment which destroys the bill. That I will not accept. I would rather debate the bill out and let it die.

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. PETTIGREW. I yield to the Senator.

Mr. SEWELL. I wish to say that every accident in every State in the Union on every railroad is to-day reported by law to the State authorities, and the people who want this information can get it very accurately. So could the Interstate Commerce Commission get it without loading down the bill with unnecessary provisions.

Mr. HOAR. All they would have to do would be to send a copy of a printed document to the commission.

Mr. SEWELL. Why should we oblige them to send the reports there? The commission could get them.

Mr. PETTIGREW. If that is all there is to it, I wonder at the frantic effort of the railroads to defeat the bill.

Mr. SEWELL. Nine-tenths of the cases the Interstate Commerce Commission would have nothing to do with.

Mr. HOAR. Mr. President, if I may say one word, all that this bill does is to require the interstate and international carriers to do this thing. It is not half so onerous a burden as we place on boats in the harbors of New York and New Jersey.

If it be true that interstate carriers are also State carriers, this information goes to the States. There is nothing to be done except for the railroad companies to send a copy of a printed document to the Interstate Commerce Commission and have it all there together. I do not know that I ought to say what I am about to say, because I know how much more informed on such subjects the Senator from New Jersey is than I am, but I submit to him, with great respect, that the idea that this thing is a hardship on the railroads would disappear on an examination of the bill.

Mr. WOLCOTT. Will the Senator from South Dakota yield to me a moment?

Mr. PETTIGREW. I yield to the Senator from Colorado.

Mr. WOLCOTT. This is a most remarkable measure. If it helped anybody who was employed by a railway corporation there is not a Senator on the floor who would not be very glad to vote for it.

Mr. HOAR. It does.

Mr. WOLCOTT. Before I am through I think I will satisfy the Senator from Massachusetts that he does not understand the extent to which this is the most useless legislation that he has heard of this winter. The whole incentive to it comes from the secretary of the Interstate Commerce Commission. That commission, having no work to do, seeks to aggrandize its office and to gather unto itself some functions to perform.

It has therefore stirred up an attempt to secure legislation for the report of all accidents throughout the country. If it served any useful purpose, everybody would favor it—people connected with railroads and people not connected with them. There is no sort of secrecy about a railroad accident.

Mr. HOAR. Will the Senator allow me?

Mr. WOLCOTT. I want to finish first. If the Senator will let me finish, he may ask me anything. There is no sort of secrecy about railway accidents. I am familiar with them, as every lawyer is who has ever had to deal with railroad affairs. The moment an accident has happened the most rigid inquiry is at once instituted as to the cause of the accident. It is carefully investigated. In a great number of the States of the Union there is a State requirement that all statements of accidents and their causes and reports concerning them shall be filed with the State railway commission.

Congress has no jurisdiction of the subject, technically, except as to accidents that happen through the transaction of interstate commerce. But, even so, nobody would object if there were any gain to be had to an engineer or a conductor or a switchman or a brakeman by the great additional expense which will be incurred by railroads in filing sworn statements here. It is not a hardship. Railroads and their management are more anxious to avoid accidents than anybody else. They do not object to the filing of their reports. This bill as it is framed means a large expense, but if it is necessary it can be passed.

We have had a good deal of suggestion here, not by the Senator from South Dakota [Mr. PETTIGREW], but by other Senators, that this is a measure in the interest of humanity, in which railroads are called upon to give the public information as to accidents, whereby so many lives are sacrificed.

As a matter of fact, the railroad business is the safest in the world, and fewer accidents in proportion take place on railroads than in any other industry in the world. If Senators would take the time to consult it, they would find there is a provision in the interstate-commerce law that the Interstate Commerce Commissioners shall call upon the railroads for such information as they desire and such reports as they wish, which shall be filed at such times as the Interstate Commerce Commission shall determine. Under that provision of the law, if Senators would take the time to look at the annual reports of the Interstate Commerce Commission they would find we have got every possible report which would be given under this bill if it became a law.

Let me call attention here to the advance sheets of the last report of the Interstate Commerce Commission. I have looked them over. For eight years they have been all alike. Let me read from page 73. I will skip along so as to give a summary:

> The total number of casualties to persons on account of railway accidents during the year ending June 30, 1899, was 51,473. The aggregate number of persons killed as a result of railway accidents during the year was 7,123 and the number injured was 44,620.

Mr. HOAR. Will the Senator yield to me at that point?

Mr. WOLCOTT. I will in a moment. There is nothing hidden in this matter. Why does not the Senator want the Interstate Commerce Commission to get a record of the number of men drowned at sea, and then tell us how dangerous the ocean is; that ships would sail with far greater safety if somebody here in Washington had an account of all the drownings that take place in the world? There is no negligence covered up; there is no roorback here; there is no information desired to be hidden.

Mr. HOAR. Mr. President——

Mr. WOLCOTT. If the Senator will permit, I prefer not to yield now. I am proceeding to show, without any feeling, that every statement of an accident is given here in this record, which, as I said, will not make one switchman less careless, it will not make one engineer less forgetful, it will not make one passenger less careless in getting off and on a train. The object of this bill is not to save human life, but it is to give the Interstate Commerce Commission something more to do in the way of securing for them additional clerks. The only hardship is in the duplication of the reports, and they are reports which are filed in almost every State in the Union.

I was proceeding, before the Senator interrupted me, with respect to general casualties, which were: Trainmen, 1,155 killed and 16,663 injured, etc. They were not injured, as the Senator would seem to indicate, by the character of the railroad directors. He thought the prosecution of railroad directors would largely decrease the number of accidents; but 95 per cent of all the casualties to railway employees is occasioned by the negligence of some brother employee, who does not mean to do so; but because he forgets a signal, or is not careful, some fellow-employee is injured. You are not going to save human life by the passage of such a bill as this.

Mr. CARTER. Will the Senator from Colorado yield to me for a moment?

Mr. WOLCOTT. Certainly.

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I present the conference report on Senate bill 5573, for which I ask immediate consideration.

The PRESIDENT pro tempore. The conference report will be read.

The Secretary read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 26 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," having met, after full and

free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

GEORGE L. SHOUP,
THOMAS H. CARTER,
WILLIAM B. BATE,
Managers on part of the Senate.

V. WARNER,
HENRY R. GIBSON,
JAMES T. LLOYD,
Managers on the part of the House.

Mr. HANSBROUGH. I desire to ask the Senator from Montana what became of the provision in relation to licenses in Alaska, which was contained in the bill?

Mr. CARTER. The Senate bill was not in effect in any manner modified, except in a slight verbal detail. The House amendment provided that 50 per cent of the licenses collected outside of incorporated towns should be paid into the Treasury of the United States, there to constitute a school fund for such portions of the district of Alaska as were not included within organized municipalities. The fund thus collected is to be expended under the direction of the Secretary of the Interior; and inasmuch as no provision has been made in any appropriation bill for educational purposes in Alaska this year, it was deemed wise to allow this percentage of the license fees outside of incorporated towns to be applied for such purposes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

Mr. HALE. I rise to a privileged report.

Mr. WOLCOTT. Does the Senator desire to proceed with it now? I was in the middle of a sentence, and I will conclude in two minutes.

Mr. HALE. I shall not, of course, interfere with the Senator.

Mr. WOLCOTT. I will take but a minute or two.

Mr. President, this report of the Interstate Commerce Commission and all these reports proceed to show how many train men and how many passengers were killed or injured from different causes, the number of collisions, the number of derailments, etc. All of these are reported, and they are all accessible to the Interstate Commerce Commission.

What I rose to say, however, was this: I can see but one good purpose that such a law as this might serve, and it might help in accomplishing that. If out of these reports of the Interstate Commerce Commission it should appear that an unusual number of accidents occurred upon some one line of railroad because of deficiency in embankments or bad alignment or grades, then it might serve in drawing public attention to the danger of the operation of that line. With that exception there is no useful purpose which this bill, if enacted into law, will serve. What I desire to impress upon the Senate is that it does not bring one iota of new information to Congress or to the people, and that everything in the way of information that would be given under this bill is given now.

One thing further. There have been constant suggestions here that the railroads, or Senators who are supposed to be friendly to vested interests, are frantically fighting the bill. I want to say to Senators who make that suggestion that I have never heard the slightest suggestion of hostility to this bill, unless because of its absurdity and of the fact that it incurs a needless expense and brings no additional information. With that statement, Mr. President, so far as I am concerned I have no opposition to the measure.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the river and harbor appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY were appointed.

MASSACRE OF FOREIGN RESIDENTS OF MANILA.

Mr. HOAR. I ask unanimous consent to offer a resolution at this time, for which I should like to have immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to the Senate, as early as may be convenient, all information in his possession relating to or tending to show the authenticity and genuineness of the alleged order for the massacre of the foreign residents of Manila, P. I., on the evening and night of February 15, 1899, and to transmit to the Senate the full text of said order and the signatures thereto.

And, further, to inform the Senate whether the original of said order purporting to be printed in part on page 157 of Senate Document No. 208, Fifty-sixth Congress, first session, is now or ever has been in the possession of the War Department, or of any person connected therewith or with the military authority of the United States, or whether it has ever been seen by any such person, and if it has, by whom; and to inform the Senate where the original of said order now is, if within the knowledge of the Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. The colleague of the Senator from Massachusetts [Mr. LODGE], the chairman of the Committee on the Philippines, is absent from the Chamber.

Mr. HOAR. If I shall find that my colleague has any objection to the resolution when he comes in, I will move to reconsider the vote by which the resolution is passed, if it shall be passed.

Mr. LODGE entered the Chamber.

The PRESIDENT pro tempore. The junior Senator from Massachusetts is present.

Mr. LODGE. I have no objection to the resolution.

The resolution was considered by unanimous consent, and agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I submit a privileged report, being the report of the committee of conference on the deficiency appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the Senate recede from its amendments numbered 5, 16, 25, 26, 30, 37, 38, 39, 40, 45, 46, 51, 60, 66, 67, 73, 74, 84, 85, 86, 98, 100, 101, 102, and 118.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 27, 28, 31, 32, 33, 34, 35, 36, 42, 43, 44, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 75, 76, 77, 78, 79, 80, 81, 82, 89, 90, 91, 92, 93, 94, 95, 97, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, and 151, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$6,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all after the word "bridge" in line 5 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow during the fiscal year 1901 a larger per capita expenditure than $167, but not exceeding $250, at the Indian school for the Sac and Fox Reservation, Iowa, if he deems the same necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, after the word "hundred" where it first appears, insert the words "and one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Senate documents numbered 189 and 217;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

The report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit the conference report on the naval appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 3, 7, 8, 9, 10, 24, 25, 23, 39, 40, 42, 60, 61, 65, 67, 79, 80, 81, 82, 84, 85, 86, and 89 to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have been unable to agree.

EUGENE HALE,
WILLIAM E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.
AMOS J. CUMMINGS,
Manager on the part of the House.

Mr. HALE. Mr. President, I submit this report, which, in some respects, and in very important respects, differs from most conference reports. It is the third report upon the naval appropriation bill, and each report has been narrowing the differences between the conferees of the two Houses.

In the last conference the conferees substantially were able to agree upon all contested items, excepting, possibly, the item in relation to the six years' course of cadets at the Naval Academy, where the Senate has taken its position by a very strong majority, and the provision incorporated in the bill touching torpedo boats

The Senate conferees, whatever might be their personal feeling with regard to this matter, felt that they could not recede from the amendment and give it up until it had been again submitted to the Senate and a formal yea-and-nay vote taken upon it to show the attitude of the Senate. The House conferees insisted that the Senate conferees should report that the Senate recede, and take a vote upon that. The Senate conferees did not feel, and do not feel, that anybody should attempt to interfere with the method that we have of doing business, and that, if the Senate conferees, representing the body, did not agree to recede, that, like every other disputed proposition, should be reported to the Senate as a disagreement. The House conferees insisted, as I have said, that the Senate should recede and take the matter back to a vote in the House and in the Senate, the House having already once taken a yea-and-nay vote and defeated the proposition by a small majority.

Mr. PLATT of Connecticut. What was that yea-and-nay vote?

Mr. HALE. In the House?

Mr. PLATT of Connecticut. I do not mean the numbers, but upon what question was the vote taken?

Mr. HALE. On the Holland torpedo-boat proposition.

Mr. PLATT of Connecticut. The House are opposed to it?

Mr. HALE. The House has voted it out. Its conferees insist on disagreement by a small majority. The Senate has never voted upon it. In that emergency the Senate conferees proposed that we should report a disagreement upon this item; that neither body should recede, but that we disagree and bring it into the Senate and have a yea-and-nay vote. If the Senate then recede, that ends the matter and the clause goes out.

We went further than that, and stated that, so far as we are concerned, if the item went back to the two Houses, whatever the vote of the Senate might be, if the House again rejected the proposition the Senate would not further seek to force it upon the House, and that would end the matter. But the House conferees said "no." Then when the Senate conferees proposed to report a disagreement, the House conferees refused to do that.

Mr. PLATT of Connecticut. What is this report?

Mr. HALE. I am coming to that. It was such a situation as I have never confronted. We are within a few hours of the end of the session, and can only pass appropriation bills by reporting disagreements and taking the sense of the two bodies; but the House conferees not only refused to recede—which they had a right to do—but they refused to submit a report of a disagreement. When it was suggested that that course might end in the failure of the bill and an extra session of Congress, the reply was that the Senate must take the responsibility.

I did not feel, and my associates did not feel, that this matter ought to stand longer in this way without reporting it to the Senate. What was done then? By the direction of the Senate conferees, having notified the House of what we should do, the report has been made up, embracing disagreements upon all the items not already agreed to, signed by the Senate conferees, the Senator from New Hampshire [Mr. CHANDLER], the Senator from South Carolina [Mr. TILLMAN], and myself, and sent to the House for the signatures of the House conferees. Two of the conferees on the part of the House, however, refuse to sign the report of a disagreement. One conferee, as is shown here, signs the report, stating what the fact is, that there is a disagreement.

I am somewhat at a loss, Mr. President, to know what further the Senate conferees can do. As I have said, I have never known the conferees from either House to refuse to report a disagreement. Sometimes deadlocks occur and difficulties arise that are formidable, but they are solved by reporting a disagreement. Then either House may recede and concur, or, in the last extremity, may adhere, which is notifying the other House that they can not recede. It is not, however, proposed that we take that parliamentary course in this case, but that the matter shall hang in air, suspended, with no report to be made and the hours, the waning hours, fleeing fast away from us, and this great bill, carrying $80,000,000, for the most important branch of the service of the Government, suspended with the likelihood or the possibility of an extra session of Congress called on this account, when all of us have been working to the common end of saving such a session.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. HALE. I shall be very glad to have any Senator ask me any question he pleases regarding the matter.

Mr. LODGE. Do I understand the Senator from Maine to say that the House conferees refuse to sign either an agreement or a disagreement, and will not allow the Senate to act on a disagreement?

Mr. HALE. The report as presented at the desk, signed by the Senate conferees and stating that there is a disagreement, which there is, has been presented to the House conferees for their signatures, and two of them refused to sign it, stating to us that they would not agree to report a disagreement.

Mr. LODGE. Then the conferees of one House are refusing to allow the Houses to act on the bill, either to recede or to insist?

Mr. HALE. That is precisely it. The report brought in in the usual way leaves it to the two Houses. As I say, it is an unprecedented situation. It is most remarkable that such an attitude should be taken.

I suppose the only thing the Senate can do is to insist upon the amendments, ask for a further conference, and appoint the conferees, and then, through the transmission of the messenger, it shall be reported to the House, and the body itself—not the two conferees—will take it up; and I trust and expect that the wisdom and long experience of many members of the House, and of the body generally, would see the futility of making such a point as this and would accede to our conferees, and then we should be able to report something to the Senate.

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. HALE. Yes.

Mr. FORAKER. What reason is assigned by the two members of the House conference committee for not signing a disagreement?

Mr. HALE. I have stated that.

Mr. FORAKER. Having stated the remarkable conduct, or, rather, having characterized it as remarkable conduct, there certainly ought to be some reason for it, either real or imaginary.

Mr. HALE. The reasons assigned are, first, that the House conferees believe the House is against it, and, next, the House has demonstrated by once voting by a small majority that they are against it. Those are the only reasons.

Mr. FORAKER. There was a disagreement reported to the House?

Mr. HALE. Yes; there was a disagreement reported to the House.

Mr. FORAKER. It was sent to the House, and the House voted on this specific item, and it was defeated?

Mr. HALE. Yes.

Mr. FORAKER. But in the Senate there was no report and no vote taken?

Mr. HALE. There was no vote taken in the Senate. That is what the Senate conferees want to do—to have a yea-and-nay vote.

Mr. FORAKER. The House conferees thought, inasmuch as the disagreement had been reported to the House and the House had specifically voted upon it by a yea-and-nay vote, that the Senate ought to similarly act before they would agree to another conference or send in another report of disagreement?

Mr. HALE. That is what we report and what we propose.

Mr. FORAKER. I am only asking for information. I understand the reason why the House conferees would not sign any report of disagreement is that a vote was not taken in the Senate on the item.

Mr. CHANDLER. Mr. President, with reference to the matter of form I will not speak. It is a singular condition when the House conferees, when we do disagree, refuse to make a report that we disagree. In other words, they refuse to disagree when we do disagree. I wish to speak respectfully of the House and of its committees.

The matter of substance is this: That, in reference to torpedo boats, whereas the House has once voted on a yea-and-nay vote to reject the Holland torpedo-boat item, the House conferees say that the Senate conferees are bound to yield on that item without taking the sense of the Senate thereon. The Senate conferees do not think that is reasonable, and offered to report a disagreement to the Senate and take the sense of the Senate. We did not feel that we would be justified in yielding an item which the Senate had put in simply because the House had voted against it, without

submitting the merits of that item to the Senate itself. That is practically all the question upon which we differ.

Mr. McCOMAS. I should like to ask the Senator from New Hampshire, before he takes his seat, whether the appropriation for torpedo boats is the one matter remaining in dispute between the two Houses?

Mr. CHANDLER. Nominally not. Although there are other items of disagreement reported by the three Senate conferees, the report being signed by one of the House conferees, I think I may say that the six conferees saw their way to an adjustment of all the others. But upon this one the House conferees say the Senate conferees must recommend the Senate to disagree, because "we have had a vote in the House of Representatives and you have not taken a vote in the Senate hitherto, and you can not take one now."

Mr. PLATT of Connecticut. I should like to inquire of the Senator from Maine or the Senator from New Hampshire whether this item is now before the Senate, so that the Senate can act with reference to it.

Mr. CHANDLER. I will let the chairman answer. I do not know.

Mr. HALE. My attention was diverted. I did not hear the Senator from Connecticut.

Mr. PLATT of Connecticut. The question is whether the action of the conferees on the part of the Senate in bringing in the report which they have brought in leaves the Senate at liberty to act upon this amendment and to recede from it or insist upon it.

Mr. HALE. I should hardly think so, because it is not a report of the majority of the two conferees. My suggestion is the other action, which is in the direction, finally, of getting a report signed by the conferees of both bodies, that the Senate simply ask for a further full conference and appoint the conferees and send it to the House. I should not want, on this report, to take any formal action either way, either in the way of insisting or receding.

Mr. ALLISON. But if the papers are here and we have jurisdiction to ask for another conference, we have jurisdiction to take any other step we choose.

Mr. CHANDLER. Shall we ask for another conference when the conferees now refuse to report a disagreement? Should we not have the two sets of conferees report the fact that there is a disagreement before we take the sense of the Senate upon the amendment?

Mr. ALLISON. That may be.

Mr. CHANDLER. I think so.

Mr. ALLISON. We have the papers here, I understand.

Mr. TELLER. We have jurisdiction.

Mr. PLATT of Connecticut. I am embarrassed, as I suppose every other Senator must be, by the parliamentary difficulty which seems to have arisen. If that difficulty had not arisen and there was no question of propriety of acting at this time, I should feel very much in favor of the Senate voting to recede from this amendment. If it is in order, I would make the motion now that the Senate recede from this amendment.

I do not think it so important that there should be a contract for three more Holland torpedo boats as that the Senate ought to put in danger the passage of this bill. We already have six of them contracted for, as I understand, by the amendment, and this is a proposition to contract for three more. It seems a very small point of difference between the two Houses. But if it is a question of propriety and of regularity and of maintaining the dignity of the Senate, then I should propose to sustain the conferees in whatever action they desire. But I want to say now that I do not think this little matter of difference between the two Houses ought to imperil the passage of this bill.

It does not seem to me that it is so very important that the Navy Department be authorized to buy three more of the Holland submarine boats when we have six in course of construction, and when they can not make the contract for the other three until the first one has been completed to the satisfaction of the Navy Department. Surely we can not afford to stand on so small and, it seems to me, unimportant a matter as this. The six boats which are already contracted for will scarcely be finished during the next two years, and there will be plenty of time in the next Congress to determine whether other boats should be purchased.

Mr. CULLOM. May I suggest to the Senator from Connecticut whether it is not better to agree with the conferees and disagree to whatever the question is, and let the conferees try to see whether the other conferees will not meet with them, and if they do and disagree, then it will be time enough for us to determine whether we will recede.

Mr. McCOMAS. May I ask a question of the Senator from Connecticut?

Mr. PLATT of Connecticut. Let me answer the question of the Senator from Illinois first. If the Senator from Illinois had been able to hear what I have been saying, and I have been speaking in the loudest tone of voice which I can command and endeavoring to drown out the conversation of Senators in the Chamber who are making more noise than I am, he would have realized that I said if it was a question of maintaining the dignity of the Senate, if it was a question of standing by our conferees in what they want us to do, I was perfectly willing to agree to the course which they propose, but that I thought eventually we should not let a matter of this sort imperil the passage of the bill.

Mr. CULLOM. The point I wish to make is that it is not the time now to say that we will back down, if we ever do. Let us agree with the conferees, and let the conferees have another trial.

Mr. McCOMAS. May I ask the Senator from Connecticut a question? This is not an agreement, and it is not a disagreement. Is there any parliamentary procedure under which we may recede or insist?

Mr. PLATT of Connecticut. I do not know. I would have to submit that question to the Chair.

Mr. WOLCOTT. I understand the Senate has the custody of the papers, and, as I understand the parliamentary situation, we are in a position now to pass upon a motion to recede, and that would bring about a solution of the difficulties that exist. While it may be true that the action of the conferees of the House is not such as to commend itself to the conferees on the part of the Senate or to the Senate as a whole, yet if it would bring a solution of the question I can see no reason why the Senate should not now vote as to whether it will recede or whether it will insist; and if there be no parliamentary objection to it, I will move that the Senate recede from amendment No. 89.

Mr. LODGE. Mr. President, I do not understand that any report of a conference is regularly before us. This is not a report signed by a majority of the managers of each House. It is a question of procedure here, not the question what we will do with a given amendment. It seems to me there is a great deal involved in this question. If two conferees of one House have the power to hold up a conference report in this manner and not allow either body to vote upon it, then we are absolutely at the mercy of two conferees of any House. Two conferees, if they have the power to refuse to sign either an agreement or a disagreement, have the power absolutely to arrest one of these great bills at the very last moments of the session. It seems to me it is a very dangerous precedent to establish to allow two conferees of one House to force the situation in this way, something of which I in my experience have never heard.

If this had come back as a disagreement, of course we should have voted upon the main point in disagreement, the Holland boats, to which the motion of the Senator from Colorado refers, and we ought to vote upon it. I do not think there is any disposition in this body to be unreasonable or to sacrifice this great bill on account of that amendment. But that is not the question. The question is whether the powers of the two Houses are to be destroyed by the action of two conferees of one House; and it seems to me it would be a very dangerous precedent to establish if we submit to it.

Mr. HALE. As I stated, I do not present this technically as a conference report.

Mr. PLATT of Connecticut. Then we can not act on it at all, Mr. President. We have got the bill and can act on it.

Mr. HALE. I thought it proper to notify the Senate of just what the situation is. If the Senate does nothing, it will depend upon whether the House conferees will come in and agree, not to recede, not that we recede, but that we disagree, and make a report; and then when a majority of the conferees of each House sign the report, it is a full conference report.

Mr. ALDRICH. Will the Senator from Maine allow me to make a suggestion?

Mr. HALE. Yes; I will be very glad to have the Senator from Rhode Island do so.

Mr. ALDRICH. The Senator from Maine says that this is not technically a report of the conference committee, and it seems to me the Senate can not possibly take any action upon these papers, which are not properly here. I suggest to the Senator from Maine that he withdraw the papers and try once more to secure the signatures of the House conferees, either to an agreement or a disagreement, and bring the papers back here then in one form or the other.

Mr. HALE. That is what I purposed to do when I brought it in.

Mr. ALDRICH. That, I think, had better be done.

Mr. WOLCOTT. If the Senator from Maine will withdraw the papers I will withdraw my motion. We either have them or we have not.

Mr. TELLER. I should like to make a suggestion.

Mr. HALE. I will not ask the Senate to take any action.

Mr. TELLER. Whether the report made by the conference committee to the Senate is properly before us or not, we have full control over the members of the committee appointed by the Senate. We can give them instructions, if we see fit, either to recede or to insist upon the amendment. We can not lose jurisdiction of this because the House members refuse to act. We have control of the papers, we have control of our committee, and we

can recede here if we see fit, and if we do not see fit we can instruct the conferees to recede or otherwise, just as we see fit. I do not know what we ought to do, but we are certainly not without a full and complete remedy.

Mr. HALE. I have faith to believe that if nothing further is done by the Senate, and I expected that nothing would be done, we will be able in conference to get some disagreeing report signed by the majority of the conferees of the two Houses.

Mr. TELLER. Then I do not desire to make any motion. I intended to move to instruct the conferees to recede, but I will leave that as it is.

Mr. HALE. I think it would be better to leave it, and I will not press the matter any further.

Mr. JONES of Arkansas. I should like to ask the Senator from Maine a question. I understood the Senator from Rhode Island a moment ago to intimate that the Senate was powerless in this matter because two conferees on the part of the House refuse to report a disagreement.

Mr. ALDRICH. If the Senator from Arkansas will pardon me, I did not mean to say that the Senate was powerless. I think the suggestion of the Senator from Colorado is a proper one. We have power to instruct our conferees, but at this stage I think the papers are not properly before the Senate for that purpose. That is all.

Mr. JONES of Arkansas. I simply wanted to enter a protest against any such understanding—that two members of the conference committee could hold up the bill and render both Houses powerless to act.

Mr. ALDRICH. I do not wish to be understood as making that statement in that way.

Mr. JONES of Arkansas. I think the Senate has certainly the power to act, if it chooses, and I think under the circumstances it ought to take such action as will get an agreement or have a disagreement reported.

Now, the fact is in this case there is a disagreement, and it seems to me that the conferees on the part of the Senate and the conferees on the part of the House are in contempt of the bodies that appointed them if they fail to report the fact to the House from which they emanated.

Mr. TILLMAN. If the Senator from Maine will pardon me, the House conferees insisted that we should report an agreement when we did not. They demanded; they held us up.

Mr. HALE. Yes.

Mr. TILLMAN. That is it.

Mr. HALE. They required that we should make a report receding.

Mr. TILLMAN. They demanded that we should make a report that we had receded when we had not receded.

Mr. HALE. There are other matters before the Senate. I do not ask any action on this. I shall report it at no distant hour. I withdraw the papers.

The PRESIDENT pro tempore. The Senator from Maine withdraws the papers.

Mr. PETTUS. Mr. President, I desire to make a suggestion upon this matter. I am a young man here, and I am very desirous that the dignity and rights of this body shall be sustained. I do not think that the conferees, when they get outside of their duties, represent the body that send them; and it seems to me, with due deference to the old and experienced Senators, that the best way out of this matter is for the Senator from Maine to prepare a message to be sent by the Senate to the House of Representatives, to know whether they will recognize the rights and dignity of this body—not in those words, of course, but stating what has occurred and asking that instructions be given to their conferees to conform to the usages and customs of the two bodies when acting together. I make this merely as a suggestion. It seems to me that the dignity of the Senate ought to be preserved and that the rules of the Senate ought to be preserved if this bill does fail.

INDUSTRIAL COMMISSION.

Mr. BUTLER. I offer a resolution, for which I ask present consideration.

The PRESIDENT pro tempore. If there be no objection, the resolution will be received.

Mr. CULLOM. Let it be read.

The PRESIDENT pro tempore. The Senator from North Carolina submits a resolution, for which he asks present consideration. The resolution will be read.

The Secretary read as follows:

Resolved, That the Nonpartisan Industrial Commission created by act of Congress approved June 18, 1898 be, and is hereby, directed to transmit to the Senate a detailed statement, giving the expenditures made by the commission, the number of persons employed, the amount paid to each, the duties assigned them, respectively, and by whom such persons were appointed.

The resolution was considered by unanimous consent, and agreed to.

SAFETY APPLIANCES ON RAILROADS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment reported by the Committee on Interstate Commerce, which will be stated.

The SECRETARY. On page 1, section 1, strike out from line 3 to 16, inclusive, as follows:

That there be added to the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, the following:

SEC. 9. That where any collision of trains, where one of the trains is a passenger train, shall occur on a railroad of any common carrier engaged in interstate commerce by railroad, or where any passenger train, or any part of a passenger train, accidentally leaves the rails, it shall be the duty of the superintendent or other officer in charge of the movement of trains on the division of said road on which the accident occurred to immediately institute an investigation into the causes of such accident and transmit a report under oath to the general manager or general superintendent of the road, showing the nature and causes thereof, and it shall be the duty of such general manager or general superintendent to transmit such report to the Interstate Commerce Commission at their office at Washington, D. C. It shall also be the duty of any such common carrier to make to the Interstate Commerce Commission a monthly report under oath of all accidents which may occur to its passengers or employees, whether attended with loss of life or personal injury, and such report shall state the causes and circumstances connected therewith.

And insert:

That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, D. C., a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees, which report shall state the nature and causes thereof, and the circumstances connected therewith.

Mr. ALDRICH. My purpose in offering the amendment which I submitted last night was to make the section intelligible; but the Senator from South Dakota does not seem to think it is necessary, and I withdraw the amendment.

The PRESIDENT pro tempore. Inserting the words "by reason thereof."

Mr. ALDRICH. The words "by reason thereof."

The PRESIDENT pro tempore. The amendment is withdrawn. The other amendment was accepted. The question is on agreeing to the amendment as amended.

Mr. McCOMAS. I ask the Senator from Illinois to consent to two formal amendments. In line 22 I suggest the word "leaving" instead of the word "leaves," and in line 23, after the word "employees," I suggest the insertion of the words "while in the service of such common carrier." If an employee went to Jersey City and had an accident on a ferry boat, you would not want that reported.

Mr. PETTIGREW. I am willing to accept the amendment if the Senator from Illinois is.

Mr. CULLOM. I see no objection to that.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Maryland will be stated.

The SECRETARY. In section 1, page 2, line 22, it is proposed to strike out the word "leaves" and insert "leaving."

Mr. CULLOM. I think that amendment is a mistake.

Mr. PLATT of Connecticut. I suggest that an amendment has been made which would render the word suggested by the Senator from Maryland ungrammatical.

Mr. CULLOM. Yes. The amendment will read:

Or where any train or part of a train accidentally leaving the tracks.

"Leaves" is the right word, it seems to me.

Mr. McCOMAS. I do not care, if the Senator does not wish to accept it.

Mr. CULLOM. I think it is better as it is.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. In line 23, after the word "employee," it is proposed to insert "while in the service of such common carrier."

Mr. CULLOM. I have no objection to that.

Mr. CARTER. I desire to ask the Senator from Maryland if he does not desire to add the words "and actually on duty?"

Mr. McCOMAS. I accept that.

Mr. CARTER. An employee might be in the service of a company——

Mr. PLATT of Connecticut. He is the year round.

Mr. CARTER. And not be on duty at the time of the accident.

Mr. McCOMAS. I accept the amendment.

Mr. PETTIGREW. I make no objection to that addition.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed, at the end of line 23, on page 2, to insert the following:

While in the service of such common carrier and actually on duty.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 2, page 3, line 3, after the word "month," to strike out "or failing to make report of any collision or cars leaving the rails accidentally, as herein required, within thirty days after the occurrence of such accident;" in line 8, after the word "dollars," to strike out "and not more than $500;" and in line 11, to strike out:

The failure of the superintendent or other officer in charge of the movement of trains as aforesaid to make report to the general manager or general superintendent, or of said general manager or general superintendent to make report to the Interstate Commerce Commission, as herein required, shall be deemed the offense of the carrier as well as of such officer himself: *Provided.*

So as to make the section read:

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $100 for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

The amendment was agreed to.

Mr. CULLOM. That is the last amendment of the committee.

The PRESIDENT pro tempore. The clerks will renumber the sections. Are there further amendments?

Mr. CULLOM. There are not.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read, "A bill requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission."

CONSIDERATION OF UNOBJECTED HOUSE BILLS.

Mr. PRITCHARD. I ask unanimous consent to call up the District code bill.

Mr. TELLER. That bill will create more or less debate.

Mr. GALLINGER. If the Senator from North Carolina will yield to me, I will ask unanimous consent that we may now proceed to the consideration of unobjected House bills on the Calendar, and if we do that the code bill will be reached in due time.

Mr. TELLER. I will not object to it when it is reached.

Mr. GALLINGER. If the Senator will permit me, I will make that request.

Mr. PRITCHARD. I will yield on that understanding.

Mr. GALLINGER. I then make the request that we now proceed to the consideration of unobjected House bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the Senate now proceed to the consideration of unobjected House bills on the Calendar. Is there objection?

Mr. WARREN. I do not wish to object, but I ask that it may include such House bills as were reported this morning and are not on the printed Calendar. I ask that they may be considered as on the Calendar.

Mr. GALLINGER. I will enlarge my request to include those bills.

Mr. ALDRICH. That is right.

Mr. BUTLER. I do not wish to allow that agreement to be made and then put every Senator who has a bill in a position where, if some Senator wishes to make an observation of a few sentences or for a minute, it kills the bill.

Mr. GALLINGER. Oh, we never do that. We allow Senators to speak.

Mr. BUTLER. I desire to say that I have been the victim of this kind of a consent for a month on some bills that one or more Senators had observations which they wished to submit, and I understood had no objection to voting when they had made the observations; and yet the moment the observations were attempted, under the consent I could not get a hearing.

Mr. GALLINGER. We will give you that.

Mr. BUTLER. I do not know whether other Senators are in that condition or not. I want to ask unanimous consent for the present consideration of a short bill, and then I will have no objection to the request of the Senator from New Hampshire.

Mr. JONES of Arkansas. If the suggestion of the Senator from New Hampshire is agreed to, whenever one of these bills is reached it will be read first for information and then the Senate will be asked if there is objection. If there is not, the bill will be taken up and questions can be asked, and nobody will have the right to displace it because there shall be some question asked in relation to it. The question of consideration will come up first. There can be no wrong done to anybody. The proposition is a fair one, and one which, it seems to me, every member of the Senate ought to agree to; and I think my friend the Senator from North Carolina will not suffer the inconvenience which he suggests under this agreement.

Mr. CULLOM. No.

Mr. BUTLER. I will say to the Senator there is a short bill which has the unanimous report of the committees of both Houses. It passed the House after full discussion, and yet it has gone over four or five times by the objection of one Senator, when, I understand, he simply had a statement that he wanted to put in the RECORD; and that put the bill aside.

Mr. JONES of Arkansas. If any Senator objects to any one of these bills, it goes over under the agreement.

Mr. BUTLER. That is why I object to the agreement. I do not wish the Senate to adjourn before I get a vote on this bill. It is for the relief of a Masonic lodge in my State, for a small amount. I feel it my duty to get a vote on it. It is a just claim.

Mr. JONES of Arkansas. I have no doubt the quickest way to get a vote is to pursue the plan suggested by the Senator from New Hampshire.

Mr. GALLINGER. It is the only way.

Mr. JONES of Arkansas. It is best for all bills. It will save time. I believe it is the only way to do it, and I hope everybody will agree to it.

Mr. BUTLER. I feel that my duty to my constituents and to the persons interested in the bill makes it necessary for me to protect myself by every parliamentary situation. But I do not wish to inconvenience other Senators, and I hope other Senators will remember that, and be disposed to give me a vote on this bill. So I will not object.

Mr. CARTER. I desire to call attention to the fact that the Senate is in such disorder that the current of business can not be understood.

The PRESIDENT pro tempore. The Senate must preserve order. There is some confusion in the galleries. The Chair hopes that persons in the galleries will preserve as much order as is possible and converse as little as is possible. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of unobjected House bills on the Calendar. Is there objection?

Mr. PRITCHARD. I do not propose to object, but when I secured the floor it was my intention to move that the Senate take up the District code bill for consideration; but inasmuch as there are a number of Senators who desire to have matters passed upon, I will not make objection.

Mr. BURROWS. I think the request was so modified as to include those bills which are not on the printed Calendar, but have been reported.

The PRESIDENT pro tempore. The Chair would treat them as being on the Calendar anyway. They have been reported on the last day of the session. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The Chair would like to inquire whether the unanimous consent agreement would interfere with the Chair in laying before the Senate bills as they come from the House, when Senators might request that they should be acted upon?

Mr. GALLINGER. My judgment is that it ought not, and that it ought, of course, to permit, as under the rules we would be forced to permit, the introduction of conference reports, and that the procedure might be interrupted for those purposes.

The PRESIDENT pro tempore. The Chair wanted to understand that.

CREDENTIALS.

Mr. ALLISON. I present the credentials of my colleague [Mr. DOLLIVER] and ask that they be read:

The credentials were read, as follows:

UNITED STATES OF AMERICA,
STATE OF IOWA, EXECUTIVE DEPARTMENT.

To the Hon. WILLIAM P. FRYE,
President pro tempore of the Senate of the United States:

Whereas on the 16th day of January, A. D. 1900, John Henry Gear was duly elected Senator in Congress from the State of Iowa for the term beginning on the 4th day of March, A. D. 1901; and

Whereas said John Henry Gear died on the 14th day of July, A. D. 1900; and

Whereas, because thereof and the fact that the legislature of said State has not been in session since the date of said demise, and will not be before the 4th day of March proximo, will happen on that date in the representation of the State of Iowa in the Senate of the United States.

Now, therefore, I, Leslie M. Shaw, governor of the State of Iowa, by virtue of authority vested in me by the Constitution of the United States, do hereby appoint Jonathan Prentiss Dolliver, of the county of Webster, a Senator in Congress from the State of Iowa, to fill the vacancy thus occasioned, and do certify the same to the Senate of the United States.

In testimony whereof, witness my hand and the great seal of the State of Iowa. Done this 25th day of February, in the year of our Lord 1901, of the Independence of the United States the one hundred and twenty-fifth, of the State of Iowa the fifty-fifth.

[SEAL.] LESLIE M. SHAW.

By the governor:
W. B. MARTIN,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. McBRIDE presented the credentials of John H. Mitchell, chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

JAMES A. SOMERVILLE.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 7603) to correct the military record of James A. Somerville, to report it without amendment. I report the bill now and ask that it may be put on the Calendar and come up under this order.

SHIP BALCLUTHA.

Mr. TURNER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha*, to report it favorably without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar. The Secretary will announce the first bill on the Calendar under the order.

PENSIONS OF CERTAIN WIDOWS.

The bill (H. R. 9896) to restore certain widows to the pension roll was announced as first in order.

Mr. PLATT of Connecticut. I am in favor of the bill as reported to the Senate, but it is a substitute for the House bill, and I am quite sure it can not pass at this session, and will make discussion here. Therefore I ask that it may go over.

The PRESIDENT pro tempore. It will go over.

TAX ON FERMENTED LIQUORS.

The bill (H. R. 8620) amendatory of sections 3329 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors, was announced as next in order.

Mr. JONES of Arkansas. Let that bill go over, Mr. President.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Objection being made, the bill goes over.

THE NICARAGUA CANAL.

Mr. MORGAN. The Secretary has passed over an order of business which ought to be called—House bill 2538.

The PRESIDING OFFICER. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. LODGE. I do not think we can discuss that now.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. MORGAN. I did not hear the objection.

The PRESIDING OFFICER. The Chair heard it. The Senator from Massachusetts objects.

Mr. MORGAN. I will say to the Senator from Massachusetts that I am perfectly willing to take a vote on the bill without debate.

Mr. LODGE. The Senator knows very well that at this time we could not possibly pass the bill without debate.

Mr. MORGAN. I wish to ask a parliamentary question. Am I prevented now, by the unanimous consent agreement of the Senate just made, from the consideration of the bill?

Mr. GALLINGER. Oh, yes.

Mr. LODGE. Upon that point I am not prepared to speak.

Mr. MORGAN. I ask the Chair.

The PRESIDING OFFICER. The present occupant of the chair understands the agreement to be that the Senate shall proceed with the consideration of unobjected House bills upon the Calendar.

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. And that an objection restores a bill to the Calendar when it is once taken up. The next bill will be announced.

EXTENSION OF PATENT.

The bill (H. R. 5711) extending the term of patent No. 287230 was announced as next in order.

Mr. PLATT of Connecticut. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over. The next bill will be stated.

ELECTION OF SENATORS.

The joint resolution (H. J. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States was announced as the next business in order.

Mr. GALLINGER. That is an adverse report. Let it go over.

The PRESIDING OFFICER. Objection being made, the joint resolution goes over.

WASHINGTON TELEPHONE COMPANY.

The bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia was announced as next in order.

Mr. McCOMAS. I ask that the bill be taken up.

Mr. GALLINGER. Let it go over.

The PRESIDING OFFICER. Objection is made, and the next bill will be announced.

AGNES AND MARIA DE LEON.

The bill (H. R. 2619) for the relief of Agnes and Maria De Leon was announced as next in order.

Mr. PLATT of Connecticut. That item went on the deficiency appropriation bill yesterday. I do not know whether it has been retained or not.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. PLATT of Connecticut. I do not object to it.

Mr. DOLLIVER. I trust my friend will not object to the bill and will permit me to make a brief statement.

Mr. PLATT of Connecticut. I did not object to it. I said the item went on the deficiency appropriation bill yesterday, and I do not know whether it was retained or not.

Mr. DOLLIVER. Probably that was another bill.

Mr. PLATT of Connecticut. The names were those of these parties.

Mr. DOLLIVER. I ask that the bill may be considered now. It is for the relief of two old ladies in the Garfield Hospital here.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Agnes De Leon and Maria De Leon, heirs at law of Rebecca L. De Leon, deceased, the sum of $1,000 for injury to the buildings of said Rebecca L. De Leon in Albuquerque, N. Mex., and consequent loss of rent, in the year 1862, and in the lifetime of the said Rebecca L. De Leon, which buildings, while occupied under a lease by the United States, were partially destroyed by the United States troops to prevent them and the stores therein contained from falling into the hands of the enemy in the war between the States.

Mr. JONES of Arkansas. I should like to ask what is the statement made in that bill. Is it that these injuries were done to prevent the buildings from "falling into the hands of the enemy?"

Mr. DOLLIVER. I presume that probably I am the only Senator who has any familiarity with this bill. I had my attention called to it in the House.

These two claimants are old women, now in the Garfield Hospital in this city. They are without friends or influential connections. Their property in Texas was rented to the Government, and when the Government gave up the occupation of it a portion of the buildings were burned, and the occupation of it itself occasioned serious damage to the buildings, which damage was assessed. The Committee on Claims in the House has reported the bill from time to time, but as the old people have been without friends or anyone to speak for them, the matter has been neglected. The committee reduced the amount of their claim more than one-half. I frankly confess there is an element of sympathy and of charity in their claim, and I trust no objection will be made to the passage of the bill.

The PRESIDING OFFICER. The Senator from Connecticut called the attention of the Chair to the fact that this bill was inserted in the deficiency appropriation bill which passed the Senate yesterday. The Chair finds upon examination of the RECORD that that was a fact. On page 3407 of the RECORD the following is found:

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert the following:

"For the relief of Agnes and Maria De Leon, as shown in House bill 2619 and Senate report on that bill, No. 1619, $1,000."

Mr. ALLISON. If the Chair will allow me, the item was inserted in the deficiency bill and was stricken out in conference.

Mr. PLATT of Connecticut. That was the inquiry that I made.

Mr. DOLLIVER. It is out of the appropriation bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler; and

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

DISTRICT CODE BILL.

The bill (H. R. 9835) to establish a code of laws for the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The Chair understands that this bill has been read at length. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. There is one amendment reported by the committee.

Mr. GALLINGER. I think the Senator from North Carolina [Mr. PRITCHARD] has some amendments to submit to the bill.

The PRESIDING OFFICER. The amendment reported by the Committee on the District of Columbia will be stated.

Mr. DANIEL. Mr. President, there have been a great many amendments suggested to that bill——

The PRESIDING OFFICER. The business of the Senate will be suspended until the Senate is in order. Senators and those entitled to the floor by courtesy must be in order. When Senators suspend conversation the Senate will proceed with business.

Mr. PRITCHARD. The Committee on the District of Columbia withdraws the amendments.

The PRESIDING OFFICER. There do not seem to be any amendments in the text except the date when the act shall go into effect. That amendment will be stated.

The SECRETARY. On page 1, at the end of section 1, strike out "one" and insert "two;" so as to read: "1902."

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment proposed——

Mr. GALLINGER. I ask the Senator from North Carolina if he has not amendments to offer?

Mr. PRITCHARD. I have abandoned those amendments.

Mr. GALLINGER. I do not agree to the proposition to drop the amendments of the committee. There is no reason why they should not be incorporated in the bill. They relate to all the medical and sanitary laws of this District.

Mr. PRITCHARD. Very well; I offer the amendments that have been agreed upon by the committee.

Mr. GALLINGER. I represent interests here that I do not propose to have sacrificed.

The PRESIDING OFFICER. The Senator from North Carolina reports further amendments from the Committee on the District of Columbia, which will be read.

The SECRETARY. In section 3, line 1, strike out the word "six" and insert the word "ten."

The PRESIDING OFFICER. The amendment will be agreed to, without objection.

Mr. COCKRELL. Let us see what it means.

The PRESIDING OFFICER. The clause may be read as proposed to be amended.

The Secretary read as follows:

There shall be ten justices of the peace in the District, who shall be appointed by the President of the United States, etc.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in line 9, to strike out "four" and insert "two;" so as to read:

And shall either have held the office of justice of the peace in said District for a period of at least two years.

The amendment was agreed to.

The next amendment was, in line 17, to strike out "six" and insert "ten;" so as to read:

And said supreme court shall divide the said districts into ten subdistricts.

The amendment was agreed to.

The next amendment was to insert at the end of section 5:

Should a suit be brought against any party or corporation in any district in which he or it does not reside or hold business, and a plea to the jurisdiction on this account be filed by said defendant, the party or corporation interposing such plea shall disclose under oath the district in which he or it should have been sued; and the justice, upon sustaining such plea, shall certify the cause for trial to the justice sitting in the district where suit should have been instituted; and should no such plea be filed before trial the justice shall be deemed to have had full jurisdiction. In any suit brought before a justice of the peace the defendant, his agent or attorney, may have the cause removed to the next nearest justice, upon filing an affidavit with the justice issuing the writ, on the return day or day of trial of the action, that he does not believe said justice will give him a fair and impartial trial.

The amendment was agreed to.

The next amendment was, in section 35, line 9, to strike out "two" and insert "four;" so as to read:

An appeal may be taken from the judgment, as in other cases, provided the same is prayed within four days after the entering judgment, etc.

The amendment was agreed to.

The next amendment was, in section 226, line 3, after the word "thereof," to insert the following:

Including any final order or judgment in any case heard on appeal from a justice of the peace.

The amendment was agreed to.

The next amendment was, in section 553, line 17, to strike out "one" and insert "two;" also to strike out "eight" and insert "five."

The amendment was agreed to.

The next amendment was, in section 646, commencing with the word "*Provided*," line 24, to strike out all up to the word "said," in line 27.

The amendment was agreed to.

The next amendment was, in section 650, line 11, to insert after the word "receipts" the following:

And all insurance companies of every description, except mutual fire insurance companies, shall pay to the collector of taxes before March 1 of each year a sum equal to 1½ per cent of said premium receipts of the last preceding calendar year in lieu of all other taxes, except taxes upon real estate and any license fees provided for in sections 654 and 655; and upon the failure of any company to pay said taxes before March 1, as aforesaid, the license of said company shall be revoked and a penalty of 8 per cent per month shall be charged against said company, which, together with said taxes, shall be collected before said company shall be allowed to resume business.

The amendment was agreed to.

The next amendment was, in section 655, line 3, to strike out the word "beneficiary" and insert the word "beneficial;" also, same line, strike out the words "from operating" and insert the words "or apply to;" line 5, same section, strike out the word "beneficiary" and insert the word "beneficial;" also, same line, strike out the words "societies, orders, or," being in sequence.

The amendment was agreed to.

The next amendment was, in the heading of subchapter 12, page 154, to change the word "benefit" to "beneficial."

The amendment was agreed to.

The next amendment was, in section 749, line 13, after the word "reserve" to insert a comma; also, in line 14, same section, after the word "reserve," to insert a comma.

The amendment was agreed to.

The next amendment was in section 751, page 156: At the end of said section insert as a new paragraph the following:

Any association doing business under this subchapter shall be permitted to do business upon filing annually with the superintendent of insurance the certificate of authority of the insurance department of the State, province, or Territory in which it is incorporated or organized: *Provided, however*, That in case of failure to file said certificate by any such association, or in case the superintendent of insurance shall deem it necessary, he shall have power, either personally or by some person designated by him, to examine into the condition, affairs, character, business methods, accounts, books, and investments of such association, at its home office, which examination shall be at the expense of the association. The amount of such expense shall not exceed $100 for associations which have no reserve or emergency fund and $200 for associations with a reserve or emergency fund.

The amendment was agreed to.

The next amendment was to add to section 842 the following:

Any person who obtains any lodging, food, or accommodation at an inn, boarding house, or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at such an inn, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at such an inn, boarding house, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, accommodation, or lodging, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of the District of Columbia be fined not more than $100 or imprisoned not more than six months, or both, in the discretion of said court.

The amendment was agreed to.

The next amendment was, in section 1073, page 216, line 6, commencing with the word "unless," to strike out all down to the word "Provided," in line 8.

The amendment was agreed to.

The next amendment was, in section 1574, line 2, to insert between the words "all" and "property" the word "private;" also in lines 2 and 3 to strike out the words "public and private;" and, same line, to insert between the words "and" and "all" the words "authenticated copies of."

The amendment was agreed to.

The next amendment was, in section 1576, line 2, to strike out the word "public" and substitute the words "United States;" also, same line, between the words "property" and "of," to insert "under the jurisdiction of the Commissioners."

The amendment was agreed to.

The next amendment was, in section 1601, line 4, to insert after the word "Columbia" the words "under their jurisdiction."

The amendment was agreed to.

The next amendment was, in section 1636, page 314, after line 24, the end of the seventh exception, to add:

Eighth. An act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878; an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892; an act regulating the construction of buildings along alleyways in the District of Columbia, approved July 22, 1892; an act for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia, approved February 25, 1895; an act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia, approved May 4, 1896; an act relating to the testimony of physicians in the courts of the District of Columbia, received by the President May 13, 1896; an act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June 3, 1896; and, generally, all acts or parts of acts relating to medicine, dentistry, pharmacy, the commitment of the insane to the Government Hospital for the Insane in the District of Columbia, the abatement of nuisances, and public health.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments of the committee. Are there further amendments to the bill as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCHANGE OF GOLD COIN FOR GOLD BARS.

The bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars" was announced as next in order, and the Secretary proceeded to read the bill.

Mr. WELLINGTON. Mr. President, I desire to make an inquiry. There is such confusion in the Chamber that it is impossible to hear the business that is being transacted. I desire to know what has become of the District code bill.

Mr. BURROWS and others. It was passed.

Mr. WELLINGTON. I could not hear its passage. I do not think it is fair or proper to pass any bill through this body when the confusion is such that the members of the Senate themselves when endeavoring to listen can not hear. I object to that matter. I desire to ask some questions concerning that bill. It is an important measure, and should not be passed upon the spur of the moment in confusion of this kind.

Mr. ALDRICH. The then occupant of the chair was very careful at every stage to put the motions clearly.

Mr. WELLINGTON. I was paying attention as much as I could, and yet the confusion was such that before I knew it the occupant of the chair had disappeared and the bill was passed. I did not hear that it was passed, and it is not fair to pass a bill in that way in the Senate of the United States, especially a bill of such importance.

Mr. ALDRICH. The Reporter's notes will show that the then occupant of the chair submitted both sides of the question to the Senate and declared the bill passed in regular form.

Mr. WELLINGTON. That may be possible. I do not say the Chair did not do that; but I do say that there was such commotion and confusion and such disorder in the Chamber that I could not hear the action taken, and I was listening. I intended to make objection to the passage of that bill unless it had in it some features that I desire to know about.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. Has not the Senator from Maryland a perfect right to enter a motion to reconsider?

Mr. WELLINGTON. I desire to make that motion, if there is no other remedy. I move to reconsider the vote by which the bill was passed.

Mr. JONES of Arkansas. The Senate is proceeding by unanimous consent under a distinct understanding that bills not objected to are to be considered, and when a Senator states that he was in the Chamber and was trying to ascertain what was going on and did not know it, and objected to the consideration of a bill, I do not think there ought to be any objection to its being reconsidered. I think it ought to be done by unanimous consent.

Mr. HOAR. That is right.

Mr. GALLINGER. Let that be done.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maryland that the vote by which the bill to which he has referred be reconsidered? The Chair hears no objection, and the bill will again be placed before the Senate as soon as it can be returned from the Secretary's office.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit a resolution and ask action upon it.

The resolution was read, as follows:

Resolved, That the present conferees of the Senate upon the disagreeing votes of the two Houses upon the naval appropriation bill be discharged from further duty, and that the House of Representatives is hereby requested to grant a conference with the Senate upon the disagreeing votes upon said bill.

Mr. HALE. Mr. President, when the matter was before the Senate some little time ago and the papers were withdrawn the House conferees were upon the floor and were requested to meet the Senate conferees in the room of the Committee on Naval Affairs. The Senate conferees and one member of the conferees of the House have been there waiting since. The House conferees do not appear. Time is so short and such is the importance of the matter that, with no feeling whatever on the part of the Senate conferees, but in order that in some way we may emerge from this difficulty, I am directed to report the resolution, and as Senators were not listening I ask that it be read again.

The Secretary again read the resolution.

Mr. PLATT of Connecticut. Mr. President, that resolution has been twice read, but I should like to hear it read again.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HALE subsequently said: I ask unanimous consent that a message be sent to the House of Representatives recalling the resolution touching the naval appropriation bill.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington;

A bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii;

A bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise;

A bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy;

A bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.;

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk of said court, and for other purposes," approved February 19, 1900; and

A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

SEABOARD AND ROANOKE RAILROAD, ETC.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1161) for the relief of the Seaboard and Roanoke Railroad Company;

A bill (S. 5307) for the relief of Thomas W. Evans and the heirs of William Evans and of William R. Elliston;

A bill (S. 5308) for the relief of Thomas W. Evans;

A bill (S. 6064) for the relief of Samuel M. Blair; and

A bill (S. 6035) for the relief of James W. Manier, sr.,

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims represented by the following bills, to wit, S. 1161, S. 5307, S. 5308, S. 6064, and S. 6035, for the relief of the Seaboard and Roanoke Railroad Company; for the relief of Thomas W. Evans and the heirs of William Evans and of William R. Elliston; for the relief of Thomas W. Evans; for the relief of Samuel M. Blair, and for the relief of James W. Manier, sr., now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

REPORT OF A COMMITTEE.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 13396) to amend section 5546 of the Revised Statutes, to report it favorably without amendment.

I wish to state in the hearing of the Senate that I was authorized by the Committee on the Judiciary to report a Senate bill exactly like the House bill, but that report has not yet been made.

The PRESIDENT pro tempore. The report will be placed on the Calendar.

DISTRICT CODE BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 9835) to establish a code of laws for the District of Columbia, the vote by which the bill was ordered to a third reading and passed having been reconsidered. The bill is before the Senate open to amendment.

Mr. WELLINGTON. I desire to ask any member of the committee having the bill in charge whether or not there has been included in the bill the amendment originally proposed by the Senator from South Dakota [Mr. KYLE], concerning the marriage laws of the District of Columbia? There was an understanding that that amendment should be placed on the bill, and I desire to know whether it has been included.

Mr. GALLINGER. I will say that the two Senators having this bill in charge, the Senator from Maryland [Mr. MCCOMAS] and the Senator from North Carolina [Mr. PRITCHARD], have left the Chamber since the bill was passed. They left supposing that it had been finally acted upon. I am unable to answer the Senator's question further than to say that I think the amendment to which he has referred has not been incorporated in the bill.

The PRESIDENT pro tempore. That is the amendment originally proposed by the Senator from South Dakota [Mr. KYLE], the Chair understands.

Mr. GALLINGER. That is the amendment.

The PRESIDENT pro tempore. The Chair has that amendment in his hands. It has not been agreed to.

Mr. GALLINGER. Then let the Senator from Maryland offer it.

Mr. WELLINGTON. I offer the amendments as originally proposed by the Senator from South Dakota [Mr. KYLE] to the bill.

The PRESIDENT pro tempore. The Senator from Maryland offers amendments which will be stated.

The SECRETARY. On page 39, after section 185, it is proposed to insert:

The clerk of the court in which any proceeding for divorce shall be instituted shall immediately notify the United States attorney of the institution of such proceeding, and it shall be the duty of said attorney to enter his appearance therein in order to prevent collusion and to protect public morals.

The amendment was agreed to.

The next amendment was, on page 199, to strike out sections 966 and 967, and insert:

SEC. 966. Causes for divorce a vinculo and for divorce a mensa et thoro.—A divorce from the bond of marriage may be granted only where one of the parties has committed adultery during the marriage: *Provided*, That in such case the innocent party only may remarry, but nothing herein contained shall prevent the remarriage of the divorced parties to each other: *And provided*, That legal separation from bed and board may be granted for drunkenness, cruelty, or desertion: *And provided*, That marriage contracts may be declared void in the following cases:

First. Where such marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved.

Second. Where such marriage was contracted during the lunacy of either party (unless there had been voluntary cohabitation after the lunacy) or was procured by fraud or coercion.

Third. Where either party was matrimonially incapacitated at the time of marriage and has continued so.

Fourth. Where either of the parties had not arrived at the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after coming to legal age), but in such cases only at the suit of the party not capable of consenting.

SEC. 967. Foregoing section not retroactive.—The provisions of this act shall not invalidate any marriage heretofore solemnized according to law, or affect the validity of any decree or judgment of divorce heretofore pronounced.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCHANGE OF GOLD COIN FOR GOLD BARS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars."

The PRESIDENT pro tempore. This bill was read in full a few moments ago. Is there objection to its present consideration?

Mr. TELLER. I do not desire to object to the bill. I think it ought to be changed, but I will not make a motion to amend. It ought to be entitled "A bill to encourage the export of gold."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE OLEOMARGARINE BILL.

The bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine, was announced as next in order.

Mr. PROCTOR. That is the oleomargarine bill, and it might possibly lead to debate. [Laughter.]

The PRESIDENT pro tempore. The bill being objected to, goes over.

RIVER AND HARBOR BILL.

Mr. NELSON. I desire to make a conference report.

The PRESIDENT pro tempore. The report will be received.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 13, 22, 25, 39, 46, 52, 55, 56, 60, 66, 67, 68, 69, 71, 72, 73, 79, 84, 86, 87, 88, 89, 91, 95, 100, 103, 109, 111, 114, 119, 122, 123, 124, 125, 132, 143, 151, 152, 153, 155, 156, 157, 159, 164, 171, 172, 176, 191, 198, 200, 201, 202, 203, 227, 228, 235, 236, 237, 244, 246, 248, 253, 268, 269, 271, 272, 276, 281, 283, 291, 294, 299.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, 57, 59, 61, 62, 63, 64, 65, 74, 75, 76, 78, 80, 81, 82, 85, 90, 92, 94, 96, 97, 98, 99, 104, 105, 106, 107, 110, 112, 113, 115, 116, 117, 118, 120, 121, 127, 128, 129, 130, 131, 133, 134, 135, 137, 139, 140, 141, 142, 144, 145, 146, 147, 148, 149, 150, 158, 160, 161, 162, 166, 167, 169, 170, 174, 175, 178, 180, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 199, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 217, 218, 222, 223, 224, 225, 229, 230, 231, 232, 233, 238, 239, 240, 241, 245, 247, 249, 250, 252, 255, 256, 257, 258, 259, 260, 264, 265, 266, 267, 270, 273, 274, 275, 277, 278, 279, 280, 282, 284, 285, 286, 287, 288, 289, 290, 292, 293, 295, 296, 297, 298, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In the language proposed by the Senate amendment insert before the word "selecting" the words "determining the advisability of;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "Continuing improvement, with a view to obtaining a channel not less than 30 feet deep and with the greatest practicable width, $250,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out and in lieu of the sum named insert "$10,000;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert "twenty-five thousand;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Amend the paragraph so it will read:

"Improving harbor at Pensacola, Fla.: Continuing improvement and for maintenance, $220,000, of which amount $150,000 may be used for the construction of a seagoing suction dredge to be used in improving the harbors at Pensacola, Carrabelle, and Apalachicola, Fla."

And the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the language proposed to be inserted insert the following:

"Improving Biscayne Bay, Florida, by obtaining a uniform depth of 15 feet of water in a harbor or basin on the east side of Biscayne Bay, and a depth of 15 feet in a channel from said basin by way of the line north of Norris Cut to the sea, in accordance with the project submitted in House Document No. 962, Fifty-sixth Congress, first session, $200,000, out of which amount herein appropriated the Secretary of War may in his discretion construct a suitable dredge for use on said project."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the words proposed insert the words "three hundred and fifty;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million eight hundred and twenty-nine thousand one hundred and sixty-seven;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$262,500;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: After the word "breakwater," where it occurs for the second time in the paragraph, insert the words "to be extended eastwardly from the breakwater now under construction;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the word "prosecute," proposed to be inserted, restore the word "complete," and after the word "aggregate" in same paragraph strike out the words "two hundred and forty-five" and insert in lieu thereof the words "two hundred and seventy;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: Add at the end of the language proposed to be inserted the following words: "Exclusive of the cost of land required, if any;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving inner harbor at San Pedro, Cal., by dredging to the lower end of the wharves, $100,000; and the Secretary of War is hereby authorized to use so much thereof as may be necessary for the construction of a suitable dredge."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out all after the word "session" and insert in lieu thereof the words "one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the word "forty" proposed to be inserted, insert the word "eighty-one;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000" and insert thereafter a new paragraph, as follows:

"Improving St. Jones River, Delaware, in accordance with the report submitted in House Document No. 165, Fifty-sixth Congress, first session, $10,000."

And the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the word "prosecute" and insert in lieu thereof the word "complete;" and at the end of the language proposed insert the following: "*Provided*, That the contract herein authorized shall be entered into on or before June 30, 1902;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "In accordance with the report submitted in House Document No. 180, Fifty-sixth Congress, second session, $150,000, to be expended in obtaining a suitable navigable channel from Wilmington to Fayetteville;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "And the sum of $8,000 is hereby appropriated for dredging and improving the channel between Rome, Ga., and Lock No. 4;" and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: Restore the paragraph proposed to be stricken out, with an amendment as follows: In the first two lines strike out the words "A board of three engineers shall be appointed by the President from civil life" and insert the following: "A board of four engineers shall be appointed by the President, of whom two shall be from civil life and two from the Engineer Corps of the Army;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: After the words proposed to be inserted insert the following: "*Provided*, That the Secretary of War may expend any part of this sum, in his discretion, in the improvement of the mountain section in accordance with House Document No. 461, Fifty-sixth Congress, first session;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"Improving Tug and Levisa forks of the Big Sandy River, West Virginia and Kentucky, by construction of a lock and dam on each of said forks next above their junction, in accordance with the report submitted in House Document No. 235, Fifty-sixth Congress, second session, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, or said material may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $250,000, exclusive of the amount herein or heretofore appropriated."

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"Improving Licking River, Kentucky: Improving the Three-mile Ripple and adjoining shoals, in accordance with report submitted in House Document No. 645, Fifty-sixth Congress, first session, $100,000."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: After the word "dollars," in the language proposed to be inserted, insert the following: ", or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: After the word "what" and before the word "steps," in the language proposed, insert the word "legal;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the word "thirty" insert the word "twenty;" and the Senate agree to the same.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "of which amount the Secretary of War is hereby authorized, if in his judgment the same is required in the interest of navigation, to expend $50,000, or so much thereof as may be necessary, in preventing erosion of the banks at or near Sawyers Bend, so as to improve the channel and preserve the protection works at said point;" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000,000;" and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000,000;" and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the word "fifteen" proposed to be inserted, insert the word "thirty-five," and after the word "dollars" insert the following: ", of which $10,000, or so much thereof as may be necessary, may be used for the completion of the lock and dam at Brenneckes Shoals;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of inserting the language proposed in the amendment, strike out all of the paragraph after the word "Washington" and insert the words "For improvement and maintenance, $18,000;" and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Snake River, Alaska: The Secretary of War is hereby authorized and empowered to license any person, persons, company, or corporation to dredge and open the mouth of Snake River, at Nome City, in the district of Alaska, to enable small vessels and lighters to enter therein at any stage of the tide and during all conditions of weather; to construct wharves for commercial purposes, and to charge tolls during a period not to exceed ten years for the use of such improvements, according to plans and specifications and schedule of tolls to be approved by and under the direction of the Secretary of War: *Provided*, That the acceptance of the license shall be a complete waiver of any demand for compensation for such improvement."

And the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In the language proposed, strike out, after the word "resolution," the words "of Congress, or requested by the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives;" and the Senate agree to the same.

Amendment numbered 251: That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"The Secretary of War is hereby authorized, in his discretion, to permit mills or lumber manufactories now existing and operated by water upon the St. Croix River, the Machias River, the Narraguagus River, the Union River, the Denneys River, the Chandler River, the Pleasant River, and the Tunk River, in the State of Maine, to discharge their fine or short sawdust into said rivers."

And the Senate agree to the same.

Amendment numbered 254: That the House recede from its disagreement to the amendment of the Senate numbered 254, and agree to the same with an amendment as follows: In lieu of inserting the language proposed strike out all the paragraph after the word "Congress" where it last occurs; and the Senate agree to the same.

Amendment numbered 261: That the House recede from its disagreement to the amendment of the Senate numbered 261, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "Wabash River from its mouth to Mount Carmel;" and the Senate agree to the same.

Amendment numbered 262: That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: At the end of the language proposed strike out the period and insert the words "exclusive of the cost of land required, if any;" and the Senate agree to the same.

Amendments numbered 168, 219, 220, 221: As to amendments numbered 168, 219, 220, 221, the conferees have been unable to reach an agreement.

KNUTE NELSON,
JAMES McMILLAN,
JAMES H. BERRY,
Managers on the part of the Senate.

THEODORE E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. PLATT of Connecticut. Will the Senator from Minnesota state the points in disagreement?

Mr. NELSON. I move the adoption of the report, and after the report has been adopted, I shall move to insist on the four amendments that are still in disagreement. Before submitting that motion, however, I desire to make a brief statement.

Mr. PLATT of Connecticut. That is what I desire to have the Senator do.

Mr. NELSON. This bill, as it came from the House originally, appropriated $59,935,415, or nearly $60,000,000, of which nearly $23,000,000 was direct appropriations and $37,000,000 continuing contracts. As the bill passed the Senate, the aggregate amount was $50,854,000, of which $22,288,000 were direct appropriations and $28,565,000 continuing contracts. We have cut the aggregate of the bill in conference to $49,675,000, or over a million dollars. Of this amount $23,000,000 was in direct appropriations and $26,477,000 for continuing contracts.

We have agreed about everything except four items. Those four items are two reservoirs in the State of Wyoming, one reservoir in the State of South Dakota, and the fourth is the appropriation of $400,000 to the Brazos Improvement Company to settle a matter which I shall explain a little further on.

The first of the reservoir amendments appropriated $50,000 cash and $165,000 for a continuing contract, which is based upon a survey made two or three years ago under the direction of the War Department.

For the second reservoir, in Wyoming, there was appropriated $50,000 in direct appropriations and $25,000 for continuing contract. That is based upon a survey conducted by the Geological Survey.

The next item is a reservoir and dam on the Sioux River, in South Dakota. The amendment adopted by the Senate was as follows:

For building dams and constructing reservoirs on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, $52,500.

The other item in disagreement is an appropriation of $400,000 for the Brazos Improvement Company. I want to make a brief explanation as to that. Several years ago—I do not remember how many, but a dozen or more years ago—the Brazos Improvement Company made great improvements on the Brazos River and built a harbor there, under a legislative provision for a contract, by which the improvement was to be made at their own expense, with the privilege of collecting tolls.

They carried on extensive improvements, building docks and jetties and dredging. They claimed that they spent over a million dollars in those improvements. The company became embarrassed, suspended, and was unable to further carry on the work. They came here to Congress two years ago, I think, and asked the Government to take the work off their hands and to make it a Government work. We appropriated at that time $85,000, on the condition that the company would give us a complete deed to their property and improvements there, and they have come to this Congress.

A provision, I might say, was made at that time for an investigation by the War Department as to the amount of money the company had expended in making the improvement. A report was made by the engineers of the War Department on that matter. The company claimed that they had spent over a million dollars in making that improvement, but the Government engineers, after boiling it down in every possible direction, found that the actual value of the work to the Government as it existed at that time was less than that, but that the Government could not replace it at any less figure than $600,000.

The company came to the Committee on Commerce and asked us to give them that amount as a matter of equity. They had no legal right to it, but they said: "Here we have spent a million dollars; you have got this improvement; you have taken the work, and you ought to recompense us as a matter of equity." I do not think anybody will contend that there was the least bit of legal obligation to pay them a cent; but they did have some equities. They asked for $600,000, the amount found by the Government engineers as the value of the work.

Through the efforts of the Committee on Commerce we have effected a compromise, or made an agreement with them, by which they agreed to take $400,000, with a provision that they would deed 1 mile of river front 300 feet wide to the Government for dock and wharf purposes, and, the property being mortgaged, that we were to retain $20,000 of that appropriation of $400,000 until they could give us a clean title. The 1 mile of river front was to be selected by the Secretary of War, and they were to give us a good title.

These are substantially the whole matters that are in disagreement—the two reservoirs in Wyoming, the reservoir in South Dakota, and this claim of the Brazos Improvement Company of $400,000. As to these matters the House conferees have decided and said they can not yield. We have reported a disagreement and desire to take the sense of the Senate on these matters.

I am unwilling to take up further time of the Senate, but will answer any question that may be put to me.

Mr. CULLOM. Do I understand the chairman of the conference committee to say that he desires to give up the Brazos River item?

Mr. NELSON. No; nothing of the kind. I have reported a disagreement, and I intend to take the sense of the Senate upon it.

Mr. CULLOM. I hope the Senate will instruct its conferees to stand by that provision.

Mr. NELSON. After the report has been adopted I shall move that the Senate insist upon the amendments in disagreement.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. NELSON. I move that the Senate still further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY were appointed.

J. W. PEGLOW.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, which will be read by its title.

The bill (H. R. 14269) confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians was read twice by its title.

Mr. THURSTON. Mr. President, this matter in a different form, but involving the same legislation, has been considered and acted upon favorably by the Senate Committee on Indian Affairs. I ask unanimous consent that the Senate may proceed to the consideration of the bill.

Mr. ALDRICH. That, I think, would be contrary to the spirit of the agreement under which we are acting. The bill should take its place on the Calendar, and it can be reported by a committee and be taken up in its proper order.

The PRESIDENT pro tempore. Objection being made, the bill will go to the Calendar.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

The bill (H. R. 10305) to provide a home for aged and infirm colored people was announced as next in order on the Calendar.

Mr. PLATT of Connecticut. That will excite debate.

Mr. ALDRICH. There are certain items in that bill which are sure to give rise to considerable discussion, and I feel constrained to object to its present consideration.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

ST. JOHN'S LODGE, OF NEWBERN, N. C.

The bill (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C., was announced as next in order on the Calendar.

Mr. LODGE. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

AFFIDAVITS UNDER HOMESTEAD ACTS, ETC.

The bill (H. R. 5483) to amend section 2294 of the Revised Statutes of the United States was announced as next in order.

Mr. KEAN. Mr. President, I think that bill had better go over.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

REVISION AND CODIFICATION OF LAWS.

The bill (H. R. 7844) to provide for the revision and codification of the permanent and general laws of the United States was announced as next in order.

Mr. PLATT of Connecticut. That matter was incorporated in the deficiency bill, if I am not mistaken.

Mr. ALDRICH. In the sundry civil bill.

Mr. PLATT of Connecticut. If it remains in that bill, there is no occasion for passing this bill.

Mr. ALLISON. It has been provided for in another form. The subject has been covered.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

HEIRS OF GEORGE W. SAULPAW.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw. It provides that there shall be paid to the heirs of George W. Saulpaw $7,000, in full compensation for the steamer *Alfred Robb*, taken by the United States for the use of the Government during the late rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE CHAMBERLAIN.

The bill (H. R. 6776) granting a pension to Annie Chamberlain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Chamberlain, widow of James A. Chamberlain, late of Company D, Sixth Regiment Maine Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. BINNS.

The bill (H. R. 11453) granting a pension to Charles E. Binns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Binns, late a scout, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. T. FITZPATRICK.

The bill (H. R. 568) for the relief of W. T. Fitzpatrick, Bedford City, Va., was considered as in Committee of the Whole. It proposes to pay to W. T. Fitzpatrick, of Bedford City, Va., $75, paid by him as surety for Robert M. Garrett, a distiller, whose brandy, while unstamped, was destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. V. DAVIS.

The bill (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va., was considered as in Committee of the Whole. It proposes to pay to J. V. Davis, superintendent of the Alexandria (Va.) National Cemetery, $500, to reimburse him for personal property destroyed by fire, incurred in his efforts to save the property of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CRAMP SHIP AND ENGINE BUILDING COMPANY.

Mr. STEWART. The bill (H. R. 1605) for the relief of the William Cramp & Son Ship and Engine Building Company, of Philadelphia, Pa., was objected to by the Senator from North Carolina, and he informs me this evening that he withdraws his objection.

Mr. ALDRICH. That had better come up in its regular order.

Mr. STEWART. It will not be reached in its regular order.

The PRESIDENT pro tempore. The bill is on the Calendar under Rule VIII.

Mr. ALDRICH. Then it is not in order now.

Mr. TELLER. That has been objected to.

Mr. HEITFELD. I object to the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

JOHN W. HORNER.

The bill (H. R. 11998) granting an increase of pension to John W. Horner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Horner, late of Company C, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. THOMPSON.

The bill (H. R. 13186) granting an increase of pension to Francis M. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "sixty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Thompson, late of Company D, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

Mr. GALLINGER. I ask that the committee amendment may be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GROTIUS N. UDELL.

The bill (H. R. 13329) granting a pension to Grotius N. Udell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grotius N. Udell, late of Company D, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Grotius N. Udell."

COLUMBUS S. WHITAKER.

The bill (H. R. 11795) granting a pension to Columbus S. Whitaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Columbus S. Whitaker, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. SMITH.

The bill (H. R. 12004) granting an increase of pension to George B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Smith, late of Company A, Eleventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CARBEE.

The bill (H. R. 13080) granting an increase of pension to John F. Carbee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Carbee, late of Company K, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES M. NEET.

The bill (H. R. 1215) granting a pension to Charles M. Neet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Neet, late of Company K, Fourteenth Regiment Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE LEAHY.

The bill (H. R. 11197) granting an increase of pension to Eugene Leahy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene Leahy, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA HAYS.

The bill (H. R. 13520) granting an increase of pension to Cornelia Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelia Hays, widow of William Hays, late brigadier-general, United States Volunteers, and colonel in the United States Army, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL C. F. SEABURY.

The bill (H. R. 13699) granting an increase of pension to Samuel C. F. Seabury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. F. Seabury, late of Company C, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY S. KNIGHT.

The bill (H. R. 13725) granting a pension to Emily S. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily S. Knight, widow of Oliver M. Knight, late second lieutenant Company B, Twenty-second Regiment United States Colored Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA V. COSTON.

The bill (H. R. 9539) granting an increase of pension to Ella V. Coston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella V. Coston, widow of Henry H. Coston, late captain United States Marine Corps, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE L. STUART.

The bill (H. R. 7544) granting an increase of pension to Florence L. Stuart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence L. Stuart, widow of Sidney E. Stuart, late a captain, Ordnance Department, United States Army, and to pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional for each of her minor children until they shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIX PATTERSON.

The bill (H. R. 13794) granting a pension to Hix Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hix Patterson, late of Company K, Fifth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SMITH.

The bill (H. R. 12392) granting a pension to Henry Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Smith, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF EDWARD N. OLDMIXON.

The bill (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon was considered as in Committee of the Whole. It proposes to pay William J. Oldmixon, Edward N. Oldmixon, Mrs. Minnie Reed, and Mrs. Sadie Bazzell, the grandchildren and sole surviving heirs of Edward N. Oldmixon, deceased, late of Escambia County, Fla., the sum of $1,000 for the use and occupation of the land of Edward N. Oldmixon, and the buildings located thereon, by the United States Army about the 22d day of June, 1872, until the present time, for the destruction of buildings thereon, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH MARTHA DUSENBERRY.

The bill (H. R. 12232) granting a pension to Hannah Martha Dusenberry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the name "Dusenberry," to strike out "a Mexican war veteran" and insert "late of Texas Volunteers, war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Martha Dusenberry, the widow of John E. Dusenberry, late of Texas Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

Mr. GALLINGER. I ask that the amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC H. DUVALL.

The bill (H. R. 1769) granting an increase of pension to Isaac H. Duvall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac H. Duvall, late brigadier-general, United States Volunteers, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES ALFRED DE ARNAUD.

The bill (H. R. 5644) granting an increase of pension to Charles Alfred De Arnaud was announced as the next bill in order on the Calendar.

Mr. COCKRELL. I object to the bill. Let it go over.

The PRESIDENT pro tempore. It will go over.

JAMES HICKEY.

The bill (H. R. 13568) granting an increase of pension to James Hickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hickey, late of Company G, Fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. KERSTETTER.

The bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Kerstetter, late of Companies E and B, Twelfth Regiment United States Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZEKIEL DAWSON.

The bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezekiel Dawson, late assistant surgeon Third Regiment Delaware Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILBRE V. DOUGLASS.

The bill (H. R. 7354) granting an increase of pension to Milbre V. Douglass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milbre V. Douglass, late of Company F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. BARR.

The bill (H. R. 7055) granting a pension to John G. Barr, was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Barr, late of Company F, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. BOUSLOUGH.

The bill (H. R. 5645) granting an increase of pension to William H. H. Bouslough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Bouslough, late of Company D, Thirty-eighth Regiment Pennsylvania Volunteer Infantry, and Company F, One hundred and sixty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED H. JONES.

The bill (H. R. 1730) granting an increase of pension to Alfred H. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred H. Jones, late of Company B, Sixty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH BAXTER.

The bill (H. R. 4132) granting an increase of pension to Elijah Baxter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Baxter, late of Company M, One hundred and fifty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI C. MANN.

The bill (H. R. 4193) granting a pension to Levi C. Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi C. Mann, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA E. HAMILL.

The bill (H. R. 6409) granting a pension to Maria E. Hamill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria E. Hamill, widow of William Hamill, late of Company E, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS BLACK.

The bill (H. R. 364) granting an increase of pension to Lewis Black was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Black, late of Company G, Thirty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. LITTLE.

The bill (H. R. 3648) granting an increase of pension to Charles W. Little was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Little, late of Company C, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLIE T. P. KOEHLER.

The bill (H. R. 10334) granting an increase of pension to Nellie T. P. Koehler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie T. P. Koehler, widow of Edgar F. Koehler, late first lieutenant, Ninth United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARY L. CRAMER.

The bill (H. R. 2163) granting an increase of pension to Mary L. Cramer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "fifteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Cramer, widow of Upton F. Cramer, late of Company D, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PETER M. HILL.

The bill (H. R. 4588) granting an increase of pension to Peter M. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter M. Hill, late lieutenant and captain of Company A, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. HARDY.

The bill (H. R. 9843) granting an increase of pension to John A. Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Hardy, late of Company H, Third Ohio Volunteers, Mexican war, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM N. HALL.

The bill (H. R. 12386) granting an increase of pension to William N. Hall was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William N. Hall, late quartermaster-sergeant, Fifteenth United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH REYNOLDS.

The bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Reynolds, widow of Roddie Reynolds, late acting master's mate, United States Navy, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL A. NEEDHAM.

The bill (H. R. 12816) granting an increase of pension to Samuel A. Needham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. Needham, late of Company I, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF JOSEPH T. STOUT.

The bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout was considered as in Committee of the Whole. It proposes to pay to Alfred Ford, executor of the last will and testament of Joseph T. Stout, late of Cecil County, Md., $792.56, in full payment for certain unregistered United States bond, with unpaid coupons, stolen from Joseph T. Stout.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA R. CRAWFORD.

The bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779 was announced as the next business in order on the Calendar.

Mr. ALDRICH. I think that had better go over.

Mr. WARREN. I think the unanimous-consent agreement requires the reading of a bill, and then the objection can be made after it has been read. I should like to have this bill read.

Mr. ALDRICH. I am willing to object to it on the title.

The PRESIDENT pro tempore. If the Senator from Wyoming desires it to be read, the bill will be read.

Mr. ALDRICH. It relates to a loan certificate issued in 1779. It seems to me that is a good while ago.

The Secretary read the bill.

Mr. ALDRICH. I renew my objection.

The PRESIDENT pro tempore. The bill goes over.

LEGAL REPRESENTATIVES OF EDWIN DE LEON.

The bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of Connecticut. If the title is changed, does the bill go back to the House?

Mr. GALLINGER. Certainly.

Mr. PLATT of Connecticut. The title ought to be changed, because it asserts that $8,000 is due for judicial services. I move to amend the title of the bill so as to read: "claimed for judicial services."

The PRESIDENT pro tempore. The title will be amended as suggested by the Senator from Connecticut.

The title was amended so as to read:

A bill for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 claimed by him to be due for judicial services.

MARGARET L. B. PARSONS.

The bill (H. R. 13998) granting an increase of pension to Margaret L. B. Parsons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret L. B. Parsons, widow of Charles C. Parsons, late captain, Fourth Regiment United States Artillery, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARLINE E. M'NUTT.

The bill (H. R. 12747) granting a pension to Arline E. McNutt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arline E. McNutt, widow of James McNutt, late acting assistant surgeon, United States Army, and to pay her a pension of $8 per month and $2 per month additional for the minor child of the officer, such additional pension to cease upon the arrival of the child at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMILDA J. LUTTRELL.

The bill (H. R. 7321) granting a pension to Armilda J. Luttrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Armilda J. Luttrell, widow of Samuel Luttrell, late teamster in Quartermaster's Department, United States Army, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BAUGHMAN.

The bill (H. R. 9503) granting an increase of pension to Samuel Baughman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Baughman, late of Company C, Sixty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move, in line 8, to strike out "sixteen," before the word "dollars," and insert "twelve."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADMINISTRATOR OF MARY R. FROST.

The bill (H. R. 3696) for the relief of the administrator of Mary R. Frost, deceased, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to redeem, in favor of the administrator of the estate of Mary R. Frost, certain United States 4½ per cent registered bonds, with interest accrued and unpaid to the date of their maturity, the bonds having been lost in the mails after having been assigned in blank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. TUNIS.

The bill (H. R. 12204) granting an increase of pension to Mary A. Tunis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Tunis, widow of Nehemiah Tunis, late captain of Company K, Fifteenth

Regiment New Jersey Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY BARRON.

The bill (H. R. 7072) granting a pension to Mary Barron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Barron, widow of Francis Barron, late of the Third Battery, Iowa Volunteer Light Artillery, and to pay her a pension of $8 per month and $2 per month additional for the surviving minor child of the soldier until such child shall have arrived at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATY KURTH.

The bill (H. R. 7688) granting a pension to Katy Kurth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katy Kurth, the helpless and dependent daughter of George Kurth, late of Company I, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN PRATT.

The bill (H. R. 13173) granting an increase of pension to Ellen Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Pratt, widow of Albert Pratt, late of Company B, Fourth Regiment United States Artillery, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR CONNELL.

The bill (H. R. 573) for the relief of Arthur Connell was considered as in Committee of the Whole. It proposes to pay to Arthur Connell, of Lynchburg, Va., $2,050, that amount having been collected by the Treasury agents of the United States from property belonging to Arthur Connell in Memphis, Tenn., and by them turned over to the Treasury Department.

Mr. PLATT of Connecticut. What is the amount involved?

The PRESIDENT pro tempore. Two thousand and fifty dollars.

Mr. TELLER. I will say that a similar bill has heretofore passed the Senate and the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. A. B. MILES AND OTHERS.

The bill (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster was considered as in Committee of the Whole. It proposes to pay to James A. B. Miles $200, to E. D. Kelly $328.02, and to Rawlings Webster $440.79 as a reimbursement to them for moneys paid to the United States internal-revenue collector at Brooklyn, N. Y., to cover shortage in the adhesive-stamp account in the internal-revenue department in Brooklyn, N. Y., the shortage not having been caused by any malfeasance or dishonesty on their part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

Mr. CHANDLER. I desire to inquire what disposition has been made of the bill (H. R. 10305) to provide a home for aged and infirm colored people. I was called out of the Senate by the business of the Senate. I am very anxious to have that bill passed, and I ask that the Senate may recur to it and consider and act upon it. The bill has been read, I am informed.

Mr. TELLER. It went over under objection.

Mr. ALDRICH. It went over on objection under the rule.

The PRESIDENT pro tempore. Objection was made, and the bill went over.

Mr. CHANDLER. I want to appeal to the Senator who made the objection to that bill to withdraw his objection, if he will. It gives $100,000 for a colored people's home in this city. The money is to be taken from money which would have accrued——

Mr. JONES of Arkansas. I rise to a question of order.

Mr. CHANDLER. The Senator will do me the kindness to allow me to finish the sentence?

Mr. JONES of Arkansas. I hope the Senator does not want to violate the unanimous-consent agreement, by debating a matter which has already gone over.

Mr. CHANDLER. I do not. I wish to make a request for unanimous consent, if the Senator from Arkansas and the Senator who objected to the bill will allow it to be passed. If the Senator persists in his objection, I will say to the Senator from Arkansas that of course I shall not endeavor——

Mr. JONES of Arkansas. I do not know whether the Senator who objected will persist in his objection or not, but I will if he does not.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. CHANDLER. One moment. I ask to have printed in the RECORD a petition of the colored people praying for the passage of this bill, and the signatures to it. It is very brief, and the signatures are those of the very best and most influential colored people in this country. I ask that it may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection. The Chair hears none, and the order is made.

The petition referred to is as follows:

C.

We, the undersigned citizens, renew our petition to the Congress of the United States, praying for action upon the subject to provide a national memorial home for the aged and infirm colored people of the United States out of the money now lying in the Treasury which is legally and justly due to the colored people of the country, as shown by the reports made by Congress in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, and as this subject was favorably considered in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, passed the Senate in the Fifty-fifth Congress, and was reported favorably in the House, and only failed for the lack of time; and as the proposed institution is much needed for the aged and infirm of our people, we pray, therefore, that it may have immediate action of the Fifty-sixth Congress.

A. WALTERS.
Chairman Afro-American Council.

Done by order of National Afro-American Council.

REV. W. E. ROBINSON, *President*,
REV. E. V. HARE, *Secretary*,
Ministers' Conference for Newark, N. J., and Vicinity.

W. Bishop Johnson, pastor Second Baptist Church, Washington, D. C., for the New Jersey Annual Conference; A. M. E. Zion Church, A. Walters, chairman; W. H. Davenport, secretary; J. B. Small, bishop, A. M. E. Zion Church; Rev. Geo. W. Long, pastor Union A. M. E. Church, East Eighty-fifth street, New York City, N. Y.; Rev. A. P. Miller, pastor Lincoln Memorial Congregational Church, Washington, D. C.; Rev. Isaac L. Thomas, pastor Asbury M. E. Church, Washington, D. C.; Francis J. Grimke, pastor Fifteenth Street Presbyterian Church, Washington, D. C.; G. F. T. Cook, superintendent public schools, Washington, D. C.; Walter H. Brooks, pastor Nineteenth Street Baptist Church, Washington, D. C.; J. Albert Johnson, pastor Metropolitan A. M. E. Church, Washington, D. C.; J. W. Hood, bishop, A. M. E. Church; Lewis Day Williams, secretary New York Annual Conference A. M. E. Zion Church; J. A. Taylor, pastor of Shiloh Baptist Church; Rev. W. Henry Snowden, presiding elder, A. M. E. Zion Church; Rev. W. A. M. Cypres, pastor John Wesley Church, Washington, D. C.; Wm. Troy, Seventh Baptist Church, Camden, N. J.; J. W. Smith, editor of Star of Zion, Charlotte, N. C.; G. W. Kincaid, John Wesley Church, Pittsburg, Pa.; R. H. Porter, pastor St. Paul Baptist Church, Harrisburg, Pa.; Marion T. Clinkscales, attorney at law, 505 D street NW.; J. M. Ricks, attorney at law, 507 D street NW.; Wm. Calvin Chase, editor of the Bee; R. S. Smith, attorney at law, 420 Fifth street NW.; James F. Bundy, attorney at law, 420 Fifth street NW.; E. M. Hewlett, attorney at law, 503½ D street NW.; Levi Cromwell, 934 Lombard street, Philadelphia, Pa.; Thos. J. Lewis, 1619 Pine street, Philadelphia, Pa.; Edward Hall, 1318 Wood street, Philadelphia, Pa.; George A. Douglas, attorney at law, Newark, N. J.; Geo. W. Rolerfort, M. D., Newark, N. J.; Jas. S. Gilbert, M. D., Providence, R. I.; William H. Heard, ex-minister to Liberia; John J. Smyer, Boston, Mass.; Geo. W. Cabaniss, M. D., 1906 K street NW., Washington, D. C.; Geo. H. Cardozo, druggist, Washington, D. C.

For the New Jersey Conference of the A. M. E. Church, representing 81 members.

A. GRANT, *Presiding Bishop.*
H. H. PINCKNEY, *Secretary.*

Done by order of the Philadelphia Annual Conference of the A. M. E. Church, representing 123 members.

A. GRANT, *Presiding Bishop.*
H. H. COOPER, *Secretary.*

By order of the Philadelphia and Baltimore annual conference of the African M. E. Zion Church, the annual conference numbering 100 members, with 500,000 members in the whole connection.

C. C. PETTEY, *Bishop.*

Attest:
WM. HOWARD DAY, *Secretary.*
GEO. W. CLINTON, *Bishop Seventh Episcopal District, St. Louis, Mo.*
C. O. WATERS, *pastor, of Derby, Conn.*
WM. H. PHILLIPS, *pastor Shiloh Baptist Church, Philadelphia, Pa.*
CHARLES S. MORRIS, *Secretary New England Baptist Convention.*

The New England Baptist missionary convention, representing about 11,500 members, indorse this movement in behalf of our race.

W. T. DIXON, *President.*

JUNE 19, 1899.

J. N. Burton, Yonkers, N. Y.; Geo. Howard Fletcher, M. D., 1910 Arctic avenue, Atlantic City, N. J.; R. Wm. Fickland, pastor A. M. E. Church, Atlantic City, N. J.; Elijah Jenkins, pastor of the Second Baptist Church, Atlantic City, N. J.; H. De Witt Jones, pastor of the Third Baptist Church, Atlantic City, N. J.; John W. Henderson, pastor Shiloh Baptist Church, Atlantic City, N. J.; Edward W. Roberts, pastor Ebenezer Baptist Church, New Brunswick, N. J.; Rev. Greenberry Smith, pastor of Mount Zion A. M. E. Church, New Brunswick, N. J.; J. M. Henderson, Brooklyn, N. Y.; Prof. C. F. La Farr, Washington, D. C.; Jas. Beckwith, grocier, Newport, R. I.; Isreal Z. King, 57 Hudson street, New Rochelle, N. Y.; Safrania King, 57 Hudson street, New Rochelle, N. Y.; Samuel T. Bayard, 157 Hudson street, New Rochelle, N. Y.; Henry Peel, 59 Winthrop avenue, New Rochelle, N. Y.; Phillisha Peel, 59 Winthrop avenue, New Rochelle, N. Y.; Wm. J. Brown, 25 Anderson street; Wilson Wood, 19 Railroad avenue; Ambrose Randall, 67 Lawton street.

Whereas a petition is being prepared to be presented to the Fifty-sixth Congress of the United States, praying for the immediate action upon the subject of a national memorial home for aged and infirm colored people of the United States; and

Whereas this subject was favorably considered in the previous Congresses and passed the Senate in the Fifty-fifth Congress and only failed in the House for the lack of time; and

Whereas the proposed institution is to perpetuate the memory of deceased colored soldiers, and for the aged and infirm: Therefore, be it

Resolved, That we, the Baptists in the New England convention, do heartily indorse the object, and call on our Representatives in Congress to assist in getting immediate action upon this subject upon the assembling of the Fifty-sixth Congress.

Resolved, That we sign the petition, and forward a copy of these resolutions to the parties who have the control of this subject, and that the president and the secretary of this convention be, and are hereby, authorized to give the number of persons represented by this convention.

E. W. Roberts submitted this matter.

WILLIAM T. DIXON, *President*.
CHARLES S. MORRIS, *Secretary*.

Miss Hattie L. Cox, 61 Fleet place, Brooklyn, N. Y.; Miss Ruth G. Chase, 14½ Bath road, Newport, R. I.; Mary M. Grigg, 33 Hay street, Newport, R. I.; Mrs. William A. Lee, 35 Poplar street; Mary Washington, Pelham road; Carrie Jones, New Rochelle; E. H. Custer, New Rochelle, N. Y.; Richard James, New Rochelle, N. Y.; Julia Trent, 180 Webster avenue, New Rochelle; Mamie Owen, Mrs. Sarah Owen, 536 Main street, New Rochelle; Cora Owen, 19 Railroad avenue, New Rochelle; J. F. Moses, 86 Winthrop avenue, New Rochelle, N. Y.; Nettie Owen, 19 Railroad avenue; Mrs. L. Shepard, 19 Railroad avenue; Christopher Long, 23 Brook street, New Rochelle; Edward Johnson, New Rochelle; Miss Estell White, New Rochelle; Miss Mollie Cooks, 115 Center avenue; Miss E. Wiggins, Pelham Manor, N. Y.; Miss Della Recton, Pelham Manor, N. Y.; Rev. Samuel G. Kelley, Asbury Park, N. J.; William S. Anderson, Asbury Park, N. J.; Rev. M. R. Roscoe, pastor Second Baptist Church, Atlantic Highlands, N. J.; Mr. Jacob J. Owen, 536 Main street, New Rochelle; Rose Manson, 32 Linden place; Mrs. Johanna Wade, 13 Railroad avenue, New Rochelle; Mrs. Lucy J. Burnett, 118 Morris street; Master Leslie Owens, 19 Railroad avenue, New Rochelle; I. T. Burghardt, E street, Great Barrington; Mrs. Elijah L. Austyn, Great Barrington, Mass.; Miss Irene Chinn, Great Barrington, Mass.; Mr. Robert Finley, Great Barrington, Mass.; Mrs. Wm. L. Chinn, Great Barrington, Mass.; Mrs. Fannie Wanzet, Great Barrington, Mass.; Maria C. Burghardt, Great Barrington, Mass.; Rev. H. G. Miller, pastor Mount Tabor Presbyterian Church, secretary of the Preachers' Meeting, New York, N. Y., 122 East One hundred and fourth street, New York City, N. Y.; Chas. W. West, Danville, Va.; W. H. Gaines, pastor Roberts's Chapel M. E. Church, Alexandria, Va.; Mrs. C. E. Dockette, Pittsburg, Pa.; C. H. Baxter, Steelton, Pa.; John Quincy Adams, Harrisburg, Pa.; Joseph H. Thomas, pastor A. M. E. Church, representing 500; L. Melendez King, 609 F Street NW., Washington, D. C.; J. L. Bullock, M. D., Greensboro, N. C.; Jas. A. Smod A. and M. College, Greensboro, N. C.; Jno. H. M. Butler, instructor A. and M. College, Greensboro, N. C.; Katie R. Truman, city schools, Durham, N. C.; W. S. Craig, proprietor of Peadmont House, Greensboro, N. C.; Jas. B. Dudley, president A. and M. College, Greensboro, N. C.; A. M. Moore, M. D., Durham, N. C.; J. A. Dodson, A. B., Ph. G., Durham, N. C.; P. H. Smith, late captain Company H, Third North Carolina Volunteer Infantry, Durham, N. C.; L. W. Wilson, agent for the P. B. and Relief Association; J. R. Walker, Durham, N. C.; E. W. Cannady, attorney at law, Durham, N. C.; John Scercy, Durham, N. C.; Rev. L. D. Twine, S. S. of Presbyterian Church, house 103 Roxboro street, Durham, N. C.; W. H. White, grocer, Durham, N. C.; Wm. C. Jenkins, Durham, N. C.; Cora D. Truman, Durham, N. C.; A. Beavers, weigher, Durham, N. C.; Mary J. Beavers, seamstress, Durham, N. C.; Rev. J. R. Shepard, Durham, N. C.; Jas. E. Shepard, deputy collector internal revenue, Raleigh, N. C.; Rev. W. A. Jones, box 322, Raleigh, N. C., pastor of Baptist Church at Selma, Clayton, Forestville, and Muse, N. C.; James H. Young, late colonel Third North Carolina Volunteer Infantry, Raleigh, N. C.; James D. Pair, principal Good Hope High School, Shotwell, N. C.; E. A. Johnson, Raleigh, N. C., chairman Republican executive committee, Fourth Congressional district North Carolina, and vice-president Coleman-Collin mill; H. P. Lamb, attorney, Raleigh, N. C.; H. A. Christmas, late first lieutenant, Third North Carolina Regiment, Raleigh, N. C.; L. A. Scruggs, Raleigh, N. C.; R. H. Rhodes, Raleigh, N. C.; John L. Council, Pittsboro, Chatham County, N. C., merchant and barber; Resa Sanby Akins, Raleigh, N. C., preacher of the gospel; Elbert Evans, Lochinvar street, waterworks and plumbing; J. J. Worlds, pastor First Baptist Church, Raleigh, N. C.; Mrs. J. J. Worlds; J. H. Bell, pastor First A. M. E. Z. Church, Goldsboro, N. C.; J. W. Dew, pastor First African B. Church, Goldsboro, N. C.; L. T. Christmas, ex-member legislature of North Carolina; Rev. W. W. Lewis, pastor of Neuse River circuit, A. M. E. Z., Goldsboro, N. C.; James Hogans, grocer, Goldsboro, N. C.; M. W. Aldridge, Goldsboro, N. C.; John B. Darden, Goldsboro, N. C.; Elsie Pate, Goldsboro, N. C.; J. L. Nixon, grocer, Goldsboro, N. C.; E. E. Smith, principal State Normal School, Goldsboro, N. C.; Annie E. Hill, Goldsboro, N. C.; Phebie C. Smith, teacher, Goldsboro, N. C.; Rev. H. M. Maloy, Goldsboro, N. C., pastor of Baptist Church, Newbern; A. L. E. Weeks, Mount Olive, N. C., agent K. V. Co.; C. A. Whitehead, Goldsboro, N. C.; Jas. E. Fort, M. D., Goldsboro, N. C.; J. F. Yelverton, restaurant, Goldsboro, N. C.; Jno. H. Love, pastor of St. Peter's Church, George street, Newbern, N. C.; H. P. Walker, pastor of Clinton Chapel A. M. E. Zion Church, Newbern, N. C.; Jas. D. Barfield, merchant, Newbern, N. C.; J. E. & R. O'Hara, attorneys, Newbern, N. C.; W. W. Lawrence, justice of the peace and notary public, Newbern, N. C.; Peter Fisher, jr., insurance agent, Newbern, N. C.; Abram Hangett, Newbern, N. C., pastor of Disciples Church; Samuel L. Mann, Newbern, N. C.; Willie Wells, Newbern, N. C.; Rev. Miles Sperrill, pastor of Shiloh Baptist Church, James City, N. C.; P. J. Lee, United States claim agent, Newbern, N. C.; John S. Johnson, Star of Hope Church, and members, Newbern, N. C.; F. L. Lassiter, M. D., Newbern, N. C.; C. C. Whitley, M. D., Newbern, N. C.; J. P. Stanly, constable, Newbern, N. C.; J. P. Jones, pastor M. E. Church, Newbern, N. C.; Alexander Hill, pastor of A. M. E. Zion Church, Trenton, N. C.; Henry G. Aylor, Trenton, N. C.; Leslie Binney, Newbern, N. C., merchant; James B. Robinson, Newbern, N. C., merchant; W. A. Byrd, pastor of Ebenezer Presbyterian Church, Newbern, N. C.; John H. Fisher, cashier The M. A. B. Co., Newbern, N. C.; D. P. Seaton, pastor of St. John's A. M. E. Church, Norfolk, Va.; N. L. E. Gregory, Haddonfield, N. J.; Frederick Denslow Height, 1432 Broadway, New York City; George Butler, 8 Spruce street; James Jefferson, Byron Gunner, pastor Union Congregational Church, Cicely Gunner, Jefferson Marrow, T. J. Giles, Sarah C. Rice, John L. Love, M. E. Simmons, V. A. Simmons, Ruth C. Johnson, Newport, R. I.; W. Montgomery, J. A. Bryant, W. R. Russell, J. R. Henrie, W. R. Johnson, David Mason, New York City; James Johnson, John Davis, Jim Hayward, Edward Grant, C. D. Williams, C. H. Bolden, New York; John A. Pernell; George H. Gant, De Lina Brown, New York; Elijah Richarsdon, pastor, Gideon Spence, Agnes Nightengale, Silvia Barco, Alphonso D. Johnson, Lucas A. Johnson, Jasper Hicks, Samuel Bailey, Susan Madison, Charlie J. Trent, Irene Gray, Hattie Gray, S. M. Haskins, Mabel Ruth Jones, Mrs. M. Grigg, Miss M. M. Grigg, Miss A. Gray, Mrs. Ida Spence, Agnes E. Thompson, Mrs. M. Gaines, Miss L. Jackson, Mrs. Quintina Thomas, William Nightingale, Newport, R. I.; Walter C. Weeds; Peter R. Lee, L. J. Montague, Fred W. Hinton, J. Henderson Allston, Frank W. Wallace, Andrew J. Fassitt, William H. Hardy, James Saunders, F. G. Mahoney, S. H. Berkeley, James R. Borner, Edgar Shepherd, Walter J. Stevens, I. D. Barnett, Boston, Mass.; Prof. John H. Coates, John Scott, Richard G. Brown, James H. Clark, William H. Cook, Ida Carey, Beverly Tibbs, Worcester, Mass.; W. M. Dowden, Hartford, Conn.; J. Sulla Cooper, pastor Zion Church, Hartford, Conn.; G. Grant Williams, 209 Pearl street, Hartford, Conn.; Wm. George Wilson, 5 Wolcott street, Hartford, Conn.; J. H. Parker, Hartford, Conn.; W. H. Munce, Hartford, Conn.; Isaiah F. Evans, president State Sumner League of Connecticut, 88 Fairmount street, Hartford, Conn.; J. A. Curtis, Hartford, Conn.; Clarence Page, Washington, D. C.; Lincoln Cole, Washington, D. C.; Eugene L. Henderson, Hillsboro, N. C.; Chas. H. Brown, Bridgeport, Conn.; Alfred M. Johnson, Bridgeport, Conn.; Wm. H. R. Jackson, New Haven, Conn.; G. L. Pickett, New Haven, Conn.; Walter S. Miller, attorney-at-law, New Haven, Conn.; Councilman Moses T. Rice, New Haven, Conn.; H. E. Manning, sign painter, New Haven, Conn.; James W. H. Stewart, caterer and restaurant, New Haven, Conn.; E. A. Beaulah, broker, 82 Church street, New Haven, Conn.; Saml. J. Brown, Nat. Grand Sire I. O. of G. S. and D. of S., New Haven, Conn.; Geo. E. Morris, 7 Center street, Morristown, N. J.; J. B. Seldon, 5 Center street, Morristown, N. J.; John T. Chapman, 12 Willow street, Morristown, N. J.; Lee Bracey, 22 Willow street, Morristown, N. J.; M. W. Grant, 31 Willow street, Morristown, N. J.; Hallie Taylor, Morristown, N. J.; Jannie Taylor, Morristown, N. J.; F. P. Fiske, Philadelphia; Edward Keetley, Philadelphia; George H. Wilson, 1130 Lombard street, Philadelphia; Theodore A. Bradford, Philadelphia, Pa.; William H. Richards; J. H. Wiley, 98 Kendall street, Boston, Mass.; Ella Jewell, Cambridge, Mass.; Fannie Wright, Cambridge, Mass.; Addie H. Jewell, Cambridge, Mass.; L. C. Parrish, pastor of Zion Baptist Church, Lynn, Mass.; Geo. Wndl. Pinkney, Washington, D. C.; Allie M. Lightfoot; A. H. Johnson, M. D., Washington, D. C.

MERIWETHER SNUFF AND TOBACCO COMPANY.

The bill (H. R. 2659) for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn., was considered as in Committee of the Whole. It proposes to reimburse Meriwether Snuff and Tobacco Company, manufacturers of snuff and plug and smoking tobacco, at Clarksville, Tenn., for $3,093.48 expended by that corporation for revenue stamps, and which were destroyed while affixed to 60,000 6-ounce bottles of snuff, 9,552 4-ounce bottles of snuff, 13,896 4-ounce cans of snuff, etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MRS. TELLISSE W. WILSON.

The bill (H. R. 427) for the relief of heirs of Mrs. Tellisse W. Wilson was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I should like to object for the present. Perhaps I will withdraw my objection when I can find what the nature of the claim is.

Mr. TELLER. I wish to say to the Senator——

Mr. PLATT of Connecticut. Is there a House report? I only want to examine the House report.

Mr. TELLER. There is. I have the report here.

Mr. PLATT of Connecticut. Let it lie for a moment. I want to look at the report. [A pause.] I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to the heirs of Tellisse W. Wilson, late a resident of Corinth, Miss., $4,419.15 for property taken and used by the United States Army at Corinth, Miss., during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. P. OUZTS.

The bill (H. R. 8946) to pay to J. P. Ouzts $209.50 for services as deputy collector of internal revenue for the district of South Carolina was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN A. YATES.

The bill (H. R. 6591) for the relief of Austin A. Yates was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to settle the accounts of Austin A. Yates, late captain, Fourteenth Veteran Reserve Corps, and to give him credit for the sum of $13,537.50, charged to him on the books of the Second Auditor's Office, that sum having been stolen from the safe of his office at Syracuse, N. Y., on the night of March 25, 1865, while he was acting provost-marshal of the Twenty-third district of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE HUNTER.

The bill (H. R. 7995) granting a pension to Jane Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Hunter, the dependent and helpless daughter of Thomas Hunter, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARTERS OF NATIONAL BANKS.

The bill (H. R. 12333) to provide for the extension of the charters of national banks was announced as next in order.

Mr. PETTIGREW. Let that go over.

Mr. ALDRICH. Will the Senator allow me to make a statement, not to take a minute?

Mr. PETTIGREW. Certainly.

Mr. ALDRICH. The present charters of the national banks expire from time to time, commencing July 14, 1902. The law is that new plates shall be issued to all banks in extending their charters. The preparation of these plates will take nearly a year, and it is desirable that this bill should be passed at this session. There can be no objection to it. It is simply a matter of form, as certainly the time of the charters will be extended in the next Congress.

Mr. PETTIGREW. Mr. President, I do not believe the charters ever ought to have been issued, and I am certainly opposed to their ever being renewed. I believe the system is a pernicious one and has a tendency to breed panic, to expand the currency when it ought to be contracted and to contract it when it ought to be expanded. Japan adopted this system and after thorough investigation repealed the law, and for this very reason.

Under this system, which is a branch of our financial system, the banks can produce a panic whenever they please and wreck the property of this country or of any other country where the system exists. The subject ought to be studied and thoroughly investigated. These charters never should be renewed, and a remedy should be offered by which we could have an elastic currency rather than one which produces too much when there is already too much, and too little when there is already too little, and puts the control of the volume of the money of the country in the hands of a combination of national bankers. I therefore object to the bill.

The PRESIDENT pro tempore. The bill goes over.

MELVINA GREENAWALT.

The bill (H. R. 3491) granting a pension to Melvina Greenawalt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melvina Greenawalt, widow of Abraham Greenawalt, late of the Quartermaster's Department, United States Army, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEVISEES OF CASPER BARBER.

The bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 4, after the name "Casper Barber," to insert "and to George E. King;" so as to make the bill read:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Casper Barber and to George E. King, of said District, prior to the passage of this act be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH M. KILLEN.

The bill (H. R. 11303) granting a pension to Elizabeth M. Killen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth M. Killen, the dependent and helpless daughter of James Killen, late of Company D, Tenth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH CAUSEY.

The bill (H. R. 7202) granting a pension to Elizabeth Causey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Causey, widow of Ajax Causey, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Wiley Causey, helpless and dependent child of said Ajax Causey, the additional pension herein granted on account of such child shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elizabeth Causey."

WILLIS BRADY.

The bill (H. R. 12801) granting a pension to Willis Brady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willis Brady, late of Company F, Ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS OF CERTAIN WIDOWS.

Mr. GALLINGER. The bill (H. R. 9886) to restore certain widows to the pension roll was objected to by the Senator from Connecticut [Mr. PLATT] on the ground that as the bill was to be amended it probably would not get consideration in the House. I am assured that it will be considered in the House if it is passed, and I now ask that we recur to that bill and take it up.

Mr. PETTIGREW. Is that a Senate bill?

Mr. GALLINGER. It is a House bill. It is the first House bill on the Calendar.

The PRESIDENT pro tempore. The bill will be read.

The bill (H. R. 9886) to restore certain widows to the pension roll was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That section 4708 of the laws of the United States governing the granting of Army and Navy pensions be, and the same is, amended to read as follows:

The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor as defined by the acts of June 27, 1890, and May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to restoration under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.

SEC. 2. No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this act.

Mr. SULLIVAN. I should like to hear read the report made in connection with that bill.

Mr. GALLINGER. Will the Senator from Mississippi allow me to make a brief statement?

Mr. SULLIVAN. Certainly.

Mr. GALLINGER. This bill proposes to relieve the Committee on Pensions and Congress from passing a large number of private bills. We probably have passed twenty-five or thirty bills of this nature this year.

It simply provides that where a woman who was the wife of a soldier during the war has remarried and becomes a widow again, and is in utter destitution, she may be placed upon the pension roll at the rate she was receiving at the date of her remarriage. We are passing such private bills; there is no objection to them. This bill will simply send the matter to the Pension Bureau, and there will not be any more of them pensioned there than were pensioned here. It is a very meritorious measure, and it ought to be passed.

Mr. SULLIVAN. As I understand the Senator, then, this provision is that after she becomes a widow the second time and is left in poverty she may receive her former widow's pension?

Mr. GALLINGER. Yes; when she is in absolute poverty.

Mr. HOAR. I should like to ask the Senator from New Hampshire if ever such an application has been denied by Congress?

Mr. GALLINGER. I know of no instance. Let the bill be put on its passage.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows."

ESTATE OF PATRICK KAVANAGH.

The bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized, was announced as next in order.

Mr. McCOMAS. I ask that that bill may be passed. It has passed the House.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROOF OF EXECUTION OF WILLS.

The bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898, was read.

Mr. PETTIGREW. I object to that bill.

Mr. McCOMAS. I hope the Senator will not object. It simply allows unknown heirs to be included in a partition.

Mr. PETTIGREW. I shall insist on my objection at present.

The PRESIDENT pro tempore. The Senator from South Dakota objects, and the bill will be passed over.

AMERICAN FLORISTS AND ORNAMENTAL HORTICULTURISTS.

The bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia was read.

Mr. PETTIGREW. I should like to know the necessity of this legislation. It seems to me these people can incorporate under existing law. If they can not, they certainly can under the code which we have just passed.

Mr. PROCTOR. This is a matter that has once passed the Senate in a more enlarged shape. Foreign countries generally have such bodies, and it is a great aid to the horticulturists of this country to have an official organization. It enables them to correspond and exchange seeds and flowers. It seems to me a very laudable purpose, and the bill is well guarded. There are scores of precedents for such incorporations. It is limited to the District of Columbia. There is to be no stock. It is to be supported by voluntary contributions.

Mr. PETTIGREW. I shall not object if the bill is amended by a provision that they shall not erect any building upon any of the parks of the city. With such an amendment I shall not object; otherwise I shall. I understand that several years ago we did pass a law giving a tract of land for a flower market, and if this is for the purpose of incorporating a company to occupy that park I object to it.

Mr. PROCTOR. It has no connection with it whatever.

Mr. PETTIGREW. The next thing they will be building a market for flowers, and so on, and occupy one more park in the city.

Mr. PROCTOR. There is no such purpose. The bill has no connection with that former proposition.

Mr. PETTIGREW. Then there will be no objection to my amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PETTIGREW. I move to add the following proviso:

Provided, however, That this corporation shall not be permitted to occupy any of the parks of the city of Washington.

Mr. PROCTOR. I do not object to that amendment, if the Senator insists upon it.

Mr. PETTIGREW. I do insist upon it, because I know that will follow if we do not amend the bill.

Mr. COCKRELL. Insert the amendment at the end of line 14, page 3.

The SECRETARY. At the end of line 14, page 3, insert:

Provided, That this corporation shall not be permitted to occupy any of the parks of the city of Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES F. KRAMER.

The bill (H. R. 11828) to remove charge of desertion from military record of Charles F. Kramer was considered as in Committee of the Whole. It proposes to remove the charge of desertion from the military record of Charles F. Kramer, late of Company G, Sixty-Seventh Regiment Pennsylvania Volunteer Infantry, and to grant him an honorable discharge as of the 29th day of December, 1862.

The bill was reported to the Senate without amendment.

Mr. CARTER. Let the report in that case be read.

The PRESIDENT pro tempore. The report will be read.

Mr. BATE. I will say that that bill was passed on by the Committee on Military Affairs without objection.

Mr. CARTER. The Senator from Wisconsin assures me that he has read the report and the bill, and it is all right.

Mr. BATE. I reported the bill.

Mr. CARTER. I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE A. WINSLOW.

The bill (H. R. 4204) to correct the military record of George A. Winslow was considered as in Committee of the Whole. It proposes to set aside the findings of the court-martial and revoke the orders issued against George A. Winslow, late lieutenant, Company M, Third Arkansas Cavalry Volunteers, and to issue to him a certificate of honorable discharge dated from the 9th day of May, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIANS IN INDIAN TERRITORY.

The bill (H. R. 10701) to amend section 6, chapter 119, United States Statutes at Large No. 24, was considered as in Committee of the Whole. It proposes to amend section 6 of chapter 119 of the United States Statutes at Large No. 24, page 390, after the words "civilized life," in line 13, by inserting the words "and every Indian in Indian Territory."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 88, and agrees to the same with an amendment in which it requests the concurrence of the Senate; insists upon its disagreement to the other amendments upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. McRAE managers at the conference on the part of the House.

JOHN H. FINFROCK.

The bill (H. R. 2472) to correct the military record of John H. Finfrock was considered as in Committee of the Whole. It directs the Secretary of War to revoke the order dismissing from

the military service of the United States John H. Finfrock as a captain of the Sixty-fourth Regiment of Ohio Infantry Volunteers, and to issue an honorable discharge for him, to date from the 22d of January, 1863; but no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN VON MARSDORF.

The bill (H. R. 8270) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry, was considered as in Committee of the Whole. It directs the Secretary of War to revoke the order dismissing Herman Von Marsdorf as a lieutenant of Company D, First Maryland Cavalry, and to grant him an honorable discharge as of the date of said order; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTION OF WILLS IN THE DISTRICT OF COLUMBIA.

Mr. PETTIGREW. I wish to withdraw the objection I made a few moments ago to House bill 12331.

The PRESIDENT pro tempore. The bill has been read.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE B. WILSON.

The bill (H. R. 10758) granting a pension to Sallie B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sallie B. Wilson, widow of Samuel B. Wilson, late of Company C, Eighth Regiment United States Infantry, and to pay her a pension of $12 per month, and $2 per month additional for each of the two minor children of said soldier, until such children shall have arrived at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AQUILLA J. DAUGHERTY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14028) for the relief of Aquilla J. Daugherty. It directs the Secretary of the Treasury to cause to be investigated and examined the circumstances of the alleged burglary of the office of the collector of the fifth internal-revenue district of Illinois, at Peoria, Ill., on or about the 25th day of January, 1901, when it is alleged that United States internal-revenue documentary stamps of the face value of $24,974.15 and United States internal-revenue proprietary stamps of the face value of $6,902.31½ were stolen from the vault in the office of the collector, the stamps having been received by Aquilla J. Daugherty, collector of the fifth internal-revenue district of the State of Illinois, and in his possession as such collector at the time of the alleged burglary and the alleged stealing of the stamps; and if upon investigation and examination the Secretary of the Treasury is satisfied that none of the stamps were ever issued or used by the collector or his employees, and that all of the stamps were stolen and the office burglarized without the fault of the collector, then the Secretary of the Treasury shall credit Aquilla J. Daugherty with the number and value of the stamps and release him from further responsibility therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMILTON M. SAILORS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 628) for the relief of Hamilton M. Sailors. It directs the Secretary of the Treasury to pay Hamilton M. Sailors, Company K, One hundred and first Indiana Volunteers, the difference in pay between that of a private and a second lieutenant from May 26, 1863, to October 10, 1863, he having performed the duties of the office under proper appointment and assignment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPOSITARIES OF PUBLIC MONEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States. It proposes to amend section 5153 of the Revised Statutes of the United States so as to read as follows:

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them.

The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid in to the Government for internal revenue or for loans or stocks.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. Mr. President, I desire to present the conference report on the Post-Office appropriation bill, and I also desire, with the permission of the Senate, to make a brief statement regarding it.

Upon this important bill, which carries with it appropriations aggregating $125,000,000, there has been for some days a somewhat serious disagreement upon two amendments to the bill offered by the Senator from North Carolina [Mr. BUTLER] and adopted by the Senate.

One of those amendments was to the effect that the Postmaster-General should investigate and report whether or not in municipalities and towns having a population of less than 10,000 or with postal revenue less than $25,000, but too large to be entitled to the benefits of free rural mail delivery, there should be an attempt to ascertain whether or not there might be, by means of boxes in certain portions of those communities, facilitation of mail delivery.

The other amendment was an amendment requiring the Postmaster-General to report to Congress as to the cost and feasibility of adopting as a part of the postal service of the United States the use of the telephone and telegraph.

Upon these amendments we have for a number of days differed. I feel bound to say that the conferees of the Senate have yielded in substance but preserved in form something of the amendments, and that what is left of them involves no appropriation whatsoever of money, but simply calls upon the Post-Office Department to report as to whether or not rural free mail delivery shall be applied to the smaller towns of the country, and as to whether or not, if he has the facts at his disposal, he would recommend the acquiring by the Government of telegraph and telephone facilities. Upon that we have differed day after day, and we differ still.

I believe that the conferees of the other legislative body and the members of that body will not see this great bill fail because of the insertion of these amendments which call for the appropriation of no money.

For the first time in the history of the Post-Office appropriation bill the Senate has not added a single dollar to the public appropriations. We have yielded upon every amendment calling for the appropriation of an additional penny. We have yielded to the House bill as it was presented to us, and I ask that the Senate vote to insist upon its amendments and ask for a further conference with the House.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The conference report presented by the Senator from Colorado [Mr. WOLCOTT] will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) "making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1902, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

As to amendments numbered 2 and 3, the conferees are unable to agree.

E. O. WOLCOTT,
WILLIAM E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

E. F. LOUD,
GEORGE W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Colorado [Mr. WOLCOTT] moves that the Senate still further insist upon its amendments to the bill disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER were appointed.

MONONGAHELA RIVER BRIDGE.

Mr. BATE. Regular order, Mr. President.

Mr. SEWELL. I inquire if the order of the Senate has been executed?

The PRESIDING OFFICER. It has not been. The next bill on the Calendar will be stated.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River; which had been reported from the Committee on Commerce, with amendments.

The first amendment was, on page 1, line 3, after the word "That," to insert "the Charleroi and Monessen Bridge Company;" so as to read:

That the Charleroi and Monessen Bridge Company, a corporation existing under the laws of the State of Pennsylvania, is hereby authorized to construct, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "water," to insert the following proviso:

Provided, That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mails, the troops, or munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge.

The amendment was agreed to.

The next amendment was, on page 4, after line 17, to insert the following proviso:

Provided, That all street-railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto; and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I present a conference report.

Mr. HOAR. I desire to make a parliamentary inquiry. How many bills are there left on the Calendar to be acted upon?

The PRESIDING OFFICER. There are a few bills remaining.

Mr. HOAR. I wish the Senator from Maine would not intervene until those bills have been disposed of.

Mr. HALE. It is important that the conference report on the naval appropriation bill should be considered.

The PRESIDING OFFICER. The Chair is informed that under the order there are seven more bills to be considered.

Mr. BATE. There is one more bridge bill on the Calendar.

Mr. HALE. I submit a conference report.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 81, and 82.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 25, 39, 40, 42, 65, 79, 80, 84, 85, and 86; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "four hundred" and insert in lieu thereof the following: "three hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "two" and insert in lieu thereof the word "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,775,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "President," insert the words "by and with the advice and consent of the Senate;" and in line 38 of said amendment, after the word "be," insert the words "until further legislation by Congress;" and the Senate agree to the same.

On the amendment numbered 89 the committee of conference have been unable to agree.

EUGENE HALE,
W. E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. HALE. This is an entire agreement upon all the matters in the appropriation bill, with the exception of amendment numbered 89, as to which a disagreement is reported. That is the torpedo-boat amendment.

Mr. WOLCOTT. I move that the Senate recede from its insistence upon amendment numbered 89, it being the amendment containing the appropriation for additional torpedo boats.

Mr. STEWART. I hope that will not be done.

The PRESIDING OFFICER. The question is, Shall the report be agreed to?

The report was agreed to.

Mr. STEWART. I hope the motion of the Senator from Colorado [Mr. WOLCOTT] will not prevail. It seems to me that to take this out of conference, without taking it back to the House in the usual way, is very extraordinary. It seems to me there has been a very zealous fight made against these torpedo boats. I do not see where it could come from. I have the testimony of a great many naval officers, and I state that every naval officer who has seen one of the torpedo boats commends it in the highest terms. The submarine torpedo boat which the Government now owns has been tested for some months.

Mr. HOAR. I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The question is upon the motion made by the Senator from Colorado, that the Senate recede from its amendment relating to torpedo boats.

Mr. HOAR. I did not observe that that motion was stated by the Chair.

The PRESIDING OFFICER. It was stated by the Chair.

Mr. HOAR. The Senator from Colorado made the motion, but the Chair stated the question was on the acceptance of the report, and I was not aware that any other motion had been stated.

The PRESIDING OFFICER. Possibly the Chair did not put the motion made by the Senator from Colorado. He will do so now. The question is on the motion of the Senator from Colorado, that the Senate recede from its amendment numbered 89, relating to torpedo boats.

Mr. STEWART. I hope that will not be done. If you will examine the testimony of Admiral Dewey and others, you will find they all concur that this is the best coast defense that has been or that can be, as we all know, gotten within a reasonable time. These torpedo boats have been tested. The Holland Company has a contract for the building of six, which is now being executed. The Government has one of these boats in use now. This amendment provides that there is to be no new contract made until one of the six shall have been completed and tried to the satisfaction of the Navy Department.

It makes the conditions very severe. The Navy Department need not accept them unless they come up to the conditions, but by providing for these boats this industry will be kept alive. The Holland Company has made wonderful experiments, which have met the approval of everyone who sees them. I believe those who have not seen a torpedo boat—the Construction Bureau—are against it, but everyone who has seen it, and every naval officer who has seen it, reports favorably upon it. Most of them contend that it is past the experimental point. Now, for a few hundred thousand dollars you can have your coast defense advanced more than you could for a great many million dollars spent on your ironclads.

It is cheap; it can be done speedily; and if the naval officers who have testified can be relied on at all, it has effectually passed the experimental stage. The reason why there ought to be an appropriation is in order that the industry can be kept alive. If we stop and there is an interval of six months or a year in which there is no construction going on, the experts will be dispersed, the organization will be broken up, and we will then have to commence anew. It will be a tremendous disadvantage.

I do not see why there should be this opposition. I have heard no statement against these boats. They have passed the experimental stage, according to the best testimony that can be had on the subject. No one has undertaken to testify against them. These three will enable the work to go on. I hope the Senate will insist once more. That is all I ask. The vote was very close in the House. On a vote of 250 they succeeded, by a very strenuous effort, in beating it only 14 votes.

The conferees refused to send it back. If it had gone back in the usual ways, it would have been disposed of hours and hours ago, and no words would have been said here. But they held out and demanded that the Senate should surrender. They held them up and demanded that they surrender or lose the bill. If they had taken another vote, the Holland boats would have succeeded. They knew it very well. That is the reason why they did not go back. This is not the way to legislate. I hope the Senate will stand by this amendment, and once more let the House vote on it, and let us see whether those people are scared or not. If it had gone back in the usual way, it would have been smoothed out long ago.

Mr. TILLMAN. Mr. President, I think it well for the Senate to understand the situation. Last year, it will be remembered,

the Committee on Naval Affairs, in making up their amendments, did not put any Holland torpedo boats in the bill. The House had not put them in. But when the matter came into the Senate and the facts were brought out as to the value of this new means of warfare, the House authorized a contract for six, thus overriding its Naval Committee. This year the matter came up before the Naval Committee again on a proposition offered by somebody to contract for seven more.

Mr. President, I have examined into the matter by being on board of a tug which went down the Potomac. Other members of our committee were present, at least a majority of them, and I was so much impressed with the value and utility of the *Holland*, the crude first experimental boat, that when the amendment was brought in before the Naval Committee this year to contract for seven additional boats I was disposed to give it my assent. I wanted to have more of these boats, because, as I will show before I get through, I consider them a very valuable adjunct to our national defense.

But with the proposition coming from the House of four more battle ships, or two battle ships and two armored cruisers, involving an expenditure of $5,000,000 each or thereabouts, and the opposition on the part of the authorities at the Navy Department—three of the bureau chiefs being opposed to any new boats, while Admiral Hichborn, the Chief of the Bureau of Construction and Repair, was emphatic in his indorsement of them I agreed to compromise on a reduction of the number proposed to be contracted for this year from seven to three. The Naval Committee put in that number because we expected——

Mr. HANNA. May I ask the Senator from South Carolina a question?

Mr. TILLMAN. With pleasure.

Mr. HANNA. Was there any formal action on the part of the Naval Committee when those were inserted?

Mr. TILLMAN. There was formal action.

Mr. HANNA. By vote?

Mr. TILLMAN. By vote.

Mr. CHANDLER. Yes.

Mr. HANNA. Was there a quorum present?

Mr. TILLMAN. There was a quorum present.

Mr. HANNA. I was not aware of it.

Mr. CHANDLER. All of the members of the committee were not present. I think the Senator from Ohio was not there. There was a meeting of the committee with a quorum present. That is true.

Mr. TILLMAN. If we are going to have any such points made in regard to the action of the Naval Committee, we had better cut out all these amendments here, because the Senator knows that with the multiplicity of duties he is called on to perform, or thinks he is called on to perform, he has not very often honored us with his presence in the Naval Committee.

Mr. HANNA. I will say to the Senator that I have been there fully as often as he has, and I think more so.

Mr. TILLMAN. I will leave that to our colleagues, and we will not bring in question our relative importance in naval affairs or our knowledge of them.

Mr. HANNA. The Senator from South Carolina raised the question. I did not.

Mr. CHANDLER. I have never timed the Senator from South Carolina nor the Senator from Ohio, and therefore I can not testify.

Mr. TILLMAN. You have not timed us, but you can testify that I am always there.

Mr. CHANDLER. Yes; and the Senator from Ohio is nearly always there when he is not absent——

Mr. TILLMAN. Oh!

Mr. HANNA. I should like to see the minutes showing this action.

Mr. TILLMAN. That is not the issue here. If the chairman will say that the action of the committee was not warranted and was not lawful and binding, and that it is not a committee amendment, then why does the chairman bring it in here? Why has he insisted twice on disagreeing to the House proposition to strike this out. There is your culprit, not I. I stand here saying it is the action of the Senate in putting on these three boats. But the question at issue is not whether the committee has done this officially and according to law, because nobody, I presume, doubts that except the Senator from Ohio. The question at issue is whether we shall stand by the Senate amendment putting on three boats or whether we shall recede; and that involves the question as to what is the use and value of these boats if we buy them.

We have six under contract and the experimental one now in existence. The six, let me call to your mind, will be completed in the near future—sometime in July, possibly—and they are being constructed under the most stringent contract that the opponents of the Holland boat could frame in the requirements as to what those boats should do. I have not the contract with me, but the opponents of this system of naval construction and of these torpedo boats framed the contract, the requirements of which are as exacting and binding as any set of men can possibly expect; and upon those conditions the Senate Naval Committee put in the three boats.

Why did we do that? I confess I know nothing about the Holland Torpedo Boat Company, and care nothing about it; but I have heard many pleas here for keeping alive and encouraging American genius and American manufactures and all that sort of thing, and I do not see why this enterprise should be knocked on the head. It involves only a small amount of capital, because I do not think the company have much capital.

I know nothing about it; but that company have told us—at least, I have heard it, more from the Senator from Nevada than anybody else, and you can see for yourselves—that if they are given no contracts to keep alive their organization; that if, after these six boats are completed, their men are to be thrown out of work and their company tied up, so to speak, with nothing more to do, their skilled mechanics, who have been experimenting with this system of submarine navigation, will have to be discharged or go to Europe if they can not get contracts here. I confess it appealed to me somewhat to think of this association or organization or corporation being, you might say, knocked on the head by this great Government.

But that is not the question here. The question is, Are these boats of any use to us? I desire to read you the testimony of Lieutenant Caldwell, who has been in command of the *Holland*, the experimental boat, as given in a letter to the Hon. R. B. HAWLEY, of the House Committee on Naval Affairs. I hope Senators will listen, and let us get at this thing in some judicious and proper spirit:

1. Q. How long have you commanded the *Holland*?

A. The *Holland* has been under my charge from June 25, 1900, to the present time. She was formally placed in commission under my command on October 12, 1900.

2. Q. What is the longest submerged run you have made in her?

A. About 1½ miles.

3. Q. Do you consider her durable, habitable, and reliable as a vessel of war for coast and harbor defense?

A. Yes.

4. Q. Commander Mason, of the torpedo station, says, in a report to the Secretary: "During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla the *Holland* made a successful attack upon the fleet at night by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor and with the naval crew alone in her." Did you command the *Holland* upon this occasion? If so, describe how you made the attack, and whether you considered it a success.

A. The *Holland* was under my command on the occasion mentioned. She left the torpedo station at sundown and was placed in a partially submerged condition, with the turret and about 6 inches of the hull above water, ready to dive at short notice. Cruised in this condition to southward and eastward of Brentons Reef light-ship. Sighted 2 vessels of blockading fleet and fired torpedo signal at them, but was not answered, and they disappeared before I could ascertain their identity. About 9 p. m., about 7 miles south-southeast from harbor entrance, sighted U. S. S. *Kearsarge* within range and fired torpedo signal. Followed her, and getting within 100 yards without being discovered, showed light, hailed her, and informed her commanding officer that she had been torpedoed. The *Holland* was not seen by any vessel of the blockading fleet or torpedo boat, although she was within torpedo range of 3 of the former and several of the latter. I consider that the attack was a success, because the *Holland* could, in all probability, have torpedoed 3 blockading vessels without being discovered.

Admiral Dewey says this is one of the most valuable of modern inventions for naval warfare. Commander Wainwright, at the Academy, is in favor of it. Three bureau chiefs are against this system, while Admiral Hichborn, whose genius as a practical shipbuilder is recognized everywhere, is in favor of it.

Mr. STEWART. Have any of those who are against the boat ever seen it operate?

Mr. TILLMAN. I do not know and I do not care. What is the cost of one of these boats? Mind you, the new boats are to be constructed, under the limitations of the committee amendment, after the Secretary of the Navy has examined the six that are now under construction, and has seen that they comply in every particular with the exacting conditions under which they are contracted for. Therefore, with the first one, the experimental one, giving us an example of its success, according to the testimony of its commanding officer, an accomplished naval officer of the United States, what is the reason why we can not build three more? We ought to build fifty more.

Here we are spending $5,000,000 on a battle ship, and the Senator from Ohio knows that he himself is doubtful whether the Gathmann gun will not sink it with one shell. We have appropriated a hundred thousand dollars for the Isham shell and for thorite, a new explosive, just simply to purchase the right to use them. Here is an implement of naval warfare. We will say it costs too much. I do not know what the cost is or what it ought to cost, but that does not make any difference.

If we want to throw it open to competition, or to build them in our own navy-yards by Government employees, let us do it. But what I am after is to get something that will relieve us of the burden of building a battle ship when nobody up to this time knows whether it can stand a shell such as two or three men claim they have invented and discovered; whereas, with these little boats—these little, sneaking snakes—that can dive and go

under water for a mile and a half, with a turret shaped like a barrel, so that the boat can come up and they can get a sight and get some fresh air and dive again, and which is painted like the ocean, so that even in daylight, as I have been informed, you can hardly distinguish it—with these boats sneaking around in front of our harbors, what hostile fleet would dare approach?

The moral effect of having a large flotilla of such implements of war on the Atlantic and Pacific coasts would be such that any foreign navy under the sun would hesitate before it came in reach of our harbors, where these little snakes, as I call them, these water moccasins, could go out and go under water and approach with all the appliances which they have. The battle ship, the *Kearsarge*, and the other three vessels that were blockading in the maneuvers, were all on the watch—they were looking to see what they could discover—and yet Lieutenant Caldwell says that he torpedoed three of them, or could have done it.

The moral effect of having these vessels in our Navy would be good. Suppose we built fifty; there would be eight and a half million dollars, or something like that, at a cost of $170,000 each, which is the cost of one and a half battle ships; and I do not hesitate to say, so far as my opinion is worth anything—and I have tried, as a member of the Naval Affairs Committee, to do my duty there and to investigate these matters and to do what I can to build up the American Navy and make it a means of defense for this country—in my honest judgment the Holland boat in the entrance of any harbor in the United States is worth two battle ships for the defense of that harbor.

Mr. PLATT of Connecticut. Mr. President, this is coming to be a question of very practical legislation. It is now after 7 o'clock of the last day and the last night of the session. There has been an intense disagreement between the conferees of the Senate and the conferees of the House upon this amendment. There has been some feeling about it. There was a time when the House conferees refused to report either an agreement or a disagreement.

That was reported to the Senate, and the Senate insisted that the conference should go on. The conference has gone on; an agreement has been made upon all the items of the bill except this one, and the question comes within sixteen or seventeen hours of adjournment, when the bill has to be engrossed fully and signed by the President or fail, whether the Senate shall stand out obstinately on this amendment, to the peril of the bill.

Mr. TILLMAN. Will the Senator from Connecticut allow me? I did not state it, and as the chairman did not, I will take the liberty of doing it. The Senate conferees have not come here asking that they be instructed to recede. They come here contending, as they have contended twice before, that it was a proper thing to do to put in these boats, and they have simply reported a disagreement again, and the Senate need not be imposed on with the idea that we want to be instructed to recede. The House only threw out these boats by a majority of 14, and if the Senate will stand fast and insist, and then the House also insists, I will be willing to give way. I do not think we ought now to be instructed to give way.

Mr. PLATT of Connecticut. A great deal of time will be consumed in that way—time which is needed for the enrollment of the bill. I beg to assure the Senator from South Carolina that I said nothing to the effect that the Senate committee was ready to recede or asked to be instructed to recede. I think it is best that we should recede and the bill be passed, and passed now.

I can not understand why the Senate committee and the Senate conferees should insist so strenuously that these three boats shall be contracted for. We have six boats under contract. When they are to be finished no one knows. The Senator from South Carolina hopes——

Mr. TILLMAN. They are all under contract, to be finished some time between now and August.

Mr. PLATT of Connecticut. The Senator from South Carolina hopes they will be finished between now and August.

Mr. TILLMAN. They have to be, under the contract.

Mr. PLATT of Connecticut. I did not interrupt the Senator from South Carolina when he was making his statement.

Mr. TILLMAN. I beg pardon.

Mr. PLATT of Connecticut. I should like to be permitted to make mine.

I do not think, from what I have heard on this subject, that these boats have passed the experimental stage. I think this amendment, as it is contained in the bill, shows that the Committee on Naval Affairs do not think they have passed the experimental stage, because I find in the amendment a provision that the Secretary of the Navy shall not contract for these boats until the first boat already contracted for has been completed and tested and works satisfactorily, in the opinion of the Secretary of the Navy. I think that is sufficient evidence that even in the opinion of the Naval Committee the boats are still in an experimental stage.

The Senator from South Carolina says if we do not contract for these three boats the company and those building them will be out of employment, and may have to go to Europe.

Mr. TILLMAN. The Senator from Nevada said that.

Mr. PLATT of Connecticut. I understood the Senator from South Carolina to say the same thing.

Mr. TILLMAN. I got my information from the Senator from Nevada.

Mr. PLATT of Connecticut. What is the effect of that argument? Have we to keep them at work always, whether the Government needs these boats or not? The Senator from South Carolina says there ought to be 50 built. I suppose there will come a time when he thinks no more will be required, and then they will have to go to Europe. But I do not wish to enter into a discussion as to the merits of these boats or the merits of the company that is constructing them, but I want to say that the time has come when we can pass the bill by receding from this amendment, and it does not seem to me it is so important that these boats should be contracted for now as that we ought further to delay and impede and perhaps imperil the passage of the bill. I hope the Senate will recede.

Mr. HAWLEY. Mr. President, I am led to concur with my colleague by other considerations. I can name several gentlemen of abundant means who are ready—more than ready and more than willing—to build a submarine boat for $100,000, with which they think they can challenge the world, and they have not been able to get a hearing.

Mr. HANNA. Mr. President, I do not want to delay this matter except for a moment. I wish to say, being a member of the Committee on Naval Affairs, that I have taken fully as much interest in these matters as any of my colleagues, and experience has taught me something in regard to vessels. I was perfectly willing at the beginning to give this boat a fair experimental test, and in allowing the construction of the six boats we have been very liberal toward the inventors and those who are constructing them. The practical judgment of the Navy Department to-day, through the heads of the bureaus having in charge the construction of this work and the responsibility for it, has reported to the committee against the policy of ordering any more of these boats at present.

The fact that the Holland boat has been something of a success, and that the Government has adopted it to the extent of ordering six more, will and has stimulated the inventive genius of this country, and brighter minds are at work to-day in developing other methods of construction. I predict that inside of twelve months, before Congress will have another opportunity to vote upon the construction of these boats, the cost of this vessel, or something better, will be reduced more than one-half. I think it is poor policy at this time to urge the construction of any further number of these boats, particularly when it will delay this whole measure.

Mr. SPOONER. I should like to inquire why this proposition was incorporated in the bill. Did it come from the House in the bill or was it incorporated here?

Mr. HANNA. It was incorporated here.

Mr. SPOONER. Why was it put into the bill, if it is not advisable to construct the three additional boats?

Mr. HANNA. I do not know.

Mr. TILLMAN. I have given my reason.

Mr. SPOONER. If it ought to have gone in the bill, if it is in the public interest that these boats should be constructed, it seems to me the Senate ought, within reasonable limits, to insist upon its proposition. If the boats ought not to be constructed, the provision ought not to have been put in by the committee, and we should recede. I have not myself examined the subject, but I for one feel quite like insisting on the proposition reported by the Naval Affairs Committee, undoubtedly upon good, sound reasons of public policy. I do not think it would defeat the bill if there should be another conference.

Mr. ALDRICH. This is largely a question whether the Senate shall recede now or a little later, according to the statement of the Senator from South Carolina.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. ALDRICH. The intimation.

Mr. TILLMAN. The Senator from South Carolina made no such statement.

Mr. ALDRICH. The intimation of the Senator from South Carolina.

Mr. TILLMAN. I intimated, and I will repeat, so that there will not be any intimation, that in the event that the House of Representatives shall later on, on a vote, insist, as this is the only item left, that we shall recede, I shall be willing to do it. That is all.

Mr. ALDRICH. That was my inference. It seems to me more important that the bill should be passed——

Mr. TILLMAN. The bill will pass without any doubt.

Mr. ALDRICH. Than that this item should be retained in the bill; and I hope the Senate will recede.

Mr. BUTLER. Mr. President, there is no danger about this bill not passing. There is no use to deal with this question on any such specious plea. As a member of the Naval Affairs Committee

I have taken every opportunity, when the committee has been invited, to inspect the operations of this torpedo boat, and from the first time that a demonstration was made to the committee I was impressed that it had possibilities of terrific influence upon naval warfare in the future.

I am convinced to-day that before we have another naval battle with any great naval power the chances are that our great battle ships on which we spend $5,000,000 apiece will be practically worthless, because they are such a target for an engine of warfare like the Holland boat that they will not dare to get where they can be hit. The only way to save the magnificent battle ships from going to the bottom will be to keep them tied up in sheds inside of harbors and to mine the harbor. If the development in gun cotton and other explosives to be used in torpedo boats goes on there is not a battle ship afloat that would stand the resistance of a torpedo shot from the Holland boat any more than a piece of cardboard.

That being true, why shall we continue to spend $5,000,000 on every battle ship that may be worthless, when we can build 40 of these Holland torpedo boats for what one battle ship costs?

Now, Mr. President, this is not a small question. This question is just as big as is the question of national defense. Let some foreign power have 50 of these Holland torpedo boats built and ready for action, and let us have none or practically none, and let them bring them against our whole fleet, and we have not got a commander or an admiral, as brave as they are, who would dare to let them get near enough to our fleet if he knew they would shoot a torpedo at it.

Shall we sit down when this has demonstrated itself as a success as the most terrific engine of warfare that the world has ever seen, not only terrific in its actual execution, but terrific in the fact that it goes up under its enemy, out of sight, and rises and fires a deadly shot within a few hundred yards, and dives again and is protected? Shall we allow foreign nations to build these and we stand still? I want to know what has gone with all the patriotic talk and feelings that we have heard about national honor and national defense and building up the Navy?

I have heard it ever since I came into the Senate. I have heard it from Senators who are to-day opposing these little Holland torpedo boats. When I have claimed that we were paying $4,000,000 or $5,000,000 extra to the armor trust, they have said the nation's honor may be attacked, or the national defense may be endangered, and we have had eloquent speeches. Now, what I want to know is this: From whence comes the opposition to this vote, and what is the motive behind it? That is what I want to know.

Mr. President, the thing that is significant is the opposition that has developed to this little boat that does not cost much money. There is a cat in the meal tub, and it seems like those who have caught that cat are those who have talked national defense in the past for buncombe or for a corporation that was making money out of the Government, and not for national defense.

Mr. President, I must say, for I believe it, that the opposition to this little, cheap Holland boat is not an opposition from healthy American sentiment, but it is some class or commercial interest of some other concern or interest that is fighting it, one that is sordid, coming from men who have regaled us with their patriotic speeches in the past when they were appealing to us to give $5,000,000 or $10,000,000 to the armor trust.

Is it possible that the armor-plate trust does not want it done? Let us build forty or fifty of these Holland boats, and let it be seen that they can destroy any battle ship, and the armor trust is out of business; it can never make another raid on the Treasury and get $7,000,000 at one haul. The ironclads are out of business. The great ship-subsidy trust is out of business unless they go into the torpedo-boat business.

Mr. President, here is the cheapest and most effective engine of warfare that any nation has ever had a chance to build. You can build 40 of them for what one battle ship costs. I say that it is almost criminal for us not to build these and have them ready for the emergency when we have a chance to do it. It comes in poor taste from those who have favored immense corporations for questionable means to oppose this pitiful appropriation for a worthy object—for a most effective engine of war, one that costs so little and that is worth so much in the hour of need.

Whence this opposition, and what does it mean? I want to say that if there was not some powerful interest and influence behind this there would not have been the stubborn holding out that there has been against this proposition. That is a thing which is significant to me. That is a scheme that deserves to be crushed, and I hope the Senate will do it.

Mr. CHANDLER. Mr. President, the Government has bought and owns the first torpedo boat, and it is a useful and, I think, an important implement of war. Last year the Senator from Nevada [Mr. STEWART] introduced a bill to build twenty more of these boats. The Committee on Naval Affairs reported against building any more, but in the Senate it was decided to authorize the Secretary of the Navy to build five more. So the bill passed in that form last year.

The Secretary of the Navy has made a contract for those boats. The company wants the United States to make a contract to build some more, and the Senate committee reported that three more might be contracted for, to be taken by the Secretary of the Navy in case the trials of one of the new five should be successful.

The company are presenting these torpedo boats upon the other side of the water; they expect to make contracts with foreign nations for the boats; and the question being up in the Naval Committee of this Congress upon the proposition of the Senator from Nevada that ten more should be built, and there being a difference of opinion in the committee, it was decided to report this amendment in favor of three more of the boats. It was a compromise report in the committee, and all the members of the committee who were present agreed to sustain the proposition that on the whole it would be wise to authorize the construction of three more of the boats.

Mr. President, the committee were the more willing to do this because the Senate committee reported in favor of striking out the provision for two battle ships and two armored cruisers. Instead of retaining the clause that came from the House, the committee deemed it advisable to report to the Senate a proposition that the Secretary of the Navy should report at the next session of Congress the plans for two more battle ships and two more armored cruisers, designed according to the latest improvements in naval construction. That proposition was adopted by the Senate and has been concurred in by a vote of the House of Representatives. So, if we do not authorize these three torpedo boats we shall authorize no increase of the Navy at this session of Congress.

Now, Mr. President, the committee concluded on the whole that that would be a wise thing to do, and it is my opinion to-night that the Senate had better insist upon its amendment. The vote against these torpedo boats, if I may be permitted to say so, was carried in the House of Representatives by a very small majority. If we vote now that we want these three torpedo boats the House will vote again, and after the votes in the two Houses have been taken it will be very easy for the conferees to determine whether or not the Senate should insist upon building the three torpedo boats. Now, that is the whole case. It is not a big question, and the committee, so far as I understand them, are willing that Senators should vote exactly in accordance with their judgment.

Whether, with the two battle ships and the two armored cruisers stricken out, we shall now continue the construction of the Navy to the extent of three Holland torpedo boats is all there is to the question.

Mr. President, I speak moderately on the subject because the place from which I speak and my surroundings are such as to impel me to moderation.

Mr. PLATT of Connecticut. Before the Senator takes his seat, may I ask him a question? Do I understand that if this company that want the Government to contract with them can get a contract for three boats now they are not going to foreign countries to present their matter and get contracts there, when if they do not they are going to foreign countries?

Mr. CHANDLER. I do not understand the case to be as the Senator states it.

Mr. PLATT of Connecticut. I thought the Senator so stated.

Mr. CHANDLER. I said, in view of the fact that they were going there, it would be an encouragement and a help to the company. Undoubtedly that is one reason for the anxiety of the company. If we need these boats, if these boats have passed beyond the experimental stage so that we can wisely contract for three more of them, we ought not to refrain from doing that because it will help this company in their transactions with foreign governments.

Mr. PERKINS. Mr. President, as a member of the Committee on Naval Affairs, I desire to say only one word.

This matter came from the House of Representatives in the bill making appropriations for the support of the Navy, and was presented to the Committee on Naval Affairs of the Senate. The amendment offered by the Senator from Nevada was duly considered by your committee, and we added three Holland torpedo boats to the bill out of policy, and, I might say, too, out of sympathy for the enterprise of the inventor of the Holland torpedo boat and those who are associated with him.

And yet parenthetically I want to say that the Government has dealt most liberally with the inventors or promoters of this peculiar line of coast defense. We have ordered one already, which we have bought, as they admit, for a very much larger sum than the vessel cost. We have contracted for six more. The contract is not yet completed. Therefore the Government has had no opportunity as yet of demonstrating their utility, although I am frank to admit that the experimental test which I saw in the Potomac River was most satisfactory, and I believe them to be a

formidable armament of coast defense. Yet they are in that transitory state where improvements are daily being made.

There is no length of time required in which these boats may be constructed that would jeopardize or hazard the interests of our country were we at war with any foreign nation. You can build any one of these torpedo boats within ninety days, and while we wish to encourage the company, as they stated to your committee, they have had negotiations on foot for the purpose of introducing them into foreign countries. That was the principal motive which induced your committee to incorporate into the bill a provision for the three torpedo boats that had not yet been fully demonstrated by an experimental test.

I think, therefore, Mr. President, in view of the fact that the testimony before your committee was that there was a margin of profit of nearly $100,000 upon each one of these boats, and in view of the fact that we will have seven of them under contract, and that the House of Representatives having considered this proposition, have twice voted upon it, and they come direct from the people and are supposed ro represent the people's interests in this Government——

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from South Carolina?

Mr. PERKINS. I yield to the Senator.

Mr. TILLMAN. I desire to call the attention of the Senator from California to the fact that there was no evidence produced before the committee showing any such profit, because if there had been I for one would have never agreed to give any company $100,000 profit on a contract of $70,000.

Mr. PERKINS. Perhaps not, Mr. President, excepting by inference. Those of us who have had experience in the construction of maritime vessels know that a vessel of that dimension, with that displacement of tonnage, and the machinery in it can be built for from $75,000 to $100,000.

Mr. TILLMAN. Can the vessels the Senator speaks of dive and come up and swim under the water and go like a fish? Does this vessel have nothing new or strange?

Mr. PERKINS. That is simply pumping out the air of the vessel and filling the different compartments. The machinery—the power of propelling the vessel—is not more complicated than in the ordinary maritime vessel. But that is not the question now before us. We have had it in conference here for three or four days. My friend from South Carolina has been on the committee of conference with the conferees on the part of the House of Representatives. They have discussed it, and he has spoken, as he always does, in that logical and forcible manner which is characteristic of his nature, and he has failed to convince them that he was right and that they were wrong. The House of Representatives have twice voted upon it.

Mr. TILLMAN. Only once.

Mr. PERKINS. Once, then, Mr. President. This bill carries $70,000,000 with it. It means the support of the Navy of this great Government of the United States. It seems to me, with only twenty hours intervening between the present time and the close of this Congress, the Senate of the United States ought to recede from their amendment. No possible wrong, no possible injurious results can accrue to our Government by simply postponing this question until next December. In the meantime the six torpedo boats contracted for by our Government will have been completed. The test will have been made, the trial will have been completed, and then we will have it fully demonstrated whether it is business policy for the Government to build more of them or not.

I have upon my desk, or in my office, propositions from other contractors, who claim that they have great advantages over the Holland torpedo boat. But that is not the question now. The question simply is one of policy, one of expediency, one of advisability. Shall the Senate, which is only coordinate with the House of Representatives in the legislative affairs of the Government, recede, or shall we persist in the position we have taken? I for one shall vote to recede from our position and concur with the House of Representatives upon this proposition.

Mr. JONES of Arkansas. Mr. President, I regret exceedingly to have heard from the Senator from California some statements made by him on the floor. We are compelled to rely to a very large extent on committees here for whatever we do in the transaction of public business. It is a physical impossibility for individual Senators to fully advise themselves with respect to all the details of important measures that come here for consideration. We are compelled to rely on the judgment and tact and common sense of the committees having charge of the different important measures.

I regret exceedingly that the Senator from California has stated that an amendment of this character, an important amendment, has been reported by the Committee on Naval Affairs to the Senate not because the public interest required it, not because the public good would be promoted by the adoption of the amendment, but from motives of sympathy for some contractor who was to do the work for the Government.

I think if the Committee on Naval Affairs have taken any such action as that, they are not entitled to the respect I have always accorded to that as one of the ablest, most upright, strongest, and best-informed committees of this body. I have believed that whenever they made a report here they reported what they believed in their consciences was best for the public good. When they came here and reported that there should be three more of these boats built, I thought it was because the public good required it and not because we proposed to give $300,000 of net profit to some company to do $450,000 worth of work.

Now, it seems to me the question is this: The Committee on Naval Affairs have reported in favor of putting these three torpedo boats in the bill. The Senate have adopted their suggestion. We have followed their judgment. I was willing to follow it because I was not informed, and I had faith in the men who compose that committee and who have had charge of the bill. When they made a report which led me to think the public interest required that it should be done, I was in favor of it.

When they go to conference, and the House is not willing to yield to their judgment, if they believed that the public interest requires that we should recede, I am willing to follow their judgment in that; and when they come to the Senate and say that they have disagreed, and they believe we should send the matter back to another conference, I am still willing to trust their judgment, although what has been stated by the Senator from California shakes me somewhat in that respect.

Mr. PERKINS. I simply desire to say to my friend from Arkansas, in justice to myself, that he somewhat distorts my remarks, at least those which I intended to make. These boats are in a process of development, of evolution. While experimental tests made on the Potomac River, of which I was an observer, seemed to satisfy us in a great measure of their utility and of their value, yet it has not been fully demonstrated. The Senator has been, I think he said a few days since, at times in his life engaged in agriculture. There are times when our crops look splendidly, when we have a fine cotton crop promised us, but a north wind or blight comes on, and our expectations are not realized.

So with these boats. I believe it to be a valuable vessel for coast defense. But it has not been fully demonstrated to the satisfaction of any scientific or practical nautical man, because they have never been in action. We do not know what the enemy, if there was one which they approached, would have to defend himself against their approach, and perhaps make that defense wholly inoperative and ineffective. That is all. My objection to increasing the number of the Holland torpedo boats is because we have not fully demonstrated to our satisfaction their great usefulness. The *Merrimac* was an experiment, and yet Ericsson's *Monitor* came down and demonstrated that she was not what her builders expected her to be, for the *Monitor* was far superior to her. So it is with the Holland torpedo boats. There are other builders of submarine vessels, who claim superiority over these vessels.

I want to say to my friend from Arkansas that I know how jealously he guards the interests of our Government, and all honor is due to him for it. I agree with him, for when he reports from his committee any proposition I accept it after he has thoroughly examined it, and I usually vote with the majority of that committee. So he only does right, in my opinion, to take the majority opinion of the Committee on Naval Affairs when they have investigated and given their best thought and their conscientious investigation and report to the Senate their result.

Mr. BUTLER. Will the Senator from California pardon me for a moment?

Mr. PERKINS. Certainly.

Mr. BUTLER. The Senator says these boats are in an experimental stage. I should like to ask him if the Naval Committee in our various conferences at the opening of the Spanish war did not time and again express fear about our battle ships and admit that they were experimental. Still we had been going on and building them at the rate of from two to four and five a year at $5,000,000 apiece, and we looked each other in the face across the committee table when that war was declared and said we knew not whether they were a success or not.

Mr. PERKINS. That is very true.

Mr. BUTLER. Now, the Senator says we are not fully convinced that these boats are up to perfection yet. Suppose we had waited to build battle ships until they satisfied us, when the Spanish war occurred we would not have had any, because we all admitted that they were experiments, and we had put over $5,000,000 in each one of these experiments.

Mr. PERKINS. Mr. President, the good battle ship *Maine* went into the harbor of Habana, and there, while swinging safely, as they supposed, at the buoy at her anchorage, in the twinkling

of an eye, by the touch of an electric button, those on board that ship were launched into eternity and went to "that bourne whence no traveler e'er returns." It is believed that a submarine torpedo was the cause of the destruction of that vessel. So it is that our harbor at Newport News, the Potomac River, New York Harbor, and other points were guarded by torpedoes and the electrician who controlled them stood on guard day and night, and yet the opportunity did not come whereby we might demonstrate their great utility.

Mr. WOLCOTT. May I ask the Senator from California a question?

Mr. PERKINS. Certainly.

Mr. WOLCOTT. I share with him the splendid tribute and compliment he paid to the Senator from Arkansas when he referred to the fact that the Senator from Arkansas was the chairman of an important committee, which reported bills from time to time to Congress which the Senator from California was glad, to be sure, in voting in favor of. I have looked in vain to see what committee it was.

Will the Senator kindly inform me what committee it is that the Senator from Arkansas is chairman of, where we all follow blindly in his lead because we know his high character and intelligence would permit him to report only bills which we would want to vote for?

Mr. PERKINS. I will say to my friend from Colorado that in 1893——

Mr. WOLCOTT. Oh!

Mr. PERKINS. I had the pleasure of joining with my friend from Arkansas when he was chairman of a committee. Now he tries to throw the responsibility upon my friend from Colorado, and I try to follow him, but the path is so circuitous that I find myself sometimes in a darkness that I am unable to emerge from.

Mr. WOLCOTT. I still would like to know the name of the committee of which the Senator from Arkansas is chairman, whom we all follow so blindly. Will the Senator kindly inform me what committee it is?

Mr. TILLMAN. The national Democratic committee. [Laughter.]

Mr. PERKINS. The Committee on the Five Civilized Tribes. I have been down in the Choctaw Nation and the Cherokee Nation. My friend has never led me astray.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

Mr. PETTIGREW. Mr. President, in view of the fact that there has been some statement with regard to the experimental stage of the Holland torpedo boat, I wish to read some of the testimony on the subject. I do not care to discuss the question at any length; but it does seem to me if we can defend our harbors and coasts with boats that cost but $170,000, apiece which are more valuable than battle ships which cost $5,000,000, the change ought to be made, even if the armor-plate factories and great shipyards have to go out of business for the Government. I read from the testimony of officers of the Navy:

Commander N. E. Mason, United States Navy, in charge of the torpedo station at Newport, R. I., makes a lengthy report to the Department on the workings of the *Holland*, under date of October 1 last, in which he says:

"In my opinion, the *Holland* has been a grand success so far, and for some time the naval crew have had entire charge of her, under command of Lieutenant Caldwell, running and working her both night and day without the presence of any of the *Holland* experts."

Mr. ALDRICH. Will the Senator from South Dakota yield to me for a few moments?

Mr. PETTIGREW. I yield to the Senator.

Mr. ALDRICH. I should like to make a motion that the Senate take a recess until 11 o'clock.

Mr. HOAR. There are three bills undisposed of on the Calendar, which I wish to see passed.

Mr. ALDRICH. Those will come up first in order after 11 o'clock.

Mr. HOAR. I should think the Senate would be willing to take them up now.

Mr. ALDRICH. I am afraid the Senator from South Dakota [Mr. PETTIGREW] would not consent to that.

Mr. HOAR. I hope the Senate will be willing to devote two or three minutes to the consideration of those bills.

Mr. ALDRICH. I shall not object, if the Senator from South Dakota does not.

Mr. HOAR. I hope the Senator from South Dakota will consent.

Mr. JONES of Arkansas. We should like to know what is going on on the other side of the Chamber. We are afraid a recess will be taken without our hearing about it on this side.

Mr. HOAR. The Senator from Rhode Island [Mr. ALDRICH] proposed that a recess be taken until 11 o'clock, and I called his attention to the fact that the Calendar of unobjected House bills, which had been taken up, was completed except three bills, which could probably be passed in three or four minutes; and I appeal to him to allow the Senate to deal with those. My particular interest in them is that one of them is a bill drawn by the Attorney-General, which is very important, and which nobody will object to. It is in regard to the custody of prisoners, and it is very important not only to their comfort, but to the Government of the United States. I hope that and the other unobjected House bills on the Calendar will be disposed of before the Senator from Rhode Island moves a recess until 11 o'clock.

Mr. JONES of Arkansas. I cordially agree with the Senator from Massachusetts [Mr. HOAR], but I further wish to say that I do not know anything better that the Senate can do than undertake to dispose of the conference reports as they are presented one by one to the Senate. It seems to me the sooner they are disposed of the better it will be for the public interest. I can see no special purpose of taking a recess now until 11 o'clock. I think we had better dispose of the conference reports mentioned by the Senator from Massachusetts, and also the pending measures.

Mr. CHANDLER. I shall object to a recess until the conference report is disposed of.

Mr. ALDRICH. Let us have a vote on the conference report now, and then take a recess.

Mr. CHANDLER. That is right.

Mr. BATE. There are three House bills on the Calendar that ought to be disposed of, which will not take more than three minutes.

Mr. ALDRICH. The Senator must be aware that when we come back after the recess the bill of the Senator from Tennessee will be first in order.

Mr. BATE. I am not speaking of my bill particularly.

Mr. ALDRICH. All the unobjected House bills on the Calendar will then be in order.

Mr. CHANDLER. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is the motion to recede from the amendment in disagreement on the conference report on the naval appropriation bill.

Mr. PETTIGREW. I had the floor in the midst of this discussion. I have tried to hold it. I want to finish the paragraph which I commenced to read.

Mr. TILLMAN. Will the Senator from South Dakota allow me a minute?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. PETTIGREW. I will yield for a question, but I do not wish to be taken off the floor.

Mr. TILLMAN. I am not going to interrupt the Senator by a speech. I merely wanted to remark that the solicitude of certain Senators here lest this great naval bill fail is very remarkable, when they offered to throw away the time and burn it rather than discuss it.

Mr. ALDRICH. It is very evident to me, as it must be to the Senate, that the Senator from South Carolina and other Senators do not propose to have this conference report acted upon at any time in the near future.

Mr. TILLMAN. The Senator might get us into a temper when we would not have it acted on. We do not want anything of that sort. I am ready to vote now, but I am not going to take the Senator from South Dakota [Mr. PETTIGREW] off his feet.

Mr. ALDRICH. I appeal to the Senator from South Dakota——

Mr. PETTIGREW. I should have been through long ago if the Senators had let me alone.

The PRESIDENT pro tempore. The Senate will be in order. The Senator from South Dakota [Mr. PETTIGREW] has the floor.

Mr. PETTIGREW. I want to complete the reading from the testimony of Commodore Mason. He further says:

Having made several dives in the boat myself, with the naval crew alone, I am of the opinion that they are competent in every way to maneuver and manipulate the boat successfully.

During the late combined maneuvers of the fleet, shore defenses, and the torpedo flotilla, the *Holland* made a successful attack on the fleet, at night, by herself, without convoy, at a distance of 7 miles out from the mouth of the harbor, and with the naval crew alone in her.

If the boat is sent to some place like the Naval Academy for the winter months, a great deal of instruction could be given to the officers of the service in a boat which is bound to be one of the future types.

The testimony of other officers of the Navy is that this boat operated successfully; that she dived and reached the side of a battle ship 7 miles from the shore, and could have successfully torpedoed the battle ship before the persons on the ship knew of her presence.

The torpedo boat is not an experiment; it is a success, and it seems to me that if we want to defend our coast this is the cheapest way to it.

I could read from the testimony of Commander Wainwright, the testimony of Admiral Philip Hichborn, constructor of the United States Navy, all to the same effect, and even more emphatic. But still we continue to build battle ships, and you are

afraid about spending $510,000 for three more of these boats, which, in my opinion, are the most effective engines of defense of modern times.

Mr. President, I do not care to go further. It seems to me, however, that this matter is important enough so that we should do what the members of the conference committee of this body ask us to do—adopt their report—send the bill back to conference, and make another effort to see if the House will recede.

It is rather remarkable that the members of the conference committee come in here and recommend one thing and then get up and make speeches advising us to do another thing, or else they get somebody to make speeches to induce the Senate to recede, when the conference committee report that we should insist upon our amendment. I do not know what their purpose is. It is hard to tell.

Mr. TILLMAN. The conferees have done nothing of the kind, but two members of the committee have opposed their own work.

Mr. PETTIGREW. I supposed the Senator from New Hampshire was on the conference committee. If I am mistaken, I apologize.

Mr. CHANDLER. I am in favor of the amendment. I am going to vote for that, and I am in favor of the ships.

Mr. JONES of Arkansas. When I was on the floor some time ago, and was interrupted by the Senator from California [Mr. PERKINS] for a question, when his question was finished I was so far from the beginning, that I suppose everybody else in the Senate except myself had forgotten that I had the floor. I want to finish what I then began to say.

I have entire confidence in this committee of conference, in their judgment, in their management, and in their integrity; and I believe the shortest way to dispose of this matter is to send it back to the conference committee. I have no doubt they will come here with a report, and that the report will be adopted without a word of debate.

I think the best way to do is to follow the committee; to show our confidence in and reliance upon them, and let them work the matter out in conference. They understand the sense and the feeling of the Senate; they understand what motives have moved the committee; and notwithstanding what has been said by my friend from California, whose judgment I am always willing to follow, I have faith enough in him to believe that, when the bill goes back to conference, he will manage to get the best thing for the country out of the situation, and that the report which will be made to the Senate will be adopted without trouble. I hope that will be done by general consent.

The PRESIDENT pro tempore. The question is, Will the Senate recede from its amendment numbered 89 to the naval appropriation bill?

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. Not seeing him present, I withhold my vote.

Mr. CLAY (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. LODGE], who is absent. If he were present, I should vote "yea."

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from Kansas [Mr. BAKER], and vote. I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. I see he is not present in the Chamber, and therefore I withhold my vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. SEWELL (when his name was called). On this question I am paired with the Senator from West Virginia [Mr. ELKINS].

The roll call was concluded.

Mr. SCOTT. I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO], who is not in the Senate Chamber. I do not know how he would vote if present, but in order to protect my pair, I will transfer my pair with the Senator from Florida to the Senator from Idaho [Mr. HEITFELD], so that the Senator from Idaho and I may vote. I vote "yea."

Mr. HEITFELD. Under that transfer of pairs I am at liberty to vote, and I vote "nay."

Mr. BURROWS. I inquire if the senior Senator from Louisiana [Mr. CAFFERY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Louisiana has not voted.

Mr. BURROWS. I am paired with that Senator, but I will transfer my pair to the Senator from Maryland [Mr. MCCOMAS], and vote. I vote "yea."

The result was announced—yeas 32, nays 18; as follows:

YEAS—32.

Aldrich,	Fairbanks,	Kyle,	Proctor,
Allison,	Foraker,	Lindsay,	Scott,
Bard,	Foster,	Mallory,	Teller,
Berry,	Frye,	Money,	Thurston,
Burrows,	Hanna,	Nelson,	Vest,
Clapp,	Hawley,	Perkins,	Warren,
Cullom,	Hoar,	Pettus,	Wetmore,
Dillingham,	Kearns,	Platt, Conn.	Wolcott.

NAYS—18.

Bate,	Hale,	Kean,	Tillman,
Butler,	Hansbrough,	McBride,	Turner,
Carter,	Heitfeld,	Pettigrew,	Wellington.
Chandler,	Jones, Ark.	Shoup.	
Gallinger,	Jones, Nev.	Stewart,	

NOT VOTING—38.

Allen,	Daniel,	McEnery,	Quay,
Bacon,	Deboe,	McLaurin,	Rawlins,
Baker,	Depew,	McMillan,	Sewell,
Beveridge,	Dolliver,	Martin,	Simon,
Caffery,	Elkins,	Mason,	Spooner,
Chilton,	Harris,	Morgan,	Sullivan,
Clark,	Kenney,	Penrose,	Taliaferro,
Clay,	Lodge,	Platt, N. Y.	Turley.
Cockrell,	McComas,	Pritchard,	
Culberson,	McCumber,	Quarles,	

So the Senate receded from its amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota;

A bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon; and

A bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

PROPOSED RECESS.

The PRESIDENT pro tempore. The Secretary will state the next House bill on the Calendar.

Mr. ALDRICH. I now ask unanimous consent that the Senate take a recess until 10 o'clock——

Mr. BATE. I hope the Senator will allow us to dispose of the few remaining House bills on the Calendar.

Mr. ALDRICH. With the understanding that at that time the order of the Senate in regard to the consideration of unobjected House bills shall be proceeded with.

Mr. HOAR. We can dispose of the unobjected House bills on the Calendar in three or four minutes, and I hope the Senator from Rhode Island will withhold his request.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. ALDRICH] asks unanimous consent that the Senate take a recess until 10 o'clock.

Mr. ALDRICH. On the urgent appeals of Senators around me, I withdraw the suggestion, but I give notice that as soon as the House bills on the Calendar are disposed of I shall then ask that the Senate take a recess until 11 o'clock.

Mr. BATE. Regular order, Mr. President.

CUMBERLAND RIVER BRIDGE.

The Senate, as in Committee of the Whole, proceeded to consider the the bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city, which had been reported from the Committee on Commerce, with an amendment, on page 2, after line 21, to insert as a new section the following:

SEC. 5. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Mr. BATE. Mr. President, that amendment was put there, I think, by mistake. The very face of the bill shows it. I have

consulted with the Senator from West Virginia [Mr. ELKINS] who had charge of it, and he agrees that the amendment be withdrawn. It is a free bridge, and the amendment provdes that certain tolls shall not be charged. That is inconsistent.

The PRESIDENT pro tempore. Does the Senator say that the committee authorizes the withdrawal of the amendment?

Mr. BATE. I say the Senator in charge of the bill. I can say nothing else. Perhaps the amendment had better be retained. I do not want any misunderstanding about it.

The PRESIDENT pro tempore. Without objection, the amendment will be disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL EQUIPMENT FOR MILITARY SCHOOLS.

Mr. CHANDLER. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools, to report it without amendment. I ask unanimous consent for the present consideration of that bill.

Mr. ALDRICH. Mr. President, that is contrary to the unanimous-consent agreement, and I shall have to object. Let the bill go to the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

RED RIVER BRIDGE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. JOHN'S LODGE, NEWBERN, N. C.

Mr. BUTLER. Mr. President, I was absent from the Senate, engaged with a conference committee, when Calendar No. 2222 was passed over. I now ask unanimous consent that the bill be taken up.

The PRESIDENT pro tempore. This is a bill which was objected to and passed over. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C.

Mr. ALDRICH. Mr. President, that bill has been objected to once.

The PRESIDENT pro tempore. The bill was objected to.

Mr. ALDRICH. The Senator from Massachusetts [Mr. LODGE], who is now absent from the Senate, is opposed to it and gave notice that he would object to it. On his behalf I object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

JAMES A. SOMERVILLE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7603) to correct the military record of James A. Somerville. It directs the Secretary of War to remove the charge of desertion now standing against James A. Somerville, late of Company D, Fifth New Jersey Volunteer Infantry, on the records of the War Department, and to issue to him an honorable discharge dated December 10, 1862, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES of Arkansas. Mr. President, do these bills come under the unanimous-consent agreement?

The PRESIDENT pro tempore. Yes; they come under the agreement.

J. W. PEGLOW.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14269) confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians. It proposes that the agreement of lease dated October 11, 1900, entered into between the Seneca Nation of Indians in council assembled and J. W. Peglow, of Silver Creek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in the agreement be ratified and confirmed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSPORTATION OF CRIMINALS CONVICTED BY CONSULAR COURTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13396) to amend section 5546 of the Revised Statutes. It proposes to amend section 5546 of the Revised Statutes so as to make it read:

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund.

But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARBA N. WATERMAN.

Mr. ALDRICH. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 523) for the relief of Arba N. Waterman, to report it favorably without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. CULLOM. I ask unanimous consent that that bill be immediately acted upon.

The PRESIDENT pro tempore. The bill will be reached on the Calendar in a minute.

AMERICAN REGISTER FOR SHIP BALCLUTHA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND PORTAGE INDIAN RESERVATION.

Mr. NELSON. From the Committee on Commerce I report back the bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river, and ask unanimous consent of the Senate for its present consideration.

Mr. JONES of Arkansas. It can not be considered now, under the rule.

Mr. NELSON. I ask unanimous consent. I trust the Senator will not object. I have to go out on a conference committee.

Mr. JONES of Arkansas. A unanimous-consent order is now being executed by the Senate, and it can not be set aside.

Mr. TURNER. I insist upon the regular order.

The PRESIDENT pro tempore. The bill will go to the Calendar. The next bill on the Calendar will be stated.

NATIONAL BUREAU OF STANDARDS.

The bill (H. R. 11350) to establish the National Bureau of Standards was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The bill has been read in full, and was placed on the Calendar on account of the unanimous-consent agreement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EQUIPMENT FOR CERTAIN MILITARY SCHOOLS.

The bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARBA N. WATERMAN.

The bill (H. R. 523) for the relief of Arba N. Waterman was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to issue duplicate to Arba N. Waterman in lieu of United States 6 per cent coupon bond for $100, together with all unpaid coupons thereto belonging, and which said bond, with coupons attached, is alleged to have been lost.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND PORTAGE INDIAN RESERVATION.

The bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River in said State at what is known as the cascades of said river, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," was read twice by its title, and referred to the Committee on Finance.

WASHINGTON TELEPHONE COMPANY.

Mr. ALDRICH. I renew the request which I made some time ago, that the Senate now take a recess until 11 o'clock.

Mr. JONES of Arkansas. I desire to make a motion which I hope the Senator from Rhode Island will allow me to make before he presents his request for a recess. I should like to have the motion pending.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Arkansas?

Mr. ALDRICH. I have no objection to the motion being made, and then I shall have to press my request for a recess.

Mr. JONES of Arkansas. I have no objection to the Senator making the request for a recess after I have made the motion. I should like to make the motion. The unanimous-consent order has been executed, I understand?

The PRESIDENT pro tempore. It has.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of the bill (H. R. 9047) to incorporate the Washington Telephone Company, and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia.

Mr. ALDRICH. Pending the motion of the Senator from Arkansas, I renew the request I made that the Senate take a recess until 11 o'clock.

Mr. BERRY. One moment. I ask the Senator from Rhode Island to make it not later than 10 o'clock.

Mr. GALLINGER. I hope it will be 11 o'clock.

Mr. BERRY. It is important, on account of a bill with which the Senator from Minnesota is familiar, that the Senate should be in session before 11 o'clock, and if the request is made for a recess until 10 o'clock I shall not object. The bill will be back here from the House by 10 o'clock, and I shall not object to taking a recess until that hour.

Mr. ALDRICH. The bill to which the Senator from Arkansas refers is not likely to be before the Senate to be considered before 11 o'clock, and none of the conference reports will be. It seems to me it would be very much better to make it 11 o'clock; and therefore I ask the Senate to take a recess until that hour.

Mr. BERRY. It is not likely to be before the Senate, but I repeat that when it comes here it ought to be in conference, because the conferees will not get together until it does come, and 11 o'clock will be very late. It will be back here, I am told, in a short time.

Mr. ALDRICH. The Senators can go on with their conference. They have been conferring upon this bill for two or three days without having a formal conference ordered, and I think they can probably go on for an hour or two longer.

Mr. MORGAN. I should like to know some reason for the recess.

Mr. ALDRICH. I insist upon my motion.

Mr. MORGAN. I should like to have some reason stated for the recess.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. MORGAN. What is the reason for the request?

Mr. ALDRICH. It is impossible to hear the Senator from Alabama.

The PRESIDENT pro tempore. The Senate will please be in order. The Senator from Alabama asks what is the reason for this request.

Mr. ALDRICH. To suit the convenience of Senators who desire to go to their homes for dinner or to look after other matters, and as there is no pressing business before the Senate, I supposed all Senators would be agreeable to that request.

Mr. NELSON. I suggest to the Senator from Rhode Island that we take a recess until 10 o'clock.

Mr. GALLINGER. I trust it will be 11 o'clock. We have been here for six hours, on the Sabbath day, and I think we ought to have a little chance to have some leisure.

Mr. ALDRICH. I will compromise on half-past 10.

The PRESIDENT pro tempore. The Senator from Rhode Island now asks that the Senate take a recess until half past 10. Is there objection?

Mr. BUTLER. I do not want to object to that, if the Senator from Rhode Island knows the state of public business so that he is satisfied I can have twenty to thirty minutes at least to make some remarks of which I have already given notice. Of course, if I can not make them at any other time I will make them on a conference report, but I do not want to interfere with the public business in that way.

Mr. ALDRICH. We will have twelve or thirteen hours after 11 o'clock. There will be no trouble about it.

Mr. BUTLER. I want the Senate to know that I have given notice, as I have given it, and that I expect to occupy the time.

Mr. President, before agreeing to the request I desire to give another notice. A few moments ago, when I asked the Senate to take up this little bill—and I want the attention of the Senator from Rhode Island—the Senator from Rhode Island objected because, he said, another Senator was absent.

I give notice now that I shall ask to take it up when we meet after 11 o'clock, and any Senator who feels it is his duty to object because that Senator is absent I hope will notify him and let him be here or not object, for I do not think it is fair, if Senators choose to stay away all night, that this bill should die. I wish to give notice now that I will call it up, and I do not think any Senator ought to object if that Senator is not here.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr. JONES of Arkansas. What is the last proposition?

Mr. ALDRICH. For a recess until half past 10.

The PRESIDENT pro tempore. For a recess until half past 10.

Mr. JONES of Arkansas. I can not see any good reason for stopping now two hours when none of us are going to sleep. During the next twelve or thirteen hours, to which the Senator from Rhode Island refers as existing after 12 o'clock, some of us will want to be asleep, or part of the time. It seems to me, when we are all awake and in the Capitol, it is unwise to take a recess; and I hope the Senator will not make the request.

Mr. ALDRICH. The Senator from Arkansas knows as well as I do that the only business that can possibly be disposed of to-night or to-morrow morning are conference reports. It is simply useless to try to pass Senate bills with an idea of sending them to the House and expecting them to be acted on there.

Mr. JONES of Arkansas. There is one House bill which I think is quite important, and I should like to have it voted upon.

Mr. ALDRICH. I have not the slightest doubt that the bill to which the Senator refers will lead to prolonged discussion.

Mr. JONES of Arkansas. If so, we had better be at it.

Mr. ALDRICH. That may be. If Senators want to stay here and discuss that bill, I have no objection. I believe that a vast majority of the Senate prefer to go than to take up that bill.

Mr. PETTIGREW. It can not pass. They do not propose to let it pass.

Mr. CHANDLER. We ought to have an executive session, and I move that the Senate proceed to the consideration of executive business.

The motion was rejected.

RECESS.

Mr. ALDRICH. I ask now that my request may be put.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the Senate take a recess until half past 10 o'clock to-night. Is there objection? The Chair hears none.

Thereupon (at 8 o'clock and 45 minutes p. m.) the Senate took a recess until 10 o'clock and 30 minutes p. m., at which time it reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain rivers and harbors, and for other purposes, insists on its disagreement to the amendments of the Senate numbered 168, 219, 220, and 221, agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

The message also announced that the House further insists on its disagreement to the amendments of the Senate numbered 2 and 3 to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902; agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9835) to establish a code of law for the District of Columbia; and

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5573) to amend section 203 of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes;"

A bill (H. R. 2619) for the relief of Agnes and Maria De Leon;

A bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars;"

A bill (H. R. 11350) to establish a National Bureau of Standards; and

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

WASHINGTON TELEPHONE COMPANY.

The PRESIDENT pro tempore. The pending question is on the motion made by the Senator from Arkansas [Mr. JONES], that the Senate proceed to the consideration of the bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia.

Mr. HANSBROUGH. I desire to ask the Senator from Arkansas if he intends to insist upon proceeding with the bill to-night.

Mr. JONES of Arkansas. I hope there will be no difficulty about it, Mr. President. It is a House bill, and I am ready to vote upon it without debate, as far as I am concerned. The first question is to take it up, and then the Senate can determine what it will do with it.

Mr. HANSBROUGH. I am advised that quite a number of Senators desire to be heard upon this measure, and I submit to the Senator from Arkansas that in the very short time remaining of the session we can not do much in the way of debating a great question of this kind.

Mr. JONES of Arkansas. As far as I am concerned, I would be delighted to have a vote without debate.

Mr. CARTER. Mr. President, this is a very important bill. It is manifestly not understood. I therefore request that the bill be read in full for the information of the Senate.

Mr. GALLINGER. Mr. President, I want to make one observation before that is done. The Senator from Arkansas suggests that this is a House bill. It is a House bill, Mr. President, but it did not get the support of a majority of the Committee on the District of Columbia, and is reported without recommendation. I want the Senate to understand that.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the bill, and that motion is not debatable.

Mr. GALLINGER. On that I ask for the yeas and nays.

Mr. CARTER. For the further information of the Senate I should like to have the report read, if there is a report on the bill.

Mr. JONES of Arkansas. The motion is not debatable, Mr. President.

The PRESIDENT pro tempore. The bill is not yet before the Senate. The question is on taking it up.

Mr. GALLINGER. Let us have the yeas and nays.

The PRESIDENT pro tempore (putting the question). By the sound, the noes have it.

Mr. JONES of Arkansas. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah, which I will transfer to the Senator from Kansas [Mr. BAKER], and vote. I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK] and withhold my vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present I should vote "yea."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY]. I do not know how that Senator would vote, and therefore I withhold my vote.

The roll having been concluded, the result was announced—yeas 26, nays 28; as follows:

YEAS—26.

Bate,	Foraker,	Mallory,	Teller,
Berry,	Hale,	Martin,	Thurston,
Beveridge,	Jones, Ark.	Money,	Tillman,
Burrows,	Kyle,	Perkins,	Turner,
Carter,	Lindsay,	Proctor,	Warren.
Clay,	McComas,	Simon,	
Dolliver,	McEnery,	Taliaferro,	

NAYS—28.

Aldrich,	Foster,	Kean,	Pritchard,
Bard,	Frye,	Kearns,	Scott,
Butler,	Gallinger,	Kenney,	Shoup,
Chandler,	Hanna,	McBride,	Stewart,
Cullom,	Hansbrough,	Mason,	Wellington,
Deboe,	Hawley,	Pettigrew,	Wetmore,
Fairbanks,	Jones, Nev.	Platt, Conn.	Wolcott.

NOT VOTING—34.

Allen,	Culberson,	McCumber,	Quay,
Allison,	Daniel,	McLaurin,	Rawlins,
Bacon,	Depew,	McMillan,	Sewell,
Baker,	Dillingham,	Morgan,	Spooner,
Caffery,	Elkins,	Nelson,	Sullivan,
Chilton,	Harris,	Penrose,	Turley,
Clapp,	Heitfeld,	Pettus,	Vest.
Clark,	Hoar,	Platt, N. Y.	
Cockrell,	Lodge,	Quarles,	

So the Senate refused to proceed to the consideration of the bill.

THE NICARAGUA CANAL.

Mr. MORGAN. Mr. President, I desire to make a statement to the Senate and to make an appeal to the Senate, which I have drawn up in writing in order not to consume any more of the precious time of this dying session of the Congress than is absolutely necessary. I ask the Secretary to read, if he pleases, the joint resolution that I reported to-day from the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the joint resolution.

The Secretary read as follows:

A joint resolution (S. R. 166) to complete the agreements entered into with the Governments of Nicaragua and Costa Rica in regard to future negotiations for the construction of an isthmian canal by way of Lake Nicaragua.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized by law to complete the agreement entered into by him with the Governments of Nicaragua and Costa Rica in the words following:

"Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua,

"It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

"As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica."

Mr. MORGAN. Mr. President, the House bill No. 2538—the Hepburn canal bill—has had such treatment at the hands of the majority in the Senate, for reasons that seem to be entirely political, that I do not care to have the great nonpartisan vote that passed that bill through the House of Representatives again rebuked by the Senate, by its further refusal even to consider it.

This action exposes some rights and privileges of the highest possible value to the country, to secure which the President has concluded a convention with Nicaragua and Costa Rica, to repudiation by those States, if this session of Congress is closed without passing the resolution, which has been read at the desk. I can only perform my duty by asking for action on this important matter.

It seems to be a mistake that nothing can excuse to leave this matter open, and I decline to be responsible for it as a Democratic chairman of a Republican committee. That committee has reported this resolution, and it, at least, deserves the respect of a Republican Senate.

It is due also to the high reputation of this Congress that this dangerous situation should be provided for.

If there is a time for all things, "a time to plant and a time to pluck up that which is planted," we have in this hour a time in which the Senate can do more for the honor of our country by planting this canal across the Isthmus of Darien than it could have done at any moment during the life of the Fifty-sixth

Congress. Instead of that, we are about to tear up what the President has there planted.

This Congress is the golden link between the nineteenth and the twentieth centuries. It opened in the year 1899 and is about to close in 1901, I fear in dishonor. Its work, so far accomplished, announces distinctly a new era in American history.

2. Meeting a national and moral necessity which had compelled the United States to accept a war with Spain, which had resulted in the treaty of Paris, the Fifty-sixth Congress has proceeded to open up to the islands acquired under that treaty the opportunity for free, constitutional self-government, in which the basis of all true liberty is the separation of church and state. Our influence in the Spanish-American governments has made republics of them all, and our forced intervention in the islands of the Caribbean Sea and in the Philippine Archipelago has laid the foundation of this supreme political blessing, on which the happiness of those people will rest in perfect security.

The American people will never permit those foundations to be disturbed or the principles of our free constitutional government that we have implanted in those islands to be shaken.

The thrift of our people under laws that are administered with honesty and wisdom and organic institutions that permit their freedom of action and secure their enjoyment of the results of their labor and enterprise has made our country the granary, the clothier, the mechanician, and the scientific herald of inventive genius, in the forefront, if not in the advance, of any other country.

The Fifty-sixth Congress has a just claim to high eminence among its predecessors for vigorous and careful efforts to give support and encouragement to our people in this great and unexampled progress made by them in this brief period of its existence.

With the hands of the people, working out great destiny, this Congress has marked its era with monuments that can not perish from our national history.

It has but one vote to give, for which we are prepared by years of laborious study and debate, that the world is expecting with anxious solicitude and our people demand with one united supplication, to make this Congress supreme in reputation as the servant of a great country and the benefactor, the peacemaker, of all mankind.

Shall we, for the want of will, or in deference to a sense of national prosperity that is not only imaginary but is not just to our country, refuse to give that vote?

The legislative branch of our Government for twenty-six or more years has been dealing with this great question, without protest or criticism from any other government, including that of Great Britain. For sixteen years we have been dealing with the Nicaraguan Canal question in Congress, in aid of concessions made by Nicaragua and Costa Rica to our own people, and the Senate has passed bills, on that basis of right, twice, by very great majorities.

Congress, convinced that such a basis was not broad and secure enough to meet all the demands of our national necessity or the rightful claims for protection due to the commerce of the world, abandoned that basis and began to institute legislation to acquire national rights for the construction of a canal.

The Hepburn House bill is the outcome of this new line of action. After full deliberation the House of Representatives has sent it to the Senate, by a vote that is almost unanimous, and asks our concurrence.

This change in our line of legislative action is also in accordance with the fact that Nicaragua has declared that the concessions made to our citizens are forfeited, leaving no concessions recognized by Nicaragua as being in existence, either to the United States or to any of our people.

To obtain any canal rights or privileges in Nicaragua it is necessary to acquire them; and without such rights, either by agreement or conquest, it is not possible to construct a canal by the United States.

Seeing this situation, the President, in December, 1900, made an agreement with Nicaragua in identical terms, granting such rights upon the sole condition that Congress will authorize the President to acquire such rights and privileges. I will read one of those agreements—both are in the same words—which I had the honor to report to the Senate from the committee.

Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

This agreement is not only indispensable, but it must be a cause of anxiety on the part of the President, inasmuch as he made a part of it to take effect forthwith. The President was then engaged with Great Britain in the effort to remove any possible obstruction arising out of the Clayton-Bulwer treaty that might stand in the way of such an agreement.

He did not intend to affront Great Britain or in any way to affect any right she might have to the making of such a contract with Nicaragua and Costa Rica. To accomplish this great purpose, he copied into these agreements the text of House bill 2538, known as the Hepburn bill. He could not have done this and he could not have stipulated that the most important part of the agreement should take effect forthwith if he considered that the House bill is in conflict with any right of Great Britain or any courtesy due that Government.

It is an undeniable fact that the Hepburn bill is not in conflict with any right Great Britain could possibly assert arising out of the Clayton-Bulwer treaty. Full power over all such possible claims remains to the President in his diplomatic powers and functions under these agreements and under the Hepburn bill.

We can not fathom the danger of letting these agreements fall by our refusal to confer on the President the authority to make them. This would be a fatal misfortune to the country.

In making these agreements the President, by implication at least, has consented to the attitude of Nicaragua in declaring all the concessions to our citizens are annulled, and we are left without any canal rights unless we get them under these agreements.

What is it that stands in the way of the passage of the House bill, which would resolve this perilous situation into one of safety and perfect respect to all the rights and sensibilities of Great Britain?

While Congress was rightfully legislating on the canal question and providing authority for the President to acquire canal rights and privileges in those Republics, the President employed his diplomatic powers to remove objections to the exclusive right of the United States to construct, own, and control a ship canal in Nicaragua and Costa Rica, as I suppose, and, as the whole world understands, to enable Congress to legislate on this subject without giving offense to Great Britain.

This intervention of the diplomatic branch of the Government had one of two purposes, namely, either to aid Congress in legislating or else to take the whole control of the subject out of the hands of Congress. If it was to aid Congress, it was legitimate, but unnecessary. If it was to usurp the control of this great subject in the hands of the diplomatic department, it was utterly inexcusable, and so it remains. The Senate acted upon the Hay-Pauncefote treaty, which is the outcome of this negotiation, and made amendments to it. I will not discuss these amendments.

The time fixed by treaty with Great Britain for exchanging ratifications of this treaty as amended expires on the 4th of March, as I remember. We are now within a few hours of the expiration of that time, and it is certain that the Hay-Pauncefote treaty as amended has failed. No other result is possible.

We must go forward and legislate to acquire the rights defined in the Hepburn bill and in these protocols of agreements with Costa Rica and Nicaragua, or we must abandon all effort to acquire these rights, and thus abandon the canal and the right to legislate on the subject until Great Britain shall give her consent.

It can not be that we are in such desperate straits that we must wait for the expiration of the few hours of this Sabbath day as a courtesy to Great Britain. She could not demand a delay so brief, with no indicated purpose on her part to use it in consenting to the Hay-Pauncefote treaty, for it is now manifest that she does not mean to accept those amendments.

This attitude returns to us the horrid incubus of the Clayton-Bulwer treaty, under which we have struggled with pain and national humility for a half century. I have no desire to travel over that dismal journey, and recall the resentments our people justly feel on this subject. I will leave that to those who are willing to adopt the shame of it and live another half century under its shadow.

There is no reason why this bill should not now pass, and every reason of justice and necessity why it should pass, unless it is that we have surrendered our rights as a nation, and an essential part of the sovereign powers belonging to us, into the keeping of Great Britain. Shall this Congress, great in its history, proud in its courage, and grand in its patriotism, chain itself to the will of Great Britain and link its destiny with so shameful an act, instead of completing its splendid record by an act that will make the pageant of to-morrow a proud delight to the whole American people?

May this Sabbath day, Mr. President, open a week in our national century which shall be followed by other weeks and months and years and centuries, in all of which the nations yet unborn will bless this Congress for a measure that is full of good for all mankind. It is a healing act that will cure us and the world of ills that no other act can heal, and will develop what is our manifest destiny—to march abreast with the greatest nations that have ever existed in all that can bless mankind.

We have long suffered with a paralysis that has caused us the loss of power on land and sea, in commerce, in sea power, and in ship communication with our own ports. The Master who hears us to-night, as we are working on this excepted day from labor, will bless us if we follow his example on that historic Sabbath, when he said to a paralytic Jew, "Rise, take up thy bed, and walk." But this blessing was not bestowed without objection by the Jewish lawyers who witnessed (to question the divine authority) this blessed miracle.

The Jews therefore said unto him that was cured: "It is the Sabbath day; it is not lawful for thee to carry thy bed." The rejoicing invalid, who had been such for all his days, said: "He that made me whole said unto me: 'Take up thy bed and walk.'"

This Congress will vindicate its action before heaven and earth when it shall say to this people, so long imbecile under the paralysis of Great Britain: "Rise, take up thy bed, and walk."

Mr. NELSON. Mr. President——

Mr. MORGAN. I have not yielded the floor, Mr. President.

Mr. NELSON. I desire to make a request of the Senator from Alabama.

Mr. MORGAN. What is it?

Mr. NELSON. Will the Senator yield to me to call up the report of the conference committee on the river and harbor bill?

Mr. MORGAN. In a very few moments.

Mr. NELSON. Very well.

Mr. MORGAN. I wish to ask unanimous consent of the Senate that they will consider and pass this resolution. If it is sent to the other House, I do not think that House can possibly fail to see that it is of the utmost possible consequence to the people of the United States. If we pass this resolution, we shall save those two contracts with Costa Rica and Nicaragua, without which they will be perfectly free to repudiate and turn aside from them. They are to give us all the rights that we desire in Costa Rica and Nicaragua, and without this agreement we can not get those rights. Those agreements provide that when the President is authorized by law to acquire those rights from Nicaragua and Costa Rica they will grant them and engage with us in treaty negotiations as to the terms upon which those agreements shall be fully executed.

A part of this agreement takes effect forthwith. What part? That part which defines the terminals of the canal; that part which gives to us what we tremble to grasp at and have been working to get for more than fifty years. Now the Senate of the United States, for some inscrutable reason, which appears to me upon its face to be one of political partisanship, turns aside from that and engages here to-night, Mr. President, in passing little bills of claims, pensions, and the like of that, when in ten minutes' time we could pass that great Nicaragua Canal bill, and gratify the people of the United States, by the passage of that great measure, more than they have been gratified since the Declaration of Independence.

I hope the Senate will consent to do it, and I ask unanimous consent that the resolution be put upon its passage.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the resolution which has just been read be taken up for consideration. Is there objection?

Mr. ALDRICH. I object.

The PRESIDENT pro tempore. Objection is made.

PRINTING OF LAWS.

Mr. JONES of Arkansas. I ask for an order for a reprint of the usual number of public acts numbered 111 and 112. The copies are exhausted and, as I understand, they are very much needed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9886) to restore certain widows to the pension roll; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GIBSON, Mr. MIERS of Indiana, and Mr. CALDERHEAD managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; further insists upon its disagreement to the amendments of the Senate numbered 168, 219, 220, and 221, upon which the committee of conference have been unable to agree; asks a further conference on the disagreeing votes of the two Houses thereon, and had apointed Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 3670) authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 6591) for the relief of Austin A. Yates; and

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

WIDOWS' PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9886) to restore certain widows to the pension roll, and asking a conference of the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. KENNEY were appointed.

RIVER AND HARBOR BILL.

Mr. NELSON. I call up the conference report on the river and harbor bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives further insisting upon its disagreement to certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and asking for a further conference with the Senate on the disagreeing votes thereon.

Mr. NELSON. Mr. President, it is unnecessary to read the report. We have agreed upon it. There are only four items in dispute. The second disagreement is on but four items.

Mr. BERRY. Mr. President, if the Senator will permit me, the conferees this evening reported an agreement on all the items except four, or five rather, one being omitted by mistake. The report then went to the House that the Senate had insisted and asked for a conference.

The House refused to recede, and granted the conference. That conference was appointed. They again conferred and again disagreed, and reported the disagreement. It was reported to the House, and the House has again sent it over here, still insisting on its amendments. That is the condition.

Mr. SPOONER. What are the points of disagreement?

The PRESIDENT pro tempore. What is the motion of the Senator from Minnesota?

Mr. NELSON. The motion is that the Senate further insist. The committee of conference have had another conference and still disagree in respect to the four items that we reported a disagreement on this evening, and I move that the Senate insist.

Mr. SPOONER. Will the Senator state what the items are?

Mr. NELSON. Yes; but I stated it this afternoon.

Mr. SPOONER. I was not here then.

Mr. NELSON. The four items in dispute are these: The first item is to pay to the Brazos Improvement Company $400,000 for improvements that they made at the mouth of the Brazos River. The next item in dispute is the provision for a reservoir in the State of Wyoming, which has been examined and estimated for by the War Department. The third item in dispute is the one providing for a reservoir in Wyoming. That proposition has also been examined and looked into by the Geological Survey. The remaining item in dispute is the one providing for a small reservoir on the Sioux River in South Dakota.

Mr. CHANDLER. Will the Senator kindly state the amounts involved?

Mr. NELSON. The amount involved in the Brazos amendment is $400,000. The amounts involved in respect to the reservoirs are as follows: The first reservoir in Wyoming is $50,000 direct appropriation and $165,000 continuing contract. As to the second reservoir in Wyoming the direct appropriation is $50,000 and the continuing contract is $25,000. As to the reservoir on the

Sioux River, in South Dakota, the appropriation is direct, $52,500. Those matters are in issue. It is evident from the work we have so far done that it is very doubtful whether the conferees can agree.

I move that the Senate still further insist on its amendments. I should like to have that motion discussed and debated here, and a yea-and-nay vote taken, so that we can get the sense of the Senate regarding it.

Mr. GALLINGER. Let the report be first agreed to.

Mr. PLATT of Connecticut. The motion, I suppose, is to accept the report, then the question of further insisting will be in order.

Mr. ALDRICH. That has been done.

Mr. BERRY. There is no acceptance.

Mr. WARREN. I understand the Senator from Minnesota moves now that the Senate insist upon its amendments, and ask for a further conference.

Mr. PLATT of Connecticut. Has the report been accepted?

The PRESIDENT pro tempore. The conferees simply report a disagreement.

Mr. NELSON. The report as to the other items which we have agreed upon has been adopted in both Houses.

The PRESIDENT pro tempore. Everything has been agreed to by the Senate except these four amendments, and the Senator from Minnesota moves that the Senate still further insist upon its amendments, and agree to the conference asked for by the House.

Mr. BERRY. I hope that question will not be put just yet. I thought the Senator from Wyoming [Mr. WARREN] was going to debate the question.

Mr. WARREN. I have no desire to debate the question, unless the motion of the Senator from Minnesota is antagonized, when I should be glad to have a few moments to debate it.

Mr. BERRY. I want to make a statement, if the Senator will permit me.

Mr. WARREN. Certainly.

Mr. BERRY. We have had these items in conference and have debated them a great many hours. We finally reported a disagreement. The report came here, and the Senator from Minnesota moved that the Senate agree to it. It went to the House, and the House insisted on their disagreement by a large majority. It again went into conference.

We conferred about it, and the House members absolutely refused to recede from their position, stating that they were instructed by an immense majority not to agree, so we reported another disagreement. It went back to the House and was again voted down.

It is useless to meet the conferees again, because they will not agree. Therefore I hope the Senate will fully discuss this question, decide it on a yea-and-nay vote, and instruct the conferees in that way, because it is simply a consumption of time to talk to the House conferees further as matters stand.

They have all positively informed us that they could not under any circumstances agree to the Senate's proposition, especially after the House had twice by an overwhelming majority voted not to do so. Therefore I hope the matter will be settled now by a yea-and-nay vote, so that if the report does go back, the House conferees will understand that it has been after a full and fair discussion in the Senate.

Mr. STEWART. I should like an explanation of the $400,000 item that first comes up. I presume the Senate is uninformed on it.

Mr. BERRY. Some years ago there was an act of Congress passed authorizing the Brazos River Improvement Company to build certain works at the mouth of the Brazos River, in Texas, at their own expense, and to charge tolls. The company undertook the matter and a large amount of work was done, the value of which they claim amounted to more than a million dollars—I do not remember the precise amount.

In the course of time they had not succeeded in accomplishing all they started out to do. It turned out that the proposition would not pay, and they came back to Congress. In the original bill authorizing this company to act, it was provided that Congress might take the work up at any time by paying for it. They came here and wanted Congress to take it. Congress refused to do so. So it went on for some years, and finally an appropriation was made.

Before this, however, a board was sent down there to determine the value of the work. The board reported that it was worth $600,000. Still it was not paid for, the committee of Congress declining to report in favor of paying for it. Then an appropriation was made of $85,000 for an improvement, but not to be expended unless the company deeded their rights in this improvement to the Government. They did so deed them. They then claimed, and claim now, that while they made an absolute deed to us they always said to everybody that they would rely on Congress as to whether or not they would be paid for the improvement.

That is their claim. The committee refused to report to pay $600,000 for the work, but the matter was compromised, and afterwards the committee reported in favor of paying $400,000. That is the item. I do not care to debate the merits of it. There are other gentlemen here who will debate it. I leave that to others. I am one of the conferees.

I do not care to go into the matter. That is the general outline of it. The merits will be presented. What I insist on is not to go through the useless ceremony, without debate, of sending this committee up there to meet the other one whom we know will not agree to it. So I hope that the Senate will take up the matter and discuss it and determine by a yea-and-nay vote whether or not the items shall remain in the bill.

Mr. CARTER obtained the floor.

Mr. MORGAN. Will the Senator from Montana yield to me for a moment that I may ask a question of the Chair?

Mr. CARTER. With pleasure.

Mr. MORGAN. I desire to inquire of the Chair whether a motion to recede from these amendments is now in order?

The PRESIDENT pro tempore. The Chair has no doubt that it is.

Mr. MORGAN. I enter that motion.

The PRESIDENT pro tempore. It was said that there was no report here. There is a report here, and it will be read, if the Senator from Montana will wait a few moments.

Mr. CARTER. Certainly.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, numbered 168, 219, 220, 221, and 222, to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agrees to the same.

As to amendments numbered 168, 219, 220, and 221, the conferees have been unable to agree.

KNUTE NELSON,
JAMES McMILLAN,
JAMES H. BERRY,
Managers on the part of the Senate.

THEODORE E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the conference?

Mr. BERRY. I hope the vote will not be taken yet.

The PRESIDENT pro tempore. The conference report should be agreed to, and then there will follow such action as the Senate pleases.

Mr. BERRY. That leaves the other question open.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. MORGAN. I move that the Senate recede from its amendments.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate recede from these four amendments.

Mr. CARTER. Mr. President——

Mr. HANSBROUGH. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. Is it as to a matter in relation to this bill?

Mr. HANSBROUGH. I desire to make an inquiry.

Mr. CARTER. I yield for that purpose.

Mr. HANSBROUGH. I desire to ask some member of the Committee to Audit and Control the Contingent Expenses of the Senate to explain the reason for not reporting in some form or other the resolution which I was authorized to report from the Committee on Public Lands the other day and which was sent to that committee and of which I have not heard since. I should be glad to be informed.

Mr. CARTER. I desire to suggest to the Senator from North Dakota that the inquiry is scarcely germane to the subject under discussion.

Mr. HANSBROUGH. I did not know there was anything under discussion, Mr. President, except the Senator from Montana.

Mr. CARTER. The question before the Senate is on agreeing to the conference report, I understand.

Mr. HANSBROUGH. I beg pardon of the Chair. I understood the Chair to announce that the conference report had been agreed to.

The PRESIDENT pro tempore. Yes. Then a motion was entered by the Senator from Alabama that the Senate recede from its amendments.

Mr. HANSBROUGH. I beg pardon of the Chair.

The PRESIDENT pro tempore. That is the question before the Senate.

Mr. CARTER. Mr. President, I have no hesitation in saying in the presence of the Senate that the basis upon which this bill

and all river and harbor bills for a dozen years, within the scope of my knowledge, have been constructed is vicious and entirely contrary to just and equitable principles of legislation. Any Senator who will carefully read this bill and in conjunction with it the report upon which it is based will inevitably be driven to the conclusion, unhappy though that conclusion may be and humiliating as it is, that the bill is framed, constructed, and completed upon the despicable principle of division and silence.

This bill from first to last, and not a page of the bill need be excepted, is surcharged with items repugnant to the judgment of every Senator, items which every Senator is conscious are lacking in merit, and should not be incorporated in any bill appropriating money from the public Treasury.

The first 47 pages of the bill relate to harbors. These items carry large sums of money. They go to a great extent to swell up the aggregate of sixty-odd million dollars carried by this bill. Then follow a number of rivers.

But before taking up the rivers, let me call attention briefly to the harbors. I fully realize, Mr. President, that when a committee starts out to frame a bill of this kind it is the set purpose of every member of the committee to provide for those harbors that should be improved in the interest of commerce; it is the purpose of every member of the committee to expend public money only in the public interest in this behalf; but this bill grows from day to day and hour to hour until a sufficient number of States and districts are satisfied to secure its passage.

We start out, for instance, with an appropriation in the bill at Porcupine Island, in the State of Maine. I presume the waters in the vicinity of Porcupine Island should be considered, but if you will turn to page 26 you will find, very shortly after looking after the harbor in the vicinity of Porcupine Island, we take up Sakonnet Point, in the State of Rhode Island. It was necessary, in order to get Porcupine through, to get down to Rhode Island.

This is a new work—

Says the report. Listen to the persuasive eloquence of the report in this behalf, which calls for the sum of $10,000 from the public Treasury:

Sakonnet Point is a rocky headland on the eastern side of the mouth of Sakonnet River, and lies about 6 miles east of Newport.

Sakonnet Point, in connection with Churchs Cove, just north of it, forms an anchorage protected from the southeast to northeast, but exposed to storms from the south to the northwest.

About the year 1827 somebody concluded that they would build a little breakwater in connection with this point. That was abandoned for more than fifty years. Now we take it up as a new work and propose to put in the sum of $10,000, to be collected in public taxes to improve this work that was abandoned in the days of sailing vessels—the improvement of a harbor that can never be made of any avail whatever in this day of steam navigation and deep-water vessels. But this is a meritorious proposition compared with others that appear in the bill. I think this point ought to be improved if a thousand other things in this bill are to be taken care of at all.

For instance, we have the sum of $5,000 appropriated to take care of Mattituck Harbor, New York. Who ever heard of Mattituck Harbor before to-night? Where is Mattituck Harbor in New York? One of the Senators from New York is present. He may be able to locate it. But I doubt to-night if a single member of the Committee on Commerce can tell where this harbor is. And yet we are to put $5,000 of money in the improvement of that harbor. If you will turn to page 40 of the report, you will find where Mattituck Harbor is. The location of it is to be buried forevermore in this report that is to find its place in the crypt of the Capitol shortly after 12 o'clock to-morrow.

This harbor is a tidal inlet extending about 2 miles south from Long Island Sound to the village of Mattituck, on Long Island, about 70 miles east from New York City.

Now mark this unheard-of basis for an appropriation—astonishing revelation!

The natural depth of water at the entrance is from 1 to 2 feet

[Laughter.]

We are to start in with from 1 to 2 feet of water to dig out a harbor to get up to the village of Mattituck, unknown to anybody outside of the postal authorities of the United States and the persons living in the immediate vicinity.

Mr. CHANDLER. What is the depth of water we are to get?

Mr. CARTER. They want 30 feet of water at Mattituck Harbor. The Senator from West Virginia very aptly suggests to me at this point that the turkeys are required as towboats to tow the catfish out of that place when the water gets low. [Laughter.] The Senator from Maryland says to me we had better sink a well up there and pump the water out in order to get a harbor. This sounds ridiculous, but the naked, cold truth remains that out of the toiling millions whom we are empowered to tax we are to take $5,000 for this purpose.

That takes the opera-bouffe aspects from this case and makes it something of a tragedy. I will not touch all of these ridiculous propositions as we pass by, but only the high places where the low water is found. [Laughter.]

We have next:

For the improvement of the harbor at Carnarsie Bay, New York: Continuing improvement, $10,000.

That is found on page 43 of this report. I am free to say that I never before heard of that harbor, but I find from this report that in 1896, 50,000 tons of freight went into that harbor. This is something of a proposition possessed of merit. The maximum draft that can be carried is 6 feet in the main channel—I suppose 6 inches on the edges—and 3 feet in the south channel over the shoalest part.

Yet the estimated cost of this project to get ocean-going and coastwise steamers into that alleged harbor is $23,000 plus $15,000, and in this bill we provide for that particular harbor the sum of $10,000, the money to be collected in one form and another from the people of the United States.

We next find in the bill the sum of $5,000 appropriated for Flushing Harbor, in the State of New York. Flushing Harbor is dealt with on page 44 of the report. It appears that we are starting out to make a harbor at Flushing, with 3 feet and 9 inches of water to begin with. Will anybody explain, in an age when a steamship is from 300 to 620 feet in length, with a draft of from 20 to 30 feet, how much it is going to cost to get a harbor at Flushing, N. Y., with 3 feet and 9 inches of water to begin with?

But, Mr. President, we do not confine ourselves to the coast when we get to the State of New York. We are easy of our favors in the framing of this bill. We desire to interest everybody, and we naturally desire to throw bouquets at Senators; and consequently we take up the harbor at Peekskill, N. Y., amongst other places in that State, and I find upon page 11 this item, not inserted by the Senate. I have been reading from the original text of the bill. Up to this time I have not made any remark in relation to any Senate amendment to the river and harbor bill. It is a part of the original text of the bill as it came to us:

Improving the harbor at Peekskill, N. Y.: Continuing improvement, $5,000.

I presume that Peekskill is spoken of in terms of respect in this report. If it is not, it ought to be. I have never heard an evil report from the town of Peekskill. [Laughter.] This is the statement. I believe it is not flattering. I presume it is confined to the truth, as all stories relative to Peekskill have been:

HARBOR AT PEEKSKILL, N. Y.

This harbor is a prominent indentation on the eastern shore of the Hudson River at Peekskill, N. Y., about 45 miles above New York City. It has an area of about 1 square mile, approximately—

Not quite, I suppose, but approximately a square mile. [Laughter.] That is, the harbor—not Peekskill—

east of the 12-foot curve of the river, and the outlying flats, 3,500 feet wide, have a maximum depth over them of 5 feet at mean low water.

There must be quite an extent of flat, or what the report terms "the outlying flats."

A narrow channel 6 feet deep at mean low water follows the shore from north to south past the town wharves. The range of the tide is 2.9 feet.

Very important, if true.

The original project for this improvement, adopted by the river and harbor act of June 3, 1896, consists in widening the channel along the wharf front to 100 feet and deepening it to 10 feet; also in extending it north and south until the deep water channel in the Hudson River was reached. The estimated cost was $50,000.

The amount expended to June 30, 1899, was $10,122.74. The condition of the channel in the harbor at that time was such that boats drawing 9.5 feet of water could be brought to the wharves.

I will not pretend to read the Peekskill case through, because of the many cases I have encountered in this report, outside of the large harbors of the country, Peekskill is one of the most meritorious, and if any item of this great mass of appropriations is to be retained I confidently hope and I earnestly plead for the retention of Peekskill.

But, Mr. President, I will not delay the Senate with any further reference to New York, save to refer briefly to two or three items. We have here, for instance, the improvement of Oak Orchard Harbor, $2,000. In the immediate vicinity of Oak Orchard Harbor the school children know of the harbor, but there is not anybody in the Senate who ever heard of it before. There is not anybody in my State who ever heard of it; and the population of Montana is a traveling population. [Laughter.] I find with reference to Oak Orchard Harbor, New York, for which we are to contribute the sum of $2,000:

The harbor is Oak Orchard Creek.

Not a river, but a creek. [Laughter.]

I recall a survey demanded by a member from Texas, during my brief service in the House of Representatives, of a river in that State, with a view to having some improvements made upon the river in the interest of navigation. When the engineer of the United States Army went down there to examine the river, with a view to having deep water for a hundred miles up through the

channel, the member met him at the mouth of the river and said: "Do you think we would be more comfortable going up the river in a buckboard than on horseback?" [Laughter.]

I have no doubt that this Oak Orchard Creek is one of that class of public improvements. Is there anyone on this floor or anywhere in public life who would stand in the presence of men charged with public duty and attempt to justify the expenditure of $2,000 of the public money on a trifling proposition like this? Silence will reign everywhere in the presence of that question. That is not, however, a Senate amendment.

The improvement of Wilson Harbor, New York, is another of the class to which I have referred. Maryland has not been neglected at all. We have had Maine and New York. You will find Connecticut in here with rivers and harbors never heard of by mariner or landsman 20 miles from the location, for the improvement whereof bunches of money ranging from $2,000 to $50,000 are appropriated in this bill.

New Jersey has not been overlooked, and the Senators from New Jersey are unable to-night, I will warrant, without any fear of contradiction, to tell the Senate where half the places are located for which appropriations are made.

Mr. WELLINGTON. The Senator alluded to Maryland a moment ago.

Mr. CARTER. I will give specific cases in reference to Maryland.

Mr. WELLINGTON. I should like to hear them.

Mr. CARTER. I will take pleasure in giving specific cases.

If the Senator will turn to page 16 of the bill he will find the sum of $5,000 appropriated for the improvement of Rock Hall Harbor, Maryland, in accordance with the report submitted to the House in a document that no one has ever seen outside of the member from that district and the man who made it. Let us see how it is.

"The following is the report of the local engineer on a recent examination of this harbor." It is printed in House Document No. 99, Fifty-sixth Congress, first session. The substance of this document is that "in 1891, after a survey made under my direction, I recommended a channel 10 feet deep at mean low water and 100 feet wide from the channel in Swan Creek Inlet to the wharf at Rock Hall, at an estimated cost of $9,515."

Now, that has grown by subsequent estimates to the sum of $31,515, to be spent in and about Swan Creek, and for what purpose will that subserve the general commercial interests of the United States? I do not pretend to go over the case of Queenstown Harbor, Maryland, nor the improvement of Claiborne Harbor, Maryland, or the various other projects for Maryland. It is a sad commentary upon my geographical information, but I say, without any semblance of a blush, in this presence that I never have heard of three-fourths of these harbors.

Mr. WELLINGTON. Has the Senator never heard of Claiborne Harbor?

Mr. CARTER. I have heard of it here.

Mr. WELLINGTON. Has he never heard of it before?

Mr. CARTER. I probably have heard of Ocean City, where a town-lot speculation has been in progress for some time. [Laughter and applause in the galleries.]

The PRESIDENT pro tempore. There must not be a repetition of applause in the galleries. That is against the rules of the Senate.

Mr. WELLINGTON. If the Senator has never heard of Claiborne Harbor he is very deficient in historical knowledge, so far as our State is concerned. But I made the inquiry for this purpose not to defend any of the appropriations so far as Maryland is concerned. I asked not one of them from the Committee on Commerce in this body, nor did I do anything in the other House to give one dollar for any of these projects.

I believe to-night that the river and harbor bill should not be passed by the Senate of the United States. It is one of those iniquitous measures that is attempted to be passed upon each and every occasion by interesting this, that, and the other Senator in this, that, and the other State. It is "the old flag and an appropriation." Now, I am not responsible for one of them, and I shall take great pleasure in voting against this bill. I believe it to be an iniquitous measure—to use the vulgar term, a steal.

Mr. CARTER. I am glad to have a recruit who is so enthusiastic as my friend from Maryland.

Mr. President, it would be tiresome to the Senate to go over these items in detail. What I wish to impress upon the Senate is that, beginning with the State of Maine on the northeast, through no fault of the committee dealing with this matter in either body, but in obedience to a custom so pernicious that it should be discontinued, the legislation has been framed upon a theory not based upon merit or discriminating judgment as to the interests of the public service, but with a view to getting votes, wholly without regard to the merit of many of the propositions involved.

I have passed from Maine to Massachusetts, from Massachusetts to Connecticut, from Connecticut to New York, from New York to New Jersey, from New Jersey to Delaware, and thence to Maryland. Strike the coast of Virginia, get down to North Carolina and South Carolina, Florida, turn the corner and come to Georgia, and you will find Doboy Bar, Georgia. Before this appropriation bill was brought to the attention of the Senate, whoever here in this body heard of Doboy, in the State of Georgia?

Now, it seems that this is a reasonably meritorious proposition for Doboy Bar. Instead of 1 foot of water to start with they have 12 feet. But the channel is very crooked, so that the entrance is not much used. The project for its improvement was adopted in 1899, and provides for creating a channel by dredging 24 feet deep at mean high water and 300 feet wide, at a cost of $70,000.

Mr. CHANDLER. Read the first two lines.

Mr. CARTER. I will read the whole of that item, to the end that the character of the improvement may be fairly understood.

In 1888, $5,795.40 was spent in harrowing and water-jet work on this bar without result.

Now, I have no knowledge of harrowing and water-jet work; I have put in a good deal of time harrowing for corn planting and wheat sowing and things of that kind, but I suppose there are Senators here who understand what harrowing and water-jet work on a bar means—without result. It is to me, as the Senator from Nebraska [Mr. THURSTON] suggests, a harrowing proposition. [Laughter.]

Failing in this harrowing and water-jet work, an effort was made to reach the Treasury for dredging purposes.

Dredging under contract began April 9, 1900. At the close of the fiscal year 47,000 cubic yards of material had been removed.

The amount expended to June 30, 1899, was $960.79.

The funds appropriated will complete the channel and maintain it until June 30, 1901. To maintain it the following year it is estimated that $30,000 will be necessary.

This brings up one of the peculiarities of this work. The original appropriation made to dredge out a swamp or to make a harbor where nature refused to aid the work, or any considerable part of it, involves an eternal battle with the elements. The currents of the ocean depositing sand along the coast throughout the years and centuries pursued their way in defiance of our edicts and laws.

It follows, therefore, that when we undertake to dredge a harbor out where a harbor does not exist we entail upon posterity the necessity of either abandoning the work improvidently commenced or else eternally seeking to dredge out what nature insists upon depositing in this artificial harbor. Each and every year the burden upon the Treasury will continue to increase, so that when one of these inconsiderate projects has been entered upon we must either abandon the investment made or continue useless investments for an indefinite time in attempting to do that which is repugnant to nature's general course of action.

But, Mr. President, I do not wish to go over these small harbors any further. You might follow around the line to Mississippi, Louisiana, Texas, leap across the continent to California, Oregon, Washington, and every point of the United States that gives a vote in either House of Congress, and you will find that the whim of the member, the demand of a constituency in a locality, rather than the serious engineering aspects of the case, has constituted the rule of action.

But when we get to the rivers—and we must get to the rivers, Mr. President, because these coast States can not withstand the storm that would arise from the interior—we find in pursuing this bill that, beginning with Vermont, New York, Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, Minnesota, the Great Lakes, every little stream that can by any possibility be tortured into a basis for an appropriation is named in the bill. Not content with this, we go down the Mississippi River. Not content with going down the Mississippi River, we stop at every little creek and inlet that pours water into that majestic stream, and follow that creek or stream up to its source.

It is instructive to read the names of some of these streams. You will naturally think when you read the bill carefully that Maine was taken care of, but after taking care of the harbors, those points in which the nation at large is interested, we tramp over the States again and plaster the districts with little appropriations. So we go back to Maine, and we will find that we have here the sum of $25,000 to improve Lubec Channel, Maine. You will find the explanation of that on page 155 of the report. It is just as good an explanation as any of them; but listen to it.

Originally the channel was but 5 feet in depth at mean low tide and but 2 feet at low water at spring tide.

On the Lubec River, starting in with 2 feet of water, after providing for every estuary and place that could be called a harbor along the coast, we go back to the Lubec Channel and start with 2 feet of water and $25,000—to do what, or go where, or accomplish what? This is probably susceptible of a better explanation than many of the items which follow.

Here is the Bagaduce River, in the State of Maine, and I wish to advise the Senate again that I am not reading from a single Senate amendment to the bill. The Bagaduce River is spoken of

on page 156 of the report. This stream empties into Penobscot Bay at Castine, Me. Most Senators have been at Castine. I venture to say that there is no commercial necessity of any kind, character, or description warranting the spending of $25,000 on the Bagaduce River.

But we will pass over Maine and go down to the Cocheco River, in the State of New Hampshire. The Cocheco River calls for an appropriation in this bill of $10,000, and it starts with 6 inches of water to dredge out a channel. Is this not running mad with appropriations of public money? Yet, Mr. President, the Cocheco River presents a most meritorious case.

Mr. GALLINGER. Has the Senator noticed that the tide rises 7 feet in that river?

Mr. CARTER. I know. We had better let the tide do its deadly work in that river. [Laughter.] Now, Mr. President, after this 6-inch river in the State of New Hampshire, we have the improving of the Exeter River in that State, and the reference to Exeter River will be found on page 160 of the report.

A survey of this river was made in 1874 from its mouth in Great Bay to the wharves at Exeter, a distance of 8¼ miles, and a project was submitted to obtain a towing channel with a minimum width of 40 feet and a minimum depth from the mouth to Oxbow, 5.6 miles, of 12 feet at high tide; that is in a country where the tide rises 7 feet; and from Oxbow to Exeter 10 feet, to remove bowlders all the way up between the 10-foot contour down to a depth of 10 feet below high tide at an estimated cost of $24,000.

A number of additional requirements were made; and it seems that we must put in an amount estimated to be required, for the completion, of $7,000. The amount that can be profitably expended this year is $7,000; and there is no pretense that there is any commerce whatever there, as far as this report shows, except that there are about 10,000 tons of fishing boats, I presume, passing up and down that whole stretch of river each year.

Mr. CHANDLER. Coal.

Mr. GALLINGER. Coal boats.

Mr. CARTER. Ten thousand tons of coal pass up and down this river every year. That would be about—well, two teams would haul it in a month.

But, Mr. President, why delay the Senate? Leave New Hampshire and get down to the Powow River in the State of Massachusetts. Who outside of Massachusetts ever heard of the Powow River?

Mr. GALLINGER. If the Senator will permit me, I want to suggest to him that he has taken the only two items in the bill given to the State of New Hampshire for rivers, so that we have not made a very heavy drain on the Treasury.

Mr. CARTER. Except the harbors.

Mr. GALLINGER. And not much on the harbors. In fact there are only three items in the bill for the State of New Hampshire.

Mr. CHANDLER. I am sorry my colleague takes the Senator from Montana seriously. He has not said anything serious yet.

Mr. CARTER. There is the Powow River, in Massachusetts, $12,000. I will not take up the time of the Senate reading the report with reference to the Powow River. I do not wish to have any trouble about it, but I do say that the commerce of the river is of no importance to the people of the United States, and that it is not fair, it is not just, it is not equitable that the people of Indiana should be taxed to spend the sum of $12,000 upon the Powow River, in the State of Massachusetts, from which they can never reap a farthing's benefit, directly or indirectly.

Mr. KENNEY. Mr. President, I think the remarks of the Senator from Montana are very interesting, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dolliver,	McBride,	Shoup,
Bard,	Fairbanks,	McComas,	Simon,
Bate,	Foraker,	McCumber,	Spooner,
Berry,	Foster,	McMillan,	Stewart,
Beveridge,	Frye,	Mallory,	Sullivan,
Burrows,	Gallinger,	Martin,	Taliaferro,
Butler,	Hale,	Mason,	Teller,
Carter,	Hanna,	Morgan,	Thurston,
Chandler,	Hansbrough,	Nelson,	Tillman,
Clapp,	Harris,	Penrose,	Turner,
Clay,	Heitfeld,	Pettigrew,	Vest,
Culberson,	Jones, Ark.	Pettus,	Warren,
Cullom,	Kean,	Platt, Conn.	Wellington,
Daniel,	Kearns,	Proctor,	Wetmore,
Deboe,	Kenney,	Quarles,	Wolcott.
Depew,	Lindsay,	Scott,	
Dillingham,	Lodge,	Sewell,	

The PRESIDING OFFICER. Sixty-six Senators have responded to their names. A quorum is present.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 2d instant, approved and signed the following acts and joint resolutions:

S. 3339. An act for the relief of Leonard Wilson;

S. 4306. An act for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company;

S. 5978. An act authorizing the Attorney-General, upon the request of the Secretary of the Interior, to appear in suits brought by States relative to school lands;

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River;

S. 3288. An act for the relief of Daniel Coonan;

S. 6054. An act authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana;

S. 425. An act for the relief of John M. Davis;

S. 3489. An act authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

S. 437. An act for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

S. 5935. An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.;

S. 323. An act granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to purchase one quarter section of public land on said reservation as pasture or grazing land;

S. 6012. An act to provide an American register for the steam yacht *May;*

S. 4171. An act to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893;

S. 5022. An act to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.;

S. 4787. An act to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

S. 1632. An act to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895;

S. R. 164. A joint resolution giving the Commissioners of the District of Columbia authority to provide for the public comfort;

S. R. 115. A joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes; and

S. R. 158. A joint resolution ratifying an agreement between Tennessee and Virginia with reference to the boundary lines of said States.

PENSIONS TO SOLDIERS' WIDOWS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9886) to restore certain widows to the pension roll, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments and concur in the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
Managers on the part of the Senate.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2163) granting an increase of pension to Mary L. Cramer;

A bill (H. R. 2617) for the relief of the legal representatives of Edward De Leon, deceased, for $8,000 due him for judicial services;

A bill (H. R. 9503) granting an increase of pension to Samuel Baughman;

A bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1892;

A bill (H. R. 10334) granting an increase of pension to Nellie G. P. Koehler; and

A bill (H. R. 13080) granting an increase of pension to John F. Carbee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 364) granting an increase of pension to Lewis Black;

A bill (H. R. 427) for the relief of heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 523) for the relief of Arba N. Waterman;

A bill (H. R. 508) for the relief of W. T. Fitzpatrick, Bedford City, Va.;

A bill (H. R. 1730) granting an increase of pension to Alfred H. Jones;

A bill (H. R. 1769) granting an increase of pension to Isaac H. Duval;

A bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw;

A bill (H. R. 3491) granting a pension to Melvina Greenawalt;

A bill (H. R. 4853) for the relief of the heirs at law of Edward N. Oldmixon;

A bill (H. R. 5645) granting an increase of pension to William H. H. Bouslough;

A bill (H. R. 7055) granting a pension to John G. Barr;

A bill (H. R. 7072) granting a pension to Mary Barron;

A bill (H. R. 7202) granting an increase of pension to Elizabeth Causey;

A bill (H. R. 7995) granting a pension to Jane Hunter;

A bill (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;

A bill (H. R. 8270) for the relief of Herman von Marsdo, late a lieutenant of Company D, First Maryland Cavalry;

A bill (H. R. 8946) to pay to J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina;

A bill (H. R. 9539) granting an increase of pension to Ella V. Coston;

A bill (H. R. 9843) granting an increase of pension to John A. Hardy;

A bill (H. R. 10001) for the relief of the heirs of Joseph T. Stout;

A bill (H. R. 10701) to amend section 6, chapter 119, United States Statutes at Large, No. 24;

A bill (H. R. 10758) granting a pension to Sallie B. Wilson;

A bill (H. R. 11303) granting a pension to Elizabeth M. Killen;

A bill (H. R. 11453) granting a pension to Charles E. Bonns;

A bill (H. R. 11795) granting a pension to Columbus S. Whitaker;

A bill (H. R. 11828) to remove charge of desertion from military record of Charles F. Kramer;

A bill (H. R. 11998) granting an increase of pension to John H. Horner;

A bill (H. R. 12004) granting an increase of pension to George B. Smith;

A bill (H. R. 12204) granting an increase of pension to Mary A. Tunis;

A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;"

A bill (H. R. 12386) granting an increase of pension to William N. Hall;

A bill (H. R. 12392) granting a pension to Henry Smith;

A bill (H. R. 13038) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized;

A bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States;

A bill (H. R. 13329) granting an increase of pension to Grotius N. Udell;

A bill (H. R. 13520) granting an increase of pension to Cornelia Hays;

A bill (H. R. 13550) to provide an American register for the foreign-built ship *Balclutha;*

A bill (H. R. 13794) granting a pension to Hix Patterson; and

A bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River in said State at what is known as the cascades of said river.

POST-OFFICE APPROPRIATION BILL.

Mr. WOLCOTT. Mr. President, I ask permission to have laid before the Senate the report of the committee of conference on the Post-Office appropriation bill.

Mr. NELSON. I call the attention of the Chair to the fact that we have a conference now under consideration.

Mr. WOLCOTT. Yes; but I ask the Senator to yield to me for a moment for this report.

Mr. NELSON. Will it lead to debate?

Mr. WOLCOTT. There will be no debate at all, I think. I wish simply that the report may be agreed to.

Mr. NELSON. I yield for that purpose.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Colorado presents a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out said amendment and insert the following in lieu thereof: "The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress the probable cost of connecting a telegraph and telephone system with the postal service by some feasible plan;" and the Senate agree to the same.

E. O. WOLCOTT,
W. E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

E. F. LOUD,
GEORGE W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. I will not detain the Senate by referring at length to the seven rivers in the State of Massachusetts. In addition to the Powow River, I will merely name the Mystic River, $50,000; the Mystic River above the mouth of Island End River, $5,000; Weymouth River, $12,000; Town River, $7,000; Taunton River, $2,500—very modest.

Then comes in Connecticut with a number of rivers. Rhode Island has its rivers as well as its harbors, and I notice quite a long string of Rhode Island and Connecticut rivers.

Passing from Connecticut we come to New York. I find about all the rivers in the State of New York that ever have been heard of, and a great many rivers that have never been heard of, are taken into consideration, receiving sums of money from the public Treasury, for useless improvements in most cases, ranging from $25,000 to $50,000.

We get down to the State of Pennsylvania. "Let me not pass Delaware," says the Senator from that State, who was kind enough to seek for an audience in my behalf.

We find the Delaware is very handsomely taken care of. It has not been overlooked.

Mr. KENNEY. What is that, Mr. President?

Mr. CARTER. I observed that Delaware has been very handsomely taken care of and has not been overlooked.

Mr. KENNEY. In what regard? I have been advised that Delaware was not taken care of.

Mr. CARTER. I find for the improvement of the Delaware River, New Jersey, Pennsylvania, and Delaware, in accordance with the report printed, the sum of $450,000.

Mr. KENNEY. I wish the Senator would charge that to New Jersey and Pennsylvania, and not to the State of Delaware. The Delaware River is mostly in Pennsylvania.

Mr. CARTER. Mostly in Pennsylvania, I presume.

Mr. KENNEY. The fact is that the State of Delaware receives, all told, only about $33,000 of all the appropriations in this bill.

Mr. CARTER. It does not get a fair share, and there ought to be a better divide.

Mr. KENNEY. I am with the Senator from Montana on this proposition. I do not think that Delaware does get a fair share.

Mr. CARTER. I am glad to see that recruits are coming. [Laughter.]

I observe, as corrected by the Senator, that the sum of $1,600,000 is exclusive of the amount hereinbefore appropriated—that is, I suppose, exclusive of the $450,000 that has been appropriated. Pennsylvania is most handsomely disposed of.

Every river, great and small, in the State of Maryland is remembered in this grab bag.

Then we come to Virginia. The Potomac River we all know, and reasonable improvements on that stream all Senators will favor; but where is Machodoc Creek, in the State of Virginia, for which the sum of $2,100 must be appropriated? Where is New River, and what has it done in the way of prosecuting commercial enterprises upon that stream? Then my family had a creek named

after them down there, and that creek is not forgotten—Carters Creek, Virginia—in accordance with the reports submitted in a document that no one has ever seen, $3,000.

Improving the Pagan River, Virginia, $10,870. Where is the Pagan River, and what kind of commerce is conducted upon the Pagan River?

Mr. BUTLER. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. CARTER. I shall be glad to get some information relating to the Pagan River.

Mr. BUTLER. Will the Senator yield to me to make a request? This evening, under the unanimous-consent arrangement, while we were passing unobjected House bills, the Senate passed House bill 10701. I wish to enter a motion to reconsider the vote by which that bill was passed, and request the House to return it.

Mr. THURSTON. What bill is it?

Mr. BUTLER. It is a bill to amend section 6, chapter 119, United States Statutes at Large, No. 24.

Mr. PLATT of Connecticut. What is the nature of the bill?

Mr. KENNEY. Let the question be stated.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. BUTLER] enters a motion to reconsider the vote by which a bill was passed.

Mr. BUTLER. I wish to enter a motion to reconsider the vote by which a bill was passed, and to request the House to return the bill.

Mr. NELSON. I decline to yield. This is a privileged matter which is at present under consideration.

Mr. BUTLER. It will lead to no discussion. I want the bill to be sent back to the Senate, so that it will be in order. I do not press the motion now. I simply enter the motion.

Mr. GALLINGER. Will the Senator kindly state what the bill relates to?

Mr. BUTLER. It is, as I understand—I have not examined it—a bill amending the banking laws in Porto Rico and other places. It is a very important bill that was passed here by unanimous consent.

Mr. PETTIGREW. Will the Senator state the Calendar number of the bill?

Mr. BUTLER. The Calendar number is 2513.

Mr. NELSON. I decline to yield, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. PETTIGREW. The bill referred to by the Senator from North Carolina is one simply conferring citizenship upon the Indians in the Indian Territory. It does not refer to the banking law at all.

Mr. THURSTON. The Senator from North Carolina has the wrong number.

Mr. PETTIGREW. The Senator evidently has the wrong Calendar number.

The PRESIDING OFFICER. The Senator from Montana [Mr. CARTER] has the floor.

Mr. CARTER. Mr. President, Senators will find little instruction, but much of amusement in reading over the names of the various rivers provided for in the State of Virginia. The interest will increase when you pass Virginia, down to the coast of North Carolina. I would at this point like to have the aid of the Senator from that State who is present [Mr. BUTLER], in the vain attempt, which I shall make, to properly pronounce the names of some of the rivers which are provided for in a most bountiful manner here. First is:

Improving Scuppernong River, North Carolina, $14,000.

I desire to know from the Senator whether my pronunciation of that name is correct?

Mr. BUTLER. The Senator's pronunciation is eminently correct and very euphonious; but the Senator unfortunately is attached to a locality in a part of the earth so far west that he has never yet become acquainted with that luscious grape that is indigenous to North Carolina known as the Scuppernong.

Mr. CARTER. Oh, that furnishes ample justification for the proposed appropriation. I did not connect the grape with the river. [Laughter.] As happily suggested by the Senator from Massachusetts [Mr. LODGE], I was thinking of water and not of wine. [Laughter.]

Passing the Grape River, letting $14,000 pass down the stream, we come next to the Pamlico River. I have heard of that river; but the Tar River, never. And yet I suppose the Tar River is well known—in the locality through which it runs. [Laughter.]

Mr. BUTLER. Why, Mr. President, does not the Senator remember when he was a boy studying geography that the men who made geographies in those days were so ignorant that they put down in those geographies that North Carolina was noted for its production of tar, pitch, and turpentine. Surely in his youthful days the Senator was afflicted with geographies that were written by men who were so ignorant that they put that sentence in them as the things that North Carolina was especially noted for. If the Senator did not know that, if he had been in the Union Army in the late war he would have learned something about tar, because during that war the saying became famous that a soldier from North Carolina had so much tar about him that he would stick and never run.

Mr. CARTER. Mr. President, I understood that the tar related to the heels of the citizens and not to the rivers of the State. [Laughter.]

But we must pay the sum. Now, Mr. President, mark the words: we must pay the sum of $25,000 out of the public Treasury to those comparatively unknown streams during the fiscal year ending June 30, 1902.

The next river in North Carolina that is taken care of, to the extent of $15,000, is the Neuse River, an old timer——

Mr. BUTLER. Surely the Senator is familiar with that river.

Mr. CARTER. Yes; that is probably an old residenter. That is probably entitled to $15,000, if any of these rivers is.

Then comes the Trent River in North Carolina.

Then we come down to the creeks in North Carolina—Contentia Creek——

Mr. BUTLER. I will say to the Senator from Montana that while we call it a creek in North Carolina, he would consider it a river if it were in his State.

Mr. CARTER. I have no doubt of that.

Mr. BUTLER. We call ordinary rivers creeks.

Mr. CARTER. Mr. President, judging by the names in this bill, there are more rivers in the State of North Carolina than in any equal portion of the earth's surface anywhere to be found. [Laughter.]

We have then "improving the Northeast River," then the Cape Fear River, then another item for improving Cape Fear River, and then the Black River in North Carolina. Then we come down to the creeks again. We strike a place called Tom Creek, and we drop $1,000 at that point.

Then we come to the Waccamaw River, North Carolina. "For continuing improvement" we give them $5,000.

Then the Little Pedee gets a thousand dollars, and the Great Pedee gets $5,000.

I will not go further into the merits of the North Carolina case, but respectfully request Senators to turn to the report and carefully consider the merits of the respective creeks and rivers of that State. It is one of the most magnificently watered sections of the American Union. [Laughter.]

We pass then to South Carolina, and we have the Santee River, $20,000. Then the Wateree River. Here we are getting down to the genuine article—"water." [Laughter.]

Then, passing from the Wateree, we come to the Congaree, and the Congaree has $3,500 allowed for improvement—for what purpose is not stated.

Mr. TILLMAN. Mr. President——

Mr. CARTER. I have no doubt the Senator from South Carolina can give me an ample and sufficient reason for the appropriation.

Mr. TILLMAN. The Senator from South Carolina is responsible for but two items in the bill. If the Senator from Montana will permit me, I will say for his benefit and information that Almighty God blessed our country with sufficient rain to give us a stock of water in the soil that will cause rivers to flow, and we do not have to dam up the melting snow in order to get reservoirs to endeavor to irrigate. I sympathize with the Senator, for I have been out through this country, and I never could see what it was made for except to hold the world together. [Laughter.]

The rivers which he mentions are every one of them larger than the Potomac after you get above the Georgetown bridge. The Santee drains three-fourths of the entire State of South Carolina, and the Wateree is a confluent of that stream.

You will understand that these are Indian names. Every one of the Indian names in our country ended with a double "e." There is the Pedee, the Santee, the Wateree, the Congaree, and another one which is called Salkehatchee, but we abbreviate it and call it "Saltketchee."

I hope the Senator will be able to get some water in his eloquent effort to-night; but he had better let South Carolina alone, because there is nothing in this bill for South Carolina that is not honest and decent.

Mr. CARTER. Mr. President, I am very glad to have the Senator sustain his well-known reputation for good conscience and rectitude by disclaiming responsibility for these items. [Laughter.] The great abundance of water in South Carolina evidently led the Senator when charged with the destinies of that State to undertake to regulate the whisky traffic through the State authorities.

Now, we have for the Congaree, $5,000——

Mr. TILLMAN. I will say, if the Senator will permit me, that we do not have to import water to mix with our whisky. We can

always get enough water; but the Senator would have in some portions of his State to carry it along with him.

Mr. CARTER. We do not drink at all. [Laughter.]

Mr. TILLMAN. The Senator means that they do not drink any water at all. [Laughter.]

Mr. CARTER. For this item the Senator from South Carolina is not responsible, to wit, the Ashley River, $25,000; nor is he responsible for this item: Improving Wappoo Cut, $8,000. Now, I have no doubt——

Mr. TILLMAN. I am not responsible, but I will enlighten the Senator as regards that. From the harbor of Charleston clear through to the harbor at Port Royal we have inland navigation by reason of salt water estuaries behind the sea islands. This is not a river at all, it is merely an arm of the sea running around behind the sea islands; but in order to give a means of transportation for the smaller craft, which can not go out to sea, this inland navigation has been improved by deepening the shallow points in the estuary at Wappoo Cut. Does the Senator want any more?

Mr. CARTER. I would like to have the Senator explain this report, which purports to state the facts:

> Wappoo Cut in its original condition was a narrow, crooked tidal stream with not over 2 feet depth in some places. It connects Ashley and Stono rivers.

Now I realize, but I did not realize before, the necessity for the large appropriation. I could not readily comprehend why the amount should be so large—$8,000; but if you start with only 2 feet of water and are confronted with the engineering feat of getting 30 feet, then of course you have got to have $8,000.

Mr. TILLMAN. I do not know what scheme started that; but I have myself been through that cut in a steamer that was a couple of hundred feet long.

Mr. CARTER. Yes; and I suppose it had just 2 feet of water. So the report states. Possibly it may be deeper than that at certain seasons of the year.

Mr. TILLMAN. The Senator must recollect that tides in our State sometimes rise 7 feet; and a stream that is only 2 feet at low tide is 9 feet deep at high tide.

Mr. CARTER. That would be very natural, I should think, of course. [Laughter.]

Mr. TILLMAN. The Senator had better turn his microscope in some other direction. He does not find anything in there that will give him much comfort in trying to dig up the snow out in the West.

Mr. CARTER. Let us see about this. Improving of Beaufort River, South Carolina, $2,000. Then we have "Improving Savannah River"—that is a good river—"above Augusta, $1,000;" and that is the maximum amount given to a good project. The large sums go to projects too small for anything.

Mr. TILLMAN. If the Senator will permit me, the Savannah River flows between the States of Georgia and South Carolina, and above Augusta is navigable only for poled boats; that is, boats that are propelled by hand. There are a good many shoals in the river because of the falls, and I do not imagine that that thousand dollars will ever do any good, because there is a railroad up the bank, and it hauls pretty nearly all the produce carried up and down that part of the country. So far as I am concerned, I am willing to strike out that provision.

Mr. CARTER. I should think the Senator would be, for when we get down to preparing a way for ordinary skiffs and canoes to pass over the shoals and up the creeks, I think we had better stop.

Mr. SPOONER. The Senator from Montana does not make any point on that.

Mr. CARTER. Not at all. There is only 2 feet of water there to start with. An ordinary canoe could hardly be paddled there.

Mr. TILLMAN. The Savannah River at Augusta, where navigation ends by reason of rocks and ledges, is larger than the Platte where it enters the Missouri.

Mr. BEVERIDGE. It will probably take the thousand dollars to buy poles.

Mr. CARTER. Yes; it is probably to buy poles. Now, I believe that the explanation of the Senator from South Carolina will be accepted by the Senate, and I will therefore pass on to Georgia.

Mr. TILLMAN. I am perfectly willing for the Senator to get to Georgia, but I want him to understand that South Carolina has not got any beef in that pot. [Laughter.]

Mr. CARTER. Under the truce, waiving no rights of any other Senator to comment further on the rivers of South Carolina, I wish to call attention to the Oconee River in the State of Georgia, for which we are to appropriate the sum of $30,000. I regret exceedingly that one of the Senators from Georgia is not in the Chamber at this moment, to the end that we might have some explanation upon a constitutional basis of the reason why $30,000 should be paid from the public Treasury to improve the Oconee River in the State of Georgia. If there is not a constitutional question involved in this class of expenditure, it is difficult to conceive where the Constitution can apply to expenditures within a State for purely local purposes. Probably in order to get a greater depth of water for the fish to swim in in that section of the country or to reelect a member.

There are some names in Georgia that were attached to the Indian tribe about the time that James Oglethrope landed in that part of the country and took possession, and I do not pretend at this time to tell just how the aborigines pronounced their names; but you will find by turning to page 64 of the bill the Altamaha River, a great highway of commerce unknown outside of the vicinity, which is to be improved by the expenditure of $10,000, money to be collected up in the State of Wisconsin and out in Michigan——

Mr. TILLMAN rose.

Mr. CARTER. And down in South Carolina, if you please.

Mr. TILLMAN. In the absence of the Senators from Georgia, as I live near by, I will give the Senator from Montana a little information on geography.

Mr. CARTER. I shall be glad to have it.

Mr. TILLMAN. The Altamaha is formed by the juncture of the Oconee with the Ocmulgee. These two rivers form a junction at or near Macon, Ga., some 200 miles from the ocean, and steamers can run up to Macon, Ga., from the ocean. We are not trying to dredge any channel through dry land down there in order to get river and harbor appropriations.

Mr. CARTER. You come pretty near it. This case comes within 1 foot of dry land. [Laughter.]

Mr. TILLMAN. Which river does the Senator allude to?

Mr. CARTER. I am referring to the Altamaha. Now, permit me to read from the report, for I submit to the Senate that the description that the Senator from South Carolina has furnished of the location of this river gives no general information to any person present as to where the river is, except that it is in the State of Georgia.

Mr. TILLMAN. It flows into the Atlantic Ocean, of course.

Mr. CARTER. Through some other stream?

Mr. TILLMAN. No; it enters into the Atlantic through its own mouth.

Mr. CARTER. It does? Now, if the Senator will permit me——

Mr. TILLMAN. Certainly.

Mr. CARTER. I will read the best statement that a gentleman could make. Sitting down, inspired by the silent surroundings, and the midnight oil burning, and peace and quiet prevailing everywhere, he deliberately wrote this about the Altamaha:

> The Altamaha is the most important river in Georgia, lying entirely within the boundaries of that State.

That would carry the idea that it was quite a river, but listen:

> It is formed by the confluence of the Oconee and Ocmulgee rivers, and has a total length of some 155 miles. It flows in a southeasterly direction, and empties into the Atlantic Ocean through Altamaha Sound, below the town of Darien.
>
> The chief obstructions to the navigation of the Altamaha River consist in rock ledges, sand bars, snags, sunken logs, and overhanging trees.

[Laughter.]

We have got to cut down the forests.

> The rock ledges were confined to the upper portion of the stream, while the other obstructions were found throughout its entire course. The low-water depths at some points did not exceed 1 foot.

I will not read any further from this report. I think that conveys a good general description to the Senate.

Mr. TILLMAN. It is not my funeral or my fun in any sense of the word, but the Senator's information in regard to Southern rivers is so lamentable in its deficiency that I wish he would come down there on a visit and see what sort of streams we have. The Altamaha River, of which he has just spoken, I have crossed up near the junction of the two, the Oconee and the Ocmulgee. It is something over a half mile wide. Of course it varies in depth according to the shallows or sand bars at various points; but I venture to say that there is not at any point in its whole course a place where the water ever gets so low as 1 foot deep clear across it or anywhere near it. I do not care what the engineers may say. Too much water flows through it.

These other streams, the Oconee and Ocmulgee, both rise in the Blue Ridge Mountains, 300 miles from the Atlantic Ocean, and they have confluence and tributaries which, flowing together, form a river as large or larger than the Hudson, until it gets way down nearly to Peekskill, of which the Senator has just spoken, and which they are improving.

Mr. PETTIGREW. It is only a foot deep, according to the engineer.

Mr. TILLMAN. I do not care what that thing says. I know it is not true.

Mr. CARTER. I suppose——

Mr. TILLMAN. I call the Senator's attention to this phase of the river and harbor bill: We have a large number of engineers who must be kept employed, and it is very probable that a great many Senators and Representatives have gone to the War Department and insisted that surveys shall be made of various streams, and that this and that improvement must be entered upon for the

purpose of improving navigation. It is notorious that nearly every one of these schemes involves simply the possibility of securing lower freight rates by giving the towns on the rivers the possibility of running a line of steamboats which will force the railroads to give competitive water rates.

The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out [laughter], and do not go to complaining.

Mr. CARTER. With a frankness that has always characterized the Senator he comes to my rescue in this good work. I do not pretend to denominate these matters either as grand or petty larceny or as ordinary stealing, as the plain vernacular of South Carolina would put it, but I do say that in order to expose the monumental abuse that has grown up and around this bill it is only essential to go over its details. It appears ridiculous, utterly absurd, wholly indefensible from any standpoint whatever. It is an unhappy condition of things to contemplate when we are brought face to face with the fact that the harbor of New York, with its majestic commerce, the harbor of San Francisco, the harbor of Charleston, the great harbors around the country, upon which the nation at large depends for incoming and outgoing commerce, can not be honestly improved without filtering the public money out through these various little channels, causing men who realize the value of the money they are appropriating to blush in the act when the facts are brought before them.

Mr. President, I do not feel that we ought to stop at this point. To go through the State of Georgia is but to recapitulate another series of humiliating facts involved in this farcical compilation called an appropriation bill. There are meritorious items in the bill, items indispensable for the good of the country, indispensable to the development and maintenance of its commerce; but they are weighted down, not because of the merits of items, but because of the necessities, which I believe are only supposed necessities, connected with the passage of the bill through the respective Houses.

This bill has become known in the most remote corners of the United States, out in the villages and hamlets of the Rocky Mountains, throughout the Mississippi Valley, all along the respective coasts, as the pork bill of Congress. Every man who has a piece of pork in the bill is expected to keep his mouth shut, and to square his conscience with his duty under his oath as best he can. This bill will fail in each Congress in which it is brought up in the future, in my humble judgment, unless correct principles of legislation are employed in the preparation of the bill, and it should fail. Nine-tenths of the items are without merit, without justification.

No member of either body expects to do a wrong in insisting upon the insertion of one of these items. To rush upon the river and harbor bill has become a current mania. Any sort of showing, a foot of water in an unheard of stream, becomes the basis of a $25,000 appropriation in this bill. The meritorious items in the bill will ultimately suffer seriously unless this bill, like the sundry civil bill, like the Post-Office appropriation bill, like the bill for the support of the Army or the upbuilding and maintenance of the Navy, is constructed upon business principles, with due regard to the public interest and without this logrolling system which has heretofore been employed in getting through the river and harbor bill. It is regarded in this Chamber and elsewhere as a sort of pusher. Men have stood mute upon this floor during the present session of Congress, if I judge correctly, because they wished to get things out of the way of the river and harbor bill. The honest convictions of members have frozen on their lips because they had some trifling river appropriation or some little harbor snap in the river and harbor bill which they wished to bring home to their districts and deliver to their constituents.

But let us see what is left of Georgia. I am not through with it. Not at all. You will find these items, generally speaking, not based upon the merits of the respective cases, but generally upon the number of members of Congress from the State. I will not pretend to say that this holds absolutely good throughout the bill, for I have not analyzed it sufficiently, but there are about 36 members from New York. I warrant you will find about 36 items in the bill for the State of New York, and you will find just about as many items from the State of Georgia as there are members of the House and Senators from that State. If you look over the electoral college and determine the number of electoral votes from a State, you can tell about the number of items and the aggregate amount of the items, judged by general proportions, to be found in the river and harbor bill. It does not make any difference whether there is a foot of water or 6 inches of water or no water at all in the river in the State, the appropriation goes there by common custom.

This is an unfortunate condition of things; no one will gainsay that, and it must be stopped. Occasionally, in the few years past, a President of the United States, moved by a sense of duty, realizing the scandalous nature of this extravagant waste of public money, has vetoed this bill, and I believe that if the bill could be put before any President of the United States a sufficient number of days before the adjournment of Congress to enable him to scrutinize it with care, you could not get any President to sign any one of these river and harbor bills and make it part of the law of the country and a warrant upon the Treasury of the United States, but that the veto would be interposed every time this aggregation was thrown forward with a proposition that it be signed by the President.

Passing down through Georgia we have here the Chattahoochee River, $63,750. Then for the improvement of Flint River, in Georgia, a large amount of money. Strange to tell, Flint River, in Georgia, is to have the sum of $25,000 spent upon it. For whose benefit or for what purpose? No one can fairly answer. No one will pretend to. Each and every answer to these trifling projects will, in the end, come back to the fair and candid declamation of the Senator from South Carolina: "It is a general steal, and each fellow wants his share."

Here is the Oostenaula and the Coosawattee doubled up, and they are given $5,000. I suppose they extend out into the edge of another district. Then we come to the Skiddaway Narrows, in Chatham County. They had to give the county. When they came to Skiddaway Narrows they had to name the county in which it is located in order to enable the engineers to find it. It is a skid way, I suppose.

But Florida is not to be overlooked. You will find in going down through this list the most ample provision made for the State of Florida. The provision reflects great credit upon the representation in both branches of Congress from that far distant Southern State. The amounts appropriated are large and the rivers, generally speaking, are very small. The names are unpronounceable, and, speaking with reasonable accuracy, I will say they are unknown outside of the immediate vicinity through which these rivers wind their weary course to the sea. There are several pages devoted to the State of Florida. I do not know the aggregate amount, but that it is large goes without saying, because it is satisfactory to the delegation of Florida.

Then we come to Alabama. Now, mark you, they do not skip a coast State anywhere, nor do they leave out a State in the interior. All who come and demand will be served in this bill, providing they have votes to deliver in support of the bill. Take the State of Alabama, and the first river you find is on page 67, the Coosa River, in Alabama. This is to be improved between Wetumpka and the railroad bridge. They have to locate this by reference to a railroad bridge in order to enable the parties to know where to go to work.

Mr. TILLMAN. Mr. President——

Mr. CARTER. I shall be glad to hear from the Senator from South Carolina.

Mr. TILLMAN. The ignorance in geography of my friend is so lamentable that I must even go westward beyond Georgia to give him a little light. The Coosa River is formed by the Oostenaula and the Etowah, two other rivers which rise in the Blue Ridge and form a junction at Rome, Ga., flowing southwestward into Alabama for 200 miles; a very large stream—larger than the Potomac here—as soon as you get above the tidal summit, and it flows on down—it may be shallow in spots. I see my friend the Senator from Montana is looking it up. I am merely giving information. The Coosa River is navigable in the winter months when the cotton crop has to go out.

Mr. CARTER. Send it out on the ice.

Mr. TILLMAN. No; in summer it is not necessary to have any navigation much on this river, and I do not know that it is necessary in winter, because, as I said, the railroads are taking all the transportation in the South as well as elsewhere. But the Coosa River is a very respectable stream. It forms the Alabama, and it flows into the Gulf of Mexico at Mobile, some 500 miles from Rome, Ga. The Senator's geography or ignorance of geography tempts me to give him this information.

Mr. CARTER. I have been in Rome, Ga., and I have been on the Etowah River, but I am willing to take the written report, the official document, which is on file here and intended to support this bill, and upon that rely, rather than upon the memory of the Senator from South Carolina with reference to the geography of a country that he has not visited lately. I think I have been there since the Senator from South Carolina was there. But let me read a description of this river:

> The river was formed of a series of short, deep pools, seldom more than a mile in length, separated from each other by a series of rock reefs and shoals, some of which are as much as 12½ miles in length.

Here is a chain of pools, separated at times by rocks 12½ miles in extent. That does not apply during flood time, when the logs come down in spring, but that is the description upon which this appropriation is based.

> It was therefore not available for purposes of navigation.

They want to put some locks and dams on there in this era of steam and electricity.

Mr. TILLMAN. Have they not got locks and dams all through Pennsylvania, on the Allegheny and around there? I have been around there and seen them.

Mr. CARTER. Those were erected in the time of George Washington, or shortly after.

Mr. TILLMAN. In those days the South stood back and did not claim anything for public improvements, on the ground that it was unconstitutional, and our friends up North got all the swag. We have come to think that we are entitled to our share. That is all the Senator is complaining of.

Mr. CARTER. I do not wish to make any special charge against this particular river. It consists, so the report says, of a series of pools, sometimes disconnected by the intervention of 12 to 15 miles of rocks between the pools. It is the intention to appropriate money out of the public Treasury to connect these pools together and navigate the river that may thus be formed.

Mr. TILLMAN. If the Senator will turn his eagle eye in the direction of Muscle Shoals, in the Tennessee River, between Chattanooga and Corinth, lasting 125 miles or more, he will learn that that great river, the Tennessee, heading way up in southwest Virginia and in western North Carolina and bending around down through north Georgia and on through northern Alabama, and then coming clear back to the Ohio, near Paducah, something like that, is obstructed by these very pools of which he speaks; and the Government has spent several millions in improving Muscle Shoals in order to try to make the river navigable. In our country we have a great many rocks, because the Blue Ridge Mountains and the slopes of the hills on each side are composed of the primary rocks, granite and gneiss, and all those, and these large streams of water are not navigable until they reach the long pine-belt region, or sand region, where the last belt of rocks gives out, and from there on to the ocean most of them have been navigable for steamboats until the railroads supplanted them. The Senator is not making a good case with those of us who know anything about it by those streams he mentions. He had better go back to New England or Long Island Sound.

Mr. CARTER. I have been impartial in my favors in the course of this discussion. Now, upon the theory advanced by the Senator, and that theory occurred to me some days ago, one of two courses is open in reference to this bill in so far as my action with respect to it is concerned. It occurred to me that the bill in all its monstrous features must be exposed. In order to operate upon the line on which the Senator from South Carolina operated, it would be necessary for me to provide for the arrangement of a dry dock up near the summit of the Rocky Mountains somewhere, upon the theory that it would drain itself if we could ever get the water into it, and thus save great expense to the Government. There is just about as much sense in building dry docks for battle ships at the summit of the Rocky Mountains as there is in the majority of these proposed appropriations.

I pass from this string of pools that we are to connect with an appropriation, not of $5,000, but of $75,000, and every dollar of that will be necessary to connect the first two pools you come to, and these two pools will be of no value when connected unless you connect the two pools below. Thus, I presume, before the Coosa River can be made available for navigation we shall have to put two or three million dollars into connecting pools between the Blue Ridge Mountains and the mouth of that river.

Then we have the Alabama River, $20,000, the Black Warrior River, and the Tombigbee. Continuing improvements on the Tombigbee, $275,000. Then we have the Tombigbee River in Alabama, $2,500; then the Tombigbee River in Alabama again, from Demopolis to Columbus, Miss., $2,500; and then the Tombigbee River in Alabama again, from the mouth to Demopolis, for connections, $15,000.

Then we will pass on; and I hope at this point to lose my friend from South Carolina [Mr. TILLMAN], because he can not help me to pronounce any more. We come to the rivers of Mississippi, and we have in this bill one, two, three—I will not pretend to count—there is one full page and part of another page devoted to rivers with unpronounceable names, three-fourths of them not appearing on the map of the United States as published by the General Government, part of them creeks, little waterways of one sort and another, happening to be within districts where if the member demands his pound of flesh, the price of his silence, in conformity with custom the creek must go in and the money must go out.

But, Mr. President, we will pass over to Louisiana, and there you have a veritable harvest of rivers. I regret that the junior Senator from Arkansas [Mr. BERRY] is not present, because we come to him next in the bill. Here we have an appropriation for improving the Ouachita River, Arkansas and Louisiana, for the construction of two locks and dams, one below Monroe, La., and the other below Camden, Ark., according to some report submitted in some vague and indefinite House document that is now buried, I have no doubt, under the accumulated dust of many, many long years.

We have what amount here? Three hundred thousand dollars to build locks and dams on a river that not two men in the Senate ever heard of before this appropriation was urged upon the Senate. It is not a navigable stream. The item shows that it has never been a navigable stream; and yet we are to appropriate $300,000 of public money to build locks and dams on this river of an unpronounceable name. Then we get in a number of other rivers, and then we get over to Texas, where we are taken care of in the most ample and satisfactory manner.

Mr. HAWLEY. Will the Senator pardon me for calling his attention to another point? He has cruelly omitted Little Carters Creek, in Virginia, $3,000.

Mr. CARTER. I paid attention to that in the course of my respects to the State of Virginia. Carters Creek was not overlooked. I suppose the member from that State having due regard to that district and due regard for the vote of the Carter family put the creek in for what it was worth, and a little more, too. [Laughter.]

Now, without any reference to the Constitution or economy, this enormous Arkansas appropriation was placed in the bill. I regret exceedingly that the junior Senator from Arkansas is not present to explain upon what theory he can, in the face of this item of appropriation, hereafter open his mouth in public discussion in the interest of economy in the expenditure of the public money. If this be not a loot of the Treasury, if this be not a wholesale manner of taking out public funds for private purposes, then it is difficult to conceive where you could find any method that can properly be characterized as a loot of the public Treasury.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE managers at the conference on the part of the House.

The message also announced that the House had agreed, with amendments, to the concurrent resolution of the Senate to print 30,000 copies of the hearings, including the majority report and the views of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 573) for the relief of Arthur Connell;

A bill (H. R. 628) for the relief of Hamilton M. Sailors;

A bill (H. R. 1215) granting a pension to Charles M. Neet;

A bill (H. R. 2163) granting an increase of pension to Mary L. Cramer;

A bill (H. R. 2294) for the relief of J. V. Davis, of Alexandria, Va.;

A bill (H. R. 2472) to correct the military record of John H. Finfrock;

A bill (H. R. 2659) for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;

A bill (H. R. 3648) granting an increase of pension to Charles W. Little;

A bill (H. R. 3696) for the relief of the administrator of Mary R. Frost, deceased;

A bill (H. R. 4132) granting an increase of pension to Elijah Baxter;

A bill (H. R. 4193) granting a pension to Levi C. Mann;

A bill (H. R. 4588) granting an increase of pension to Peter M. Hill;

A bill (H. R. 6409) granting a pension to Maria E. Hamill;

A bill (H. R. 6776) granting a pension to Annie Chamberlain;

A bill (H. R. 7321) granting a pension to Armilda J. Luttrell;

A bill (H. R. 7354) granting an increase of pension to Milbre V. Douglas;

A bill (H. R. 7544) granting an increase of pension to Florence L. Stewart;

A bill (H. R. 7603) to correct the military record of James A. Tennerille;

A bill (H. R. 7688) granting a pension to Katy Kurtle;

A bill (H. R. 10334) granting an increase of pension to Nellie T. P. Koehler;

A bill (H. R. 11197) granting an increase of pension to Eugene Leahy;

A bill (H. R. 12507) granting an increase of pension to Ezekiel Dawson;

A bill (H. R. 12732) granting an increase of pension to Elizabeth Reynolds;

A bill (H. R. 12747) granting a pension to Arline E. McNutt;
A bill (H. R. 12801) granting a pension to Willis Brady;
A bill (H. R. 12816) granting an increase of pension to Samuel A. Needham;
A bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter;
A bill (H. R. 13080) granting an increase of pension to John F. Carbee;
A bill (H. R. 13173) granting an increase of pension to Ellen Pratt;
A bill (H. R. 13568) granting an increase of pension to James Hickey;
A bill (H. R. 13699) granting an increase of pension to Samuel S. F. Seabury;
A bill (H. R. 13725) granting a pension to Emily S. Knight;
A bill (H. R. 13998) granting an increase of pension to Margaret L. B. Parsons;
A bill (H. R. 14028) for the relief of Aquilla J. Daugherty; and
A bill (H. R. 14269) confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Montana if he will yield to me that I may make a conference report?

Mr. CARTER. With pleasure.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
THOMAS McRAE,
Managers on the part of the House.

Mr. ALLISON. I desire to ask if there is any message from the House accompanying the bill.

Mr. NELSON. Mr. President, I decline to yield to that other bill. Our bill is a privileged bill. It is a conference report.

Mr. ALLISON. I will say to the Senator from Minnesota that I think this will not occupy any time.

Mr. NELSON. If it will not lead to debate, I have no objection; but if it leads to debate, I decline to yield the river and harbor bill.

Mr. ALLISON. It will not lead to any extended debate, I am quite sure. If the Senator will allow me to say a word or two in explanation, I will be glad for him to allow me. Otherwise I shall not do so.

The PRESIDENT pro tempore. The Secretary will read the message accompanying the bill.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 1, 1901.*

Resolved, That the House further insist upon its disagreement to the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and asks a further conference with the Senate on the remaining amendments.

Ordered, That Mr. CANNON, Mr. MOODY, and Mr. MCRAE be the managers of the conference on the part of the House.

Mr. SPOONER. I ask the Senator from Iowa to state to the Senate the items of difference between the two Houses, if he will.

Mr. ALLISON. As disclosed in the disagreement, there appears to be a number of items in difference, but in reality the conferees, I think, could agree upon nearly all the amendments of the Senate.

The real amendments in difference are amendments No. 62, which I will designate as the pasture amendment, upon forest reservations; No. 99, which is an amendment relating to the improvement of Governors Island—the erection of some military store buildings there; No. 105, the memorial bridge.

No. 129 comprises two amendments, one relating to the National Home in South Dakota and the other relating to an investigation of the Fort Sherman Military Reservation in Idaho, with a view to establishing a Soldiers' Home there.

No. 150 is an amendment relating to the change of the salary of an officer in Massachusetts, wherein the House instructed their conferees not to agree to this amendment, thereby placing them in a position where we could not consider the propriety of the amendment with them. So that is in disagreement.

The remaining amendment is amendment No. 151, relating to international expositions.

I think I might go further, perhaps, and say that these amendments will probably be composed with the exception of the single amendment relating to the expositions at St. Louis, Buffalo, and Charleston. That is the situation of the bill at the present moment.

I move that the Senate further insist upon its amendment and agree to the further conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

ELIZA R. CRAWFORD.

Mr. GALLINGER. The Senator having the conference report on the river and harbor bill in charge is willing that I should interrupt its consideration for a moment. Will the Senator from Montana yield to me now?

Mr. CARTER. Certainly.

Mr. GALLINGER. When unobjected House bills were under consideration, the bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate was objected to. The objection is withdrawn. The bill has been read, and I now ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE OLEOMARGARINE BILL.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to concurrent resolution of the Senate numbered 115.

The amendments of the House of Representatives were, in line 2, to strike out "thirty" and insert "six;" in line 8 to strike out "twenty" and insert "four;" in line 10 to strike out "ten" and insert "two;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 copies of the hearings, including the views of the majority and of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the brief submitted, relating to House bill 3717; 4,000 copies of which shall be for the use of the House of Representatives and 2,000 copies for the use of the Senate. The usual number shall not be printed.

Mr. PROCTOR. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. Mr. President, in order that the amendment to which I refer may be clearly understood, I will ask the Secretary to read the amendment on line 11 and ending upon line 3 of the following page.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Improving Ouachita and Black rivers, Arkansas and Louisiana: For the construction of two locks and dams, one below Monroe, La., and the other below Camden, Ark., according to the project submitted in House Document No. 480, Fifty-sixth Congress, first session, $75,000; and the Secretary of War shall construct said locks and dams at two of such of the sites selected by said plan as will, in his judgment, most effectually lengthen the navigation of said rivers: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work of constructing said locks and dams, or the required materials may be purchased and the work carried on otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, exclusive of the amounts herein and heretofore appropriated.

Mr. CARTER. Mr. President, according to the report the total amount expended on this project up to June 30, 1899, was $503,728.13, and the amount expended under the project of 1874 was $375,432.44. We are now to expend $300,000 more, $75,000 of which amount this bill immediately appropriates, to be available at the beginning of the fiscal year. This seems to be a stream from which the snags are to be pulled. They must have a stump machine down there to pull the stumps out of the river. The project was commenced in 1874. It contemplates the removal of snags, logs, wrecks, leaning timber, etc.

Now, just think, Mr. President, of the task we are putting the Government to. With nearly a million dollars heretofore expended, we are to put in here $300,000 more, going up a little stream and cutting off the overbanging trees and pulling out logs from the channel and dragging stumps out of the way of boats. This might have been proper enough one hundred years ago, but in this day of electricity and steam, with the railway running everywhere, with the rate per ton per mile for moving freight

lower than it has ever been anywhere in the world's history, is it not positively absurd to spend more than a million dollars of the public money trimming off the overhanging trees from a little stream, for these overhanging trees with such a narrow stream will block the way of a boat going up and down the river—the creek, more properly speaking. Yet this is one of the appropriations that are to be made here at the behest of a Senator who is the arch champion of economy in this Chamber.

When we get down to Texas we find that proper industry has been displayed in getting every river in Texas that anybody outside of the State ever heard of properly taken care of, and a good many rivers that no one outside of the State ever did hear of before are appropriated for in this bill.

After taking up Texas, we drop in with Arkansas again. Arkansas comes both before and after Texas. There are the Arkansas River, the White River, the Black River, the Current River, the St. Francis River; and then we come up to the Tennessee River and get into the middle part of the country, to the end of Tennessee; and then on the Mississippi, and come around to the Ohio and follow up the little rivers that go in through Kentucky or down through Tennessee and through Kentucky and into the Ohio, and we appropriate for all of them.

But the most beautiful exhibition within my personal knowledge is to be found in the splendid appropriation made for the Big Sandy River, in the State of West Virginia. Not only the Big Sandy, mark you, but we are to take in the Tug Fork of the Big Sandy. Then after disposing of the Tug Fork we must take in the Levisa Fork of the Big Sandy, all in accordance with an arrangement made, submitted in House Document No. 235, of the Fifty-sixth Congress, second session. Then immediately follows $112,500. I wonder why they did not just stop at $112,000. They had to put that extra $500 on in order to make it appear that the calculation was very close, that the Big Sandy River required just this amount, simply that and nothing more—nothing less on the Big Sandy. But the Big Sandy is a meritorious proposition compared with the most of them.

Now, then, we pass on from the Big Sandy, as first considered in West Virginia and Kentucky, and upon the next page we find again "Improving the Big Sandy River, West Virginia and Kentucky." On page 79, "Improving the Big Sandy River, West Virginia and Kentucky, including the Tug and Levisa forks, the sum of $12,500." Then, on page 80, "Improving the Big Sandy in West Virginia and Kentucky," $50,000 more.

After that we take up the Kentucky River. I might proceed, naming these rivers throughout the night, until I would finally get over every river in the country and reach the improvements that appeal so strongly to the great, big, liberal heart of my friend the Senator from Illinois [Mr. MASON], who seems to have been charmed likewise into acquiescence in the general project of appropriation by an appropriation in which Illinois was interested.

Mr. MASON. The Senator from Montana has yielded a moment, and if I can have the attention of Senators I will make a very brief explanation of the amendment which is one of the points of disagreement between the conferees of the House and the Senate. I will be just as brief as I can, considering all things, for I do not wish to delay the bill. I hope it will go back to conference at once.

Mr. CARTER. I yield to the Senator from Illinois.

Mr. MASON. I understood that you were kind enough to yield. The amendment, which was recommended by the Committee on Commerce of the Senate, provides for a repayment to the channel and dock company, under the following circumstances:

In 1838 an act was passed which gave to this channel and dock company the right to build jetties at the mouth of the Brazos River and to collect tolls. That act, which I hold in my hand, provided, among other things, that if at any time the Government desired to take the jetties and auxiliary works, they should have the right to do so by paying to the said Brazos River Channel and Dock Company the value of their jetties. The company went on with the work. They secured 18 feet of water. They spent over a million and a quarter of dollars.

Since that time the Government of the United States has made an appropriation to enlarge and continue those jetties, having taken possession of them under a deed given by the company. The company has relinquished all its rights to collect tolls, and the Government referred to its own engineers the question to say not the cost of the jetties, but the value to the Government. With some of the officers of this company I am well acquainted—ex-Senator Farwell, who was my predecessor here, and ex-Congressman Taylor, and there are several hundred of the stockholders of the company living in my State and in my city. They bought the lands at the mouth of the river. They mortgaged the lands for all the money they could borrow to build these jetties under this contract with the Government that if the Government took it back it would pay not the cost, but the value.

It was referred to the War Department with instructions to ascertain the value to the Government and to report to Congress for its action. That is the language of the bill. Colonel Taylor, in addressing ex-Senator Mills, then a Senator from Texas, called his attention to the fact that—

> While this bill makes no provision for the payment to the company for the work they did there, you always informed me in the conversations I had with you that if there was not any provision made now that the next Congress will undoubtedly make an appropriation to pay the value of the work, as you stated it several times to me the Government would never take the property of private citizens without paying them for it. I would be glad if you would give me your views when you offer the amendment to the harbor bill in relation to how we would be able to obtain pay for the works after we had turned them over to the Government, as provided for in this amendment.

To that ex-Senator Mills replied that—

> The law requires the Secretary of War to have them valued and the same reported to Congress "for its action." I feel sure Congress will pay you what the works are worth to the Government.

That is the original plan contemplated between the company and the Government if the Government took the work. Since that time the Government has taken the work: since that time they have gone on with the improvements at the mouth of the Brazos River—a river 800 miles long. We all know its importance. The Government has taken possession and now has possession of the property of this company. Their own engineers estimated its value to be $600,000. They found it cost the company a large sum—over $1,000,000; but they said the value of it to the Government, if anybody was to build it with unlimited capital and without accidents, would be about $600,000.

The committee, however, finally unanimously recommended that a settlement or compromise be made, and instead of allowing the company $600,000 for what the Government actually gets in value by taking possession, they are allowed $400,000, which was satisfactory to the officers of the company. The conferees on the part of the Senate, as I understand, maintained the correctness of that. No one in the Senate would hesitate about it if it was a private matter.

The Government has this work; they have taken it from the company who built it. The company only ask in this amendment that the Government carry out the original plan contemplated, by paying this amount. The work is going on. This very bill contains an appropriation for the improvement, for the continuance and maintenance of the jetties, exactly as if the Government had taken that much coal, iron, or wood; and the Government gets the benefit of the use of these jetties.

While the company, as I say, has spent a million and a half of dollars, the only allowance by the Government engineers is $600,000, which the committee cut down, and recommended $400,000.

No more fair, no more equitable claim has ever been presented to a court of justice or to Congress. The Government has this work. It has taken it from the people who built it—these people having mortgaged their property to build it. If we are to go on improving the mouth of the Brazos River, as recommended by the Government engineers, no honest man can look his conscience in the face and say but that we ought to pay these people for the lumber, the labor, and the material they have put in this work. The price the Government agreed to pay to them when they entered into the contract in 1888——

Mr. KEAN. Did the Government make any agreement with the company?

Mr. MASON. Yes; the Government made an agreement with them that if it took the work it would pay the value of it to the company.

Mr. KEAN. Will the Senator kindly read the contract?

Mr. MASON. This is the contract:

> That if at any time during the construction of said jetties and auxiliary works, or after said jetties and auxiliary works shall have been completed, and said channel of 18 feet in depth has been obtained—

That has all been done—

> the United States shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas as well as by the authority of this act, and on such payment being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease.

When Congress made the first appropriation, I will say to the Senator, it was provided that before they would go on with the appropriation and make it applicable to continuing these jetties the company must turn over to the Government the jetties and relinquish all right to collect toll, which they had done. Then the Government was to take possession.

Mr. KEAN. Has the Senator the original contract?

Mr. MASON. This is the contract between the Government and the company. The law itself made the contract.

Mr. KEAN. With whom?

Mr. MASON. Between the Government and the company.

Mr. KEAN. Where is that contract?

Mr. MASON. Here it is. [Exhibiting.] I can not furnish the Senator and the Senate any better explanation than to say that we passed a law that this company were to build these jetties, and

they were given the right to collect toll, but the Government reserved the right to take the work away from the company and to pay for it. Since that time the Government has taken control; since that time they have used the work, and every dollar these people have spent the Government has had the benefit of it.

The Committee on Commerce examined into this matter and, I think without a dissenting voice, agreed that it was a just and righteous claim. The company have gone on and built those jetties and the Government ought to pay, not the cost, but the valuation fixed by its own engineers.

Mr. McCOMAS. Mr. President, I ask the Senator from Montana to yield to me a moment.

Mr. CARTER. Certainly.

Mr. McCOMAS. I do not desire to delay action on this bill, and I do not intend to correct all the Senator's misinformation. I did not hear all of the Senator's remarks, but I heard him when he stated there were provided for in the bill Maryland rivers and harbors which he thought were unknown and undeserving of appropriation. One was a town of several thousand people, with two lines of steamers running to the harbor, and another a port on the Chesapeake which is the terminus of the Atlantic and Chesapeake Railroad.

I desire the Senator's personal attention to the only harbor of which, from his own statement, he has seen. He has talked of many places; he has not heard of but a few of them, but this is one, according to his own statement, he has seen. He must have seen the harbor of Claiborne, and that seemed to have his special animadversion.

For a very observant man, the Senator from Montana will be surprised to know that Claiborne is the port for the Baltimore, Chesapeake and Atlantic Railway system, which gridirons the peninsula, reaching over from Maryland to Delaware, which is a harbor able to accommodate a large and growing commerce.

There were carried, as my friend might have seen, if he had not had the whole bill before his mind and part of it before his eyes when he read—to be more specific:

> The main commerce in Claiborne Harbor at present is due to its being the terminus of the Baltimore, Chesapeake and Atlantic Railway Company, whose steamers alone carried 44,025 tons of general freight, 67,500 passengers, 250,000 feet of lumber, 110,000 pounds of United States mail, and 9,000 tons of coal in the year ending August 31, 1899 as reported by the general superintendent of the company.

The Senator said there might be 500 passengers on that road in twenty years. It seems to me that the sum of $10,000 in this bill, the port of a large railway system, carrying 67,500 passengers, including my honorable friend the Senator from Montana himself, and all the revenues from the passenger traffic and that freight traffic, is not a very generous appropriation. Ten thousand dollars is given, that the large Government mail, these many thousands of people, and all this freight may be carried.

I trust the Senator has been more fortunate in other instances than in that one instance which I cite to correct his misinformation and want of observation, when he himself was there and embarked at that port on the steamer, and failed to see a fleet of coastwise boats with their sails flapping in the breeze, and boats loading and unloading, as I am sure he must have seen. I put Claiborne as an instance of proper appropriation in this bill.

My criticism of this bill—and perhaps the Senator in his analysis remarked that when I was out—is that the House conferees have failed in more serious matters. I believe the building up of these minor places within reason is a wise and proper thing to do.

My main objection is that the House conferees have struck out of this bill some of the larger measures. For instance, the proposition of the Senate committee to have a survey to deepen the channel of Baltimore to 35 feet—a mere survey, that the channel might meet the wants of the great commerce of the ocean, now rapidly increasing in that important port, already the first in grain and soon to be the foremost shipping port for coal on the whole continent of America.

Those important matters might at least have been allowed by the House conferees to be retained, and also the provision for a ship canal across the peninsula. A survey for it might at least have been allowed to rest, so that the report might have been made through the Secretary of War.

I do not share the Senator's idea about these matters. I believe that where water is on the coast it should be deepened in a harbor in the interest of commerce, and we should be liberal in our appropriations, and that where there are rivers the rivers should be laid open to commerce. These great ports should not be turned aside by the House conferees, and I trust that the failure to agree in this instance will not benefit those other instances in which the Senator finds special demerits. If this bill should fail, it had better fail when large and important propositions concerning the commerce not only of the State and the nation, but of a continent, reaching out to the commerce of the globe, are not provided for even to the extent of being surveyed, so as to open a way for improvements, so that vessels of great draft may enter the great harbors on our Atlantic coast.

I do not wish to further take the time of the Senate, Mr. President——

Mr. CARTER. Mr. President, the observation of the Senator from Maryland [Mr. McCOMAS] harmonizes with my own. It must be admitted that this bill as amended in the Senate carries about $50,000,000. In one way and another the large sum named has been scattered about the country, as I have read, in little creeks and swamps and out-of-the-way places to such an extent that the harbor of Baltimore, with its splendid commerce, can not even be surveyed from the fund of $50,000,000.

My contention has been from the beginning, and is now, that the most liberal appropriation necessary to improve the actual harbors of the country should be made, that the navigable streams of the country should be kept in navigable condition, and that incidental obstructions to navigation should be removed by the General Government; but when the bill provides for connecting pools, separated by stretches of 10 or 12 miles of land, in order to get navigation down to the sea through rock, it is no wonder that the harbor of Baltimore can not be improved.

I am astonished at the meritorious amendment of the Senator from Illinois is for one moment challenged anywhere in a conference which passed this sort of bill through under its scrutiny.

Mr. SPOONER. Would it be agreeable to the Senator from Montana to rest for a few minutes while we transact some business in executive session?

Mr. CARTER. I have but a few more observations to submit; but still, in view of the pressure of public business and the necessity of disposing of certain nominations, I will yield to the Senator from Wisconsin.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 5943) to establish Lowelltown, Me., a subport of entry.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3670) authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes;

A bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891;

A bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services;

A bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools;

A bill (H. R. 4204) to correct the military record of George A. Winslow;

A bill (H. R. 9503) granting an increase of pension to Samuel Baughman;

A bill (H. R. 9886) amending sections 47 and 48 of the Revised Statutes of the United States, in relation to pensions to remarried widows;

A bill (H. R. 12232) granting a pension to Hanna Martha Dusenberry;

A bill (H. R. 13186) granting an increase of pension to Francis M. Thompson;

A bill (H. R. 13396) to amend section 5546 of the Revised Statutes;

A bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia; and

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The pending question is on the motion of the Senator from Alabama [Mr. MORGAN].

Mr. SPOONER. What is the motion?

The PRESIDING OFFICER. That the Senate recede from its amendments.

Mr. CARTER. Mr. President, when the Senator from Wisconsin suggested the propriety of going into executive session I was proceeding to comment upon the observations of the Senator from Maryland relative to the harbor of Baltimore. His contention in no sense antagonizes the view I have been endeavoring to impress upon the Senate. It is probably true that there may be merit in some of the cases to which I have referred in the course of the discussion to-night. I have passed over the great harbors of the country without comment, because it seemed to me the respective items providing for the improvement of well-known and well-used harbors were not excessive, and, as the Senator from Maryland suggests in the case of Baltimore, the appropriation was entirely inadequate.

The difficulty that seems to me to challenge the attention of the Senate in the framing of this bill has been of long standing and steady growth. I recall the appropriations made in the Fifty-first Congress. The river and harbor bill at that time was about $20,000,000. That was regarded as an extraordinary amount to be appropriated. This bill was raised to something upward of $60,000,000. The addition can be accounted for in some measure by the well-krown necessity for greater depth of water as the draft of heavy vessels increases. The depth of water that was entirely adequate at the mouth of a harbor twenty years ago is wholly insufficient now. That suggestion, however, will only apply to harbors visited by ocean-going steamers.

The general tendency of freight carrying, both on land and on sea, is to reduce the cost per ton per mile by increasing the carrying capacity of a ship and car or the drawing power of a locomotive. Twenty-five years ago a 5,000-ton ship was quite a large vessel. Ten thousand tons was subsequently regarded as a large steamer. Now 20,000 tons is regarded as the freight-carrying vessel of the future. In consequence of this continual increase of the draft of vessels, it is essential that certain work should be done at New York Harbor, but it does not follow that we must go over to Flushing, a point never visited by an ocean-going steamer, and a point never to be visited by one, and there undertake to dig out a harbor at the bottom of a salt marsh, with a foot of water to 3 feet at the mouth of the supposed harbor.

Passing from these harbors on the coast we come to the rivers. Senators upon the committee will say that these little rivers are of some value in a commercial sense, but I know of my own knowledge that appropriations were made steadily for the improvement of the Yellowstone River in Montana for about twelve years, the sum of $1,600 being appropriated each year, I presume to satisfy the Delegate from that Territory. There had not been a boat up that river for ten years before, and there never will be a boat upon the river. The water will all ultimately be taken out for irrigating purposes along the bench lands contiguous to the streams. In 1876, about the time of the Custer massacre, the last boat went up the Yellowstone River. For twelve years from 1876 appropriations were steadily made in the river and harbor bill for the improvement of the Yellowstone River. Who did the work, how the money was expended, no one knows. The country was not settled, and I suppose the boys went out there and, finding the fishing pretty good, remained along the stream improving the navigation.

We may go to the West coast, to the South coast, to the East coast, and through the interior of the country, and by critical analysis of this bill we will find that a majority of the items constitute a useless waste of public money. The Mississippi River has been cited as a great highway of commerce, and yet, Mr. President, with all the millions upon millions of money spent upon that river, notwithstanding the fact that the current flows freely and continuously, the railroad running by the riverside carries the freight and carries it cheaper and quicker than the boat running upon the river can carry it. The disappearance of commerce on the Mississippi and upon all rivers in the country can be accounted for by the fact that the improvement in railroading has enabled the railroad people to carry a ton of freight a mile for less money than it can be put upon the steamboat, taken off, and carried between the two points.

It is suggested that the river constitutes a regulation on freights. The perishing—practically—of the towns along the Mississippi River, with a few exceptions, constitutes a standing contradiction to that statement. There is no competition by the river with the railroads. As illustrating that, the city of Ottumwa is about 60 miles from Burlington, Iowa. Burlington is on the Mississippi River. A carload of grain will be carried from the city of Ottumwa to the city of Chicago, 186 miles northeast of Burlington, for less money than it will be dropped off at Burlington. Why? Because the railroads discriminate in favor of the railroads and against the river transportation. The river transportation constitutes no check. The Illinois Central road, running up and down the Mississippi, carries the freight. There is only a boat now and then.

But I do not wish to detain the Senate by an extended discussion of this matter beyond reasonable limits. If what I have said will serve to challenge the attention of the Senate and in some measure the attention of the country to such an extent as to cause in the future a radical departure from the unfortunate policy that has grown up to govern the framing of these bills, what I have said will serve a good purpose. No other legislation appears upon our statute books that emanates from the same vicious system underlying the framing of the river and harbor bill.

The appropriations during the present session of Congress, Mr. President, are large, unusually large. I presume the amount will reach something in the neighborhood of $800,000,000. This is an enormous sum. It would be better, in my humble judgment, for this Congress in its expiring hours to retrace its steps as to fifty millions, most of which, in my judgment, will be improvidently expended under the terms of this bill. The continuing contracts have been taken care of properly as required by law. Many of these projects are new. A little survey, a light appropriation, constitutes but an entering wedge for larger appropriations to follow from year to year. Unless a radical departure is made in this behalf, it will be difficult in the future to secure the passage of any bill which will make reasonable provision for the necessary improvement and make maintenance in good form for our real commercial harbors.

Mr. WARREN. Mr. President, I do not want a final vote to be taken upon this measure without making some remarks upon the matter at issue. As I understand it, the issue really before the Senate at this moment is the motion made by the Senator having this bill in charge, which is that the Senate shall insist upon its amendments.

Mr. FRYE. The other motion takes precedence.

Mr. WARREN. I do not know how we are going to proceed orderly and transact our business if a man can prefer a motion and go off to bed. I do not believe that it is good logic or good parliamentary tactics to admit that there is a motion before us when the mover of it is not here and has not been here for many hours; he has receded already. Therefore I contend that there is no motion to recede before us.

Mr. FRYE. The motion did not go to bed.

The PRESIDING OFFICER. The Chair holds that the pending motion is that of the Senator from Alabama.

Mr. WARREN. Then I will ask if it is in the power of the Senator who has charge of the bill to withdraw the motion and make the other one.

The PRESIDING OFFICER. The Chair thinks not.

Mr. WARREN. Then we are to understand that if a man makes a motion and goes home, or goes to Europe or somewhere else for three or four weeks or six months, it binds the Senate.

Mr. CARTER. I suggest to the Senator from Wyoming that he ask unanimous consent that the motion be laid on the table.

Mr. WARREN. I desire, in the interest of the public business, to have this matter go again into conference. I want to say just a word before it is sent to conference. I wish to express at this time my appreciation and my thanks to the Senators who have served on the conference committee. They have done their duty well, no doubt, but there are many who think that there can still be obtained from the House the concession that will bring this bill to an end with the amendments of the Senate sustained. Therefore I want to see it go to conference again, and I will take no time in arguing the question now if I can arrive at that conclusion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

Mr. PETTIGREW. Of course, I should be willing that the bill should go into another conference, and I am of opinion that it would facilitate a disposition of the matter. The whole matter is foreclosed if we recede, and believing that the Senate will recede and knowing nothing to the contrary and recognizing the fact that we are in a situation where no one has control over the motion made by an absent Senator, according to the ruling of the Chair, I will have to continue to discuss the question.

Mr. GALLINGER. Will the Senator from South Dakota yield to me for a moment?

Mr. PETTIGREW. I yield.

Mr. GALLINGER. I move to lay the motion of the Senator from Alabama on the table.

The PRESIDING OFFICER. The Senator from New Hampshire moves to lay on the table the motion of the Senator from Alabama.

Mr. BERRY. I hope the Senator will not make that motion.

Mr. GALLINGER. I have made it.

Mr. BERRY. I call for the yeas and nays.

Mr. FRYE. I hope the Senator from Arkansas will not demand the yeas and nays.

Mr. BERRY. I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table the motion of the Senator from Alabama.

The motion was agreed to.

Mr. FRYE. The motion made by the Senator from Minnesota [Mr. NELSON] was that the Senate further insist upon its amendments and ask for a further conference.

Mr. GALLINGER. That is before the Senate.

Mr. WARREN. I hope that motion will carry. I think it will facilitate the disposition of the matter.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota [Mr. NELSON], that the Senate further insist upon its amendments and ask for a further conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conence; and Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY were appointed.

SAFETY APPLIANCES ON RAILROADS.

Mr. PETTIGREW. The Senate this afternoon passed the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

I am informed that the Senate amendments were accepted by the House, and that the bill was enrolled and placed in the hands of a messenger to bring to the Senate, and on the way, or somewhere, it has been lost. In other words, there seems to be an effort to steal the bill.

Mr. LODGE. In connection with what the Senator from South Dakota is saying, I desire to say that I have been engaged in trying to find that bill. My attention was called to the fact that it was lost. It was announced to the Senate that the House had concurred in the amendments of the Senate.

Mr. PETTIGREW. The bill was enrolled.

Mr. LODGE. The bill was enrolled in the House, it was signed by the Speaker, according to the records of the House, was given to the Chief Clerk of the House, Mr. BROWNING, and that is the last of it. Mr. BROWNING says he delivered it here. There is no record of it here at all. It can not be found. I have been personally to the room of the Committee on Enrolled Bills and looked over the bunch of bills that was sent, and the bill is not there. I do not know what can be done, but the bill has disappeared between the two Houses.

Mr. SPOONER. Can it not be reenrolled?

Mr. LODGE. The Speaker, I am told, on one occasion, when a bill had disappeared in that way, declined to sign the bill again. It has disappeared between the two Houses.

Mr. SPOONER. It can not be, if a bill is lost before it has been signed by the officer of the other House and this, that Congress is powerless about it. Both Houses have passed it.

Mr. LODGE. Certainly they have.

Mr. SPOONER. I do not see any reason why it can not be reenrolled.

Mr. PETTIGREW. If the bill is lost, it is lost on purpose. There is no question about that. That might do for some half-civilized community, but for the Senate of the United States it is a pretty tough proposition.

Mr. GALLINGER. I will say to the Senator that in the case of another bill lost like the one to-night I think it took nearly an hour to find it, and possibly this bill can be found. I hope so.

Mr. JONES of Arkansas. There is certainly a copy of the bill in the possession of the Senate. Everybody knows the exact language of the bill, and I can see no reason why it should not be substituted.

Mr. LODGE. We have no enrolled bill. We have nothing but the bill as concurred in by the House. The original bill was amended by us and concurred in by the House, and it is in the possession of the House, where it was enrolled. The enrolled bill has disappeared and we have nothing.

Mr. JONES of Arkansas. There can be another copy enrolled. There is nothing sacred about one copy of a bill.

Mr. LODGE. I hope the Senator will suggest some method by which that can be reached. That is just the end I want to reach.

Mr. JONES of Arkansas. If the Clerk in enrolling a bill should spoil one, that does not destroy the bill.

Mr. LODGE. This bill had been signed by the Speaker.

Mr. JONES of Arkansas. I presume the Speaker would not hesitate to sign another bill.

Mr. SPOONER. We can pass a resolution that it has not been received and has not been signed here, and instructing a reenrollment.

Mr. JONES of Arkansas. That would justify the Speaker in signing another copy of the same bill.

Mr. LODGE. Let us pass a resolution and send it to the House

Mr. PETTIGREW. I offer the following resolution and ask for its immediate consideration:

Resolved, That the House of Representatives be informed that H. R. 10302, which was passed by both Houses, enrolled, and signed by the Speaker, has not been received by the Senate, and the House be requested to cause the said bill to be reenrolled, signed by the Speaker, and transmitted to the Senate for the signature of the President pro tempore.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

ST. JOHN'S LODGE, NEWBERN, N. C.

Mr. BUTLER. I ask for the present consideration of the bill (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 13, of Newbern, N. C. It has been read.

Mr. KEAN. The Senator from Massachusetts [Mr. LODGE] desires, as I understand, to discuss that bill.

Mr. BUTLER. He is present.

The PRESIDING OFFICER (Mr. BURROWS in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. Mr. President, I objected to the bill on a former occasion because I thought it was a bill that should not pass. My reason for doing so I will explain. I will ask, first, that one or two letters and statements in regard to it may be read as a part of my remarks, and then I will give my own reasons for it. I have no personal objection to it.

The PRESIDING OFFICER. The Senator from Massachusetts sends to the desk a paper, which will be read by the Secretary.

The Secretary read as follows:

[The Worcester Spy, Thursday, February 7, 1901.]

A PUBLIC STEAL.

Last Friday the House of Representatives at Washington passed a bill for the relief of St. John's Lodge, A. F. and A. M., of Newbern, N. C., calling for an appropriation of $6,000. This is an outrage upon the citizens of the United States, an act of public corruption that should not pass unpublished. The facts have been plainly stated, and although forty years have passed since the alleged damage was done, there are plenty of witnesses still living who can prove the rank injustice of this claim.

The Worcester papers, through Capt. Joseph B. Knox, of this city, have had occasion several times to protest against this bill, which has been knocking at the doors of the National Legislature for many years. Captain Knox was serving as commissary of the prisoners at Newbern when the city was occupied by the Federal troops on March 14, 1862. He was one of three trustees appointed to take charge of the Masonic property, and while stationed there a lodge was convened among the Northern soldiers and occupied the meeting place until the close of the war. Gen. A. B. R. Sprague, Gen. Josiah Pickett, and other Worcester men were members of the lodge and are familiar with the facts.

The lodge maintained a fund by letting a hall for entertainments, and was put in much better condition during occupation by the Union troops. A new carpet was purchased and laid, and platforms were put in, and in every respect the property was in much better condition than when the Confederates abandoned it. After the close of the war the jewels, which had been sent to the Grand Lodge of the State of Massachusetts, were returned through the instrumentality of Captain Knox, and at the regular annual meeting of the St. John's Lodge he had the pleasure of returning the jewels in person, being the only Union man present.

There was no loss whatever, and the property was improved. The only excuse for paying this lodge a cent of money would be to pay for rent while they were driven out of the city by military occupation. It would be establishing one of the most absurd and dangerous precedents ever heard of to pay this lodge for rent of property occupied as this hall was.

Captain Knox is a prominent Mason, and his fellow-Masons who have knowledge of this fact are the most indignant of all at this unprincipled attempt on the public Treasury. It is to be hoped that it is not too late to stop this misappropriation of public funds, but it should be done this time so as to rule the offenders out of court altogether. Otherwise, in ten, fifteen, or twenty-five years we may expect a repetition of this sort of claim. It seems to us that if such a claim were granted that lodges and churches and institutions in the South, as well as private property destroyed in the course of hostilities, should be paid for. It certainly would be more just to pay for churches and property actually destroyed than for that which was merely occupied and benefited by the occupants.

Mr. LODGE. I now send to the desk another paper which I ask to have read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

KNOX TO PAYNE—WORCESTER MAN WRITES TO CONGRESSMAN—MASONIC BILL IS AT ISSUE—NEWBERN LODGE WANTS ALLEGED WAR DAMAGES PAID—CAPTAIN OPPOSED TO THE BILL—WAS ON THE GROUND HIMSELF AND SAYS HALL WAS LEFT IN GOOD CONDITION.

Capt. Joseph B. Knox has objections to St. John's Lodge of Masons, of Newbern, N. C., getting $5,000 from the United States Government for the use of its property by the United States Army during the civil war. There is now a bill pending before Congress providing for the payment of this amount to St. John's Lodge. It came up on Friday and was hung up by Congressman SERENO E. PAYNE, of New York, who raised the shout of "no quo rum." Captain Knox has written Representative PAYNE thanking him for his action, and telling him some things about the property during the civil war.

Captain Knox served as commissary of prisoners at Newbern when the city was occupied by the Federal troops, on March 14, 1862. He had a dispensation from the grand lodge of Massachusetts as worshipful master of Fraternal Lodge, No. 3, with authority to convene a lodge of Masons in the Army. A lodge was convened at Newbern, N. C., and the hall owned by St. John's Lodge was used as a meeting place. Captain Knox states that the building was left in better condition at the end of the war than when it was

taken possession of by the Union Army. Platforms for the officers' chairs were built and a carpet for the lodge room bought and laid.

Gen. J. J. Peck appointed Captain Knox one of the three trustees of the building March 18, 1864, and as such he was pretty well informed on the condition of things. He says there is no justice in the claim of the North Carolina lodge, and he has the facts to prove his statement.

Many prominent Army men attended meetings of the lodge while Captain Knox presided over it. Generals high in authority in the Army would attend the meetings, but while they were in the lodge room they were obedient to the commands of the master. Many Worcester men attended the meetings of the lodge, among them being A. B. R. Sprague, Gen. Josiah Pickett, and Capt. F. E. Goodwin. Captain Knox took charge of the jewels of the lodge and sent them to Massachusetts for safe-keeping during the war. Later he returned them to the lodge.

The letter Captain Knox has written to Congressman PAYNE follows:

WORCESTER, MASS., *May 21, 1900.*

Hon. SERENO E. PAYNE,
United States House of Representatives, Washington, D. C.

DEAR SIR: I notice in the report of the doings of the National House of Representatives on the 18th instant, on a bill to pay "St. John's Lodge, Ancient Free and Accepted Masons, of Newbern, N. C., $5,000 for use of its buildings during the war," that a point of no quorum, made by yourself, prevented action on the proposition. I thank you for action on your part. Such a bill should not be imposed upon Congress, as to my certain knowledge the property in question was in much better condition at the close of the war than it was when abandoned by them and occupied by members of the Federal Army.

Newbern, N. C., was entered by us on Friday, March 14, 1862. Being appointed commissary of prisoners, I was very busy the next day, but on the second (the Sabbath) I started to learn if there was a Masonic hall in the city, which I soon discovered. It had already been entered, and the jewels and some other lodge furniture had been removed. I at once had a guard detailed and placed in the building to prevent further depredation. The jewels were recovered and sent for safe-keeping to the Grand Lodge of Massachusetts by myself. I had the honor of holding a dispensation from the Grand Lodge of Massachusetts as worshipful master of Fraternal Lodge, No. 3, with authority to convene a lodge of Masons in the Army.

Afterwards this building was used for hospital purposes for a few months, and then Fraternal Army Lodge occupied these premises until the close of hostilities. We had the room cleaned up and platforms built for the chairs occupied by the first three officers, after which the brethren raised by voluntary offering $220 and had a Masonic carpet made in Lowell, Mass., which, with the assistance of a gentleman now living in Boston, was placed on the floor of the main hall by our hands.

A small theater underneath this hall was fitted up and rented to a troupe of minstrels, composed of quartermaster's clerks, and the proceeds expended to keep the property in repair. While the property was in possession of the Army lodge, by an order from Gen. John J. Peck (a copy of which is herewith inclosed) a board of trustees was appointed, of which your humble servant was one, to look after all the Masonic property, which they did, and I, later on, had the satisfaction of returning the lodge jewels in person on the floor of the same hall.

And now, after thirty-five years, an attempt to filch from the Government $5,000 in such a case as this appears to me as highly dishonorable. I can fully substantiate the above statement if required.

Sincerely, your obedient servant,

JOSEPH B. KNOX,
Formerly Brevet Captain, Signal Corps, U. S. A.

—*Worcester Evening Gazette, Monday, May 21, 1900.*

Mr. LODGE. On receiving those clippings from the Worcester papers, which were sent to me calling my attention to it, I wrote to Captain Knox and asked him for further statements before I did anything in regard to it. I have some letters here which I desire to read:

WORCESTER, MASS., *February 20, 1901.*

Hon. H. C. LODGE, *United States Senate, Washington, D. C.*

MY DEAR SIR: I have your esteemed favor of the 18th instant and hasten to reply, that you may have the facts in the case in question. I inclose a copy of a letter which I wrote Congressman PAYNE, of New York, last May, which gives the main facts.

That is the letter which has just been read from the desk.

Mr. PAYNE acknowledged the receipt of my communication and solicited further information, had I any to offer. I responded, stating that a large hall in the same Masonic hall building and owned by St. John's Lodge was, when we took Newbern, being used by the Confederates for manufacturing cartridges and clothing for the Southern army. I have in my possession a metal cartridge which I took from that hall. In the main hall, where there was any defacement of the walls (which was very slight) while used as a hospital, we had an artist retouch every spot, so that when the property was turned over to the owners it was in as good condition and better than when they left it. When I in person returned the lodge jewels, a vote was passed to have my portrait painted and hung on the wall of their hall as the savior of their lodge.

The trustees rented a small theater under the hall to a troop made up of quartermasters' clerks as minstrels for $10 per night. I have the written contract in my possession and used the proceeds in keeping the property in good condition.

Pardon me if I state that your humble servant sent you the paper instead of Mr. Nutt, to whom I gave the facts. I also sent, the same date, to Senators HAWLEY, of Connecticut, DEPEW, of New York, and FORAKER, of Ohio, hoping to reach someone who would be interested in preventing such a barefaced steal.

Very truly, yours,

JOSEPH B. KNOX,
492 Main Street.

CITY OF WORCESTER,
OFFICE OF THE LICENSE COMMISSIONERS,
City Hall, February 20, 1901.

MY DEAR SIR: I am cognizant of the facts as stated in the letter of Captain Knox, pertaining to the premises of St. John's Lodge, Free and Accepted Masons, of Newbern, N. C., and cordially indorse his statement.

Very respectfully, yours,

JOSIAH PICKETT,
Brevet Brigadier-General, United States Volunteers.

Hon. H. C. LODGE,
United States Senate.

OFFICE OF THE COLLECTOR OF CUSTOMS,
Port of Worcester, Mass., February 20, 1901.

SIR: It gives me pleasure to vouch for the statement made by Capt. J. B. Knox. All the facts as stated by Mr. Knox I am fully acquainted with, being an officer with him in the Masonic Lodge who occupied the hall as per statement made by him.

I am, most respectfully, your obedient servant,

F. E. GOODWIN,
Deputy Collector, United States Customs.

Hon. H. C. LODGE,
United States Senator, Washington.

THE WORCESTER MECHANICS' SAVINGS BANK,
Worcester, Mass., February 20, 1901.

MY DEAR SIR: I indorse the statement made by Capt. J. B. Knox in the matter of St. John's lodge room at Newbern, N. C. I was a member of the Army lodge that occupied and cared for the property, and the facts are perfectly fresh in my memory.

I am, respectfully, your obedient servant,

A. B. R. SPRAGUE,
Brevet Brigadier-General, United States Volunteers.

Hon. H. C. LODGE,
United States Senate.

General Sprague is well known to me. He is president of the Mechanics' Savings Bank in Worcester and he was several times mayor of the city. He is one of the best known men in the city of Worcester and in the county of Worcester. He is known throughout the State as a man of the highest character. The other gentlemen are also known to me, General Pickett and Captain Goodwin. I do not think I have met Mr. Knox personally.

On receiving those letters it seemed to me they made a very clear case that there was no damage done to the property for which it is sought to base this claim of $6,000. It was used as a cartridge factory, it appears, before our troops took possession of it. When they did take possession of it they put it in good condition and left it in better condition than they found it.

It was on information of that sort that I have objected to the bill, merely because I desired when the bill came up to lay these facts before the Senate. These men are all reputable men of high standing, whose word would be taken wherever they are known. They held high rank in the Union Army. I think in the presence of letters of that sort in regard to this claim we should be very slow to pass it without further investigation, or without at least referring it to the Court of Claims for a proper judicial adjudication.

Mr. BUTLER. Mr. President, what the Senator from Massachusetts has put before the Senate is just what Mr. Knox put before the House through Mr. PAYNE, and will be found on page 1798 of the CONGRESSIONAL RECORD of February 1. Mr. Knox has been very industrious, it seems, for some cause, in trying to prevent the passage of this bill. He has written numerous letters and had himself interviewed and furnished sundry material to the newspapers. I do not know why he has felt it his duty to be so extremely industrious against this bill. But all of the matter the Senator from Massachusetts has felt it his duty to put in the RECORD is already in the RECORD.

Mr. LODGE. I beg the Senator's pardon; the letters from General Sprague and General Pickett were not in the RECORD. They were personal letters to me.

Mr. BUTLER. Those were supplementary letters referring to Mr. Knox's letter.

Mr. LODGE. All those gentlemen were personal witnesses of the occupation and use of the property.

Mr. BUTLER. But the very fact that is claimed to be established by those letters is already in the RECORD, and was fully discussed, and was discussed over a period much longer than I would care to take the time of the Senate to discuss now. As Mr. Knox himself says in his letter, his first letter served the purpose of spurring Mr. PAYNE to the point of defeating the bill at the last session of Congress by calling for a quorum. Congress adjourned with the bill pending. Mr. Knox goes to work industriously to write more letters to have them read at this session of Congress. When this session met this bill was the unfinished business pending in the House, and, here are his additional letters furnished for this session, and, after a full discussion and with a quorum called more than once, the House voted on this question and the vote is as follows: The motion was to table. There were only 49 votes for defeating this bill. There were 142 votes in the House in favor of it.

Now, Mr. President, what are the facts? Mr. Knox no doubt thinks he is correct, but he simply is mistaken. Sworn affidavits from men as good as Mr. Knox, and men who know the facts better, who lived in Newbern then and have lived there ever since, state the facts to the contrary; and the House committee and the Senate committee, with this matter before them, made a unanimous report in both cases in favor of this claim. The claim was $13,000. The committee cut it down to $6,000.

But the committee states that this lodge was occupied by the United States authorities from March 14, 1862, to April 18, 1865, as a hospital. When the United States authorities took charge

of it, what did they do? This is the official report from the affidavits furnished the committee.

That all the seats in the lodge were removed; that all the scenes and curtains were removed; that the theater building underneath, which was rented by the lodge to support it and raise its funds, was dismantled, and that all of the furniture—mind you, all the furniture—was removed from the lodge room and other rooms in the building. All of the furniture from every room in the building, including the lodge, including the theater and other rooms, was removed; and the entire building—not simply the theater part, not simply the lodge part, but the entire building—was occupied for hospital purposes for nearly four years. Now, what else do this committee find from the affidavits before them?

Your committee find further that all these rooms were handsomely and expensively decorated, and were necessarily much damaged by the removals as aforesaid and by fitting them up for hospital purposes.

It further says:

It appears from the affidavit of John D. Whitford—

Any man who has ever lived in North Carolina knows there is not a man in the United States of higher character than Col. John D. Whitford. He would not swear to a lie for all of Massachusetts and North Carolina put together. He is a man of great ability and high character, and a man who has been honored by the people of the State on many occasions, from his early youth up to his old age. What does he swear to?

That prior to the war he was the chairman of the building committee of St. John's Lodge; that, as such chairman, he imported scene painters, decorators, and fresco painters to improve and decorate the lodge building; that he also purchased costly chandeliers, mirrors, grates, door frames, and orchestra seats for said building; that said building was very handsome and expensively fitted up and decorated, there being used at least $500 worth of gold leaf; that the original expense incurred in decorating and fitting up the lodge room, theater, and public hall was about $15,000.

Just before the war the lodge turned in to make it one of the handsomest in the State, and they spent $15,000 making it as handsome as they could make it. Now, what else is shown by the affidavits of Col. John D. Whitford and other members of this lodge and officers of it? The committee goes on to say:

Besides the petition on file, signed by the worshipful master and secretary of the lodge, under the lodge seal, there are filed the affidavits of John D. Whitford aforesaid and E. M. Pavie.

E. M. Pavie is a Northern soldier of as high character as Mr. Knox; a man who went down there when Mr. Knox went; a man who stayed after the war, and is down there now as a citizen of the State. Here is his affidavit as a Union soldier against the ex parte statement of Mr. Knox. What do they testify to under oath?

The report further states that at the time of the capture of Newbern by the Federal forces and the taking charge of this lodge by Federal authority the damage resulting to the lodge and to the other rooms in the building amounted to $4,000, covering the destruction of property and damage to the walls alone.

Here are the sworn statements of men who were then there; who were there after the war; who saw it all through, and knew what condition the building was in when the Federal troops took charge of it; saw the damage, and saw what it took afterwards to put it into proper repair.

What else appears by the affidavits of these gentlemen? It also appears from their affidavits that that theater hall was worth $250 a month to the lodge; that that was the revenue the lodge got from the theater for its support. For nearly four years the United States troops not only occupied the whole building as a hospital, resulting in $4,000 damage, but they robbed this lodge of this $250 a month rent for the whole time, which amounts to nearly $9,000.

What does the committee say? They say that the claim as originally filed was fairly put at about $13,000, but the committee cuts that down, and says:

Your committee think it would be fair and beyond controversy to allow the sum of $2,000 for injury and damage to the lodge building and furniture, being one-half the amount asked by the petitioner and by the bill, and that there should be further allowed for rent of the lodge building the sum of $4,000, being for the use and occupation of said building for three years.

Mr. GALLINGER. Was it a one-room building?

Mr. BUTLER. No; it was a three-story building, owned by the lodge, with many rooms, having one large lodge room and another room which was used as a theater. The lodge supported itself largely from the rent of the rooms.

Mr. GALLINGER. Did the lodge own the building?

Mr. BUTLER. Yes; the lodge owned the building, and its income from the building averaged $250 a month. For nearly four years, during which time the Government had charge of it, the rent would have amounted to nearly $9,000, and the damage to the property, according to all these sworn statements, was $4,000.

Mr. WARREN. Do I understand the Senator to state that while the United States troops were occupying a part of the building another part of it was rented, and the United States received the rent for it?

Mr. BUTLER. The United States had the entire charge of the building, and whatever they got they kept. The affidavits show that the Government used the whole building as a hospital; and the letter of Mr. Knox said that some of the officers had used it for private theatricals, or something of the kind, for their own entertainment. I think it was not used at all as a public theater during that time, but probably private theatricals were held there by the officers of the Army.

Mr. President, there are a number of affidavits in this record. I will not read them all, but here is one from the master of the lodge; here is one from another member of the lodge, the present master, and I have the originals in which they testified that Mr. Knox was mistaken when he said the furniture was taken out and was subsequently put back in better condition. These gentlemen testified under oath that there never was any of that property put back into the lodge.

They say the only thing ever returned to the lodge and put back was what? The jewels. Mr. Knox refers to the jewels seventeen times in these articles, if I have counted correctly. He seemed to lay great stress on the fact that the jewels were preserved by him and returned. What are the jewels? There are the jewels that we have heard so much about. [Exhibiting.] One is a little piece of plate, and then there are two coppers and one Mexican dollar, all of them worth less than $5; and yet Mr. Knox rings the changes over and over again on the jewels of the lodge that he preserved; that he took them North, put them in charge of a lodge there, and had the honor himself to take them back and return them to the lodge in Newbern, and they were greatly indebted to him for the return of the jewels.

I do not care to take the time of the Senate any further. Here is a unanimous report from the Senate committee and a unanimous report from the House committee. The matter was fully discussed in the House and there is no question of doubt as to the damage of this property being as much as these affidavits show. There is no question about what the building was worth to the lodge. The amount of the claim is cut down one-fourth, when these sworn affidavits show that it was worth four times as much as the committee allowed.

Mr. President, this is a small thing. The lodge was ousted from its building for nearly four years. The Government had charge of it, and every dollar of the money which Congress is asked to appropriate goes to that lodge, which is one of the first lodges in the State. It has been in existence ever since 1772. It is a lodge with a long line of distinguished men, and they were men who took great pride in their lodge room.

Mr. President, it is a small thing for us to be higgling over here, when we have paid within the last six months claims running from $50,000 to $150,000 to Masonic lodges and Odd Fellows' lodges in various States whose buildings were used as hospitals by the United States Army during the war. We have been doing that right along.

The other day, when the Senator from Massachusetts objected to the bill, there were two cases on the Calendar, one just above this bill and another below it, proposing to pay for the use of Odd Fellows' buildings which were, I think, occupied by United States officers during the civil war, running up to tremendous amounts, and here is but a little pittance. Mr. President, I do not care to discuss it further.

Mr. TELLER. The Senator from New Hampshire [Mr. GALLINGER] inquired as to the character of this building. The report states that it is "a large brick structure 45 by 80 feet and three stories high."

The Committee on Claims have treated claims for the use of lodge rooms upon the same plan that they have treated the occupation of schools or churches. They are not commercial bodies, nor are their buildings used for commercial purposes, but they are used for social and educational purposes.

Mr. LODGE. If the Senator will allow me to ask him a question, I understand a third of this claim is for loss of rent. Are we in the habit of paying for loss of rent in buildings of this kind?

Mr. TELLER. We have paid for the rent of churches and schoolhouses; that is, we have paid damages.

Mr. LODGE. No; I mean is it claimed that the lodge rented a part of this building, as the Senator from North Carolina says, for $250 a month, and that they are to be paid for the loss of that rent during the Government occupation?

Mr. TELLER. Who rented it?

Mr. LODGE. The lodge rented part of it.

Mr. BUTLER. The claim of the lodge was that the rent from their building averaged $250 a month.

Mr. LODGE. They were getting a commercial value out of the building; that is, they had rented it for a shop or something else, and part of this claim is that we shall pay them for rent during that period. Now, I ask for information, not being familiar with the principle of these claims, do we pay rent in cases of that kind?

Mr. TELLER. We pay for the damage sustained, for the loss that occurred, and we have sometimes considered the question of how much the property would have rented for and how much the

Government would have had to pay for it if the Government rented it, and we thus arrive at the amount to be paid. I suppose the Government would have paid $250 a month for it. Evidently a building of that kind ought to rent for that amount, and the Government occupied it for about four years.

I am sure it is unnecessary to show before this body that a lodge room, fitted up and decorated as this one was, could not be returned to the lodge in the condition it had been, after it had been used for three years as a hospital. Everybody knows it could not. There must be some mistake about that. The men who have filed affidavits in this case are the men who ought to know the facts better than anybody else. They were there then and they are there now; they are men who were then connected with this organization, as they are now; and I do not believe that there is any reason to suppose that they have attempted a game of robbery on the Government of the United States. Mr. Whitford, the chairman of the committee of St. John's Lodge, says that—

> As such chairman, he imported scene painters, decorators, and fresco painters to improve and decorate the lodge building; that he also purchased costly chandeliers, mirrors, grates, door frames, and orchestra seats for said building; that said building was very handsomely and expensively fitted up and decorated, there being used at least $500 worth of gold leaf; that the original expense incurred in decorating and fitting up the lodge room, theater, and public hall was about $15,000.

Mr. LODGE. Was that before or after the occupation?

Mr. TELLER. That was before. That was the character of the building the Government occupied as a hospital. Does anybody suppose that in the returning of that building it would be in the condition that it was after the expenditure of this $15,000, and that it could be put in the condition it originally was? They say that the original cost of the decorations was $15,000; and as to the building, as it is 45 by 80 feet, three stories high, and all brick, it must have cost considerable money; I do not know how much. They got the building back.

Mr. ALDRICH. It seems hardly conceivable that $15,000 could be spent for decorations in a building in a small town in North Carolina.

Mr. TELLER. It is not at all. In those days, when times were flush, I have known gentlemen connected with such associations who took great pride in them and who gave many thousand dollars for the purpose of decorating and fitting up halls of this character.

Mr. JONES of Arkansas. The Senator will allow me to suggest that there were a great many wealthy men in that community at that time. As has been said, it is a lodge over a hundred years old, and it was nearly a hundred years old at the time the property was taken. They took great pride in that lodge, and it is one of the most distinguished lodges anywhere in that section of the country.

Mr. TELLER. Not very far from where I live there is an organization of this character, which owns a very fine building which was fitted up, decorated, painted, and filled with pictures at very great expense, and I know of some gentleman who paid large sums of money for that purpose.

The gentlemen who made affidavits which were before our committee and which were before the House committee knew what they were talking about, and the committee carefully scanned the evidence. Mr. E. M. Pavie, a Northern man who went to Newbern at the time of its capture by the Federal forces, and who is there now, makes affidavit, and another gentleman makes affidavit, showing that the damage done to the furniture amounted to at least $4,000.

I think, Mr. President, this is one of the cases we ought to pass.

Mr. LODGE. Mr. President, I only want to say a word. The action of the House, on which the Senator from North Carolina [Mr. BUTLER] dwelt so much, does not, it seems to me, concern us. We are here as an independent body to make up our own minds. We are not to be guided by votes in the other House or discussions there.

When this matter was brought to my attention, the bill was still in the Committee on Claims, having only just come over. I sent word by my clerk to the clerk of the Committee on Claims to call attention to the bill, and to say that I should like to be heard on it. The bill was so carefully scanned by the committee, as the Senator from Colorado told us, that it was reported the next day, and I never had an opportunity of appearing before the committee. I dare say the committee carefully scanned the bill, but I have never had the opportunity of presenting the information contained in the papers which had been sent to me.

It seems to me that there was very strong evidence that damage had been done before our troops took possession; that the building had been put in good repair by the army lodge which occupied the building, and that with such a conflict of testimony it is hardly proper for us to pass this claims bill when the amount, small or large, does not bear upon the principle at all. I think it is hardly proper for us to pass this claims bill without a careful investigation of this testimony. The letters which I have read here from gentlemen were not before the committee, and that side of the case was not heard before the Senate committee in any way that I am aware of. A House report was simply put in here. It seems to me that a matter of this sort ought to have had a proper hearing on both sides or else it ought to be sent to the Court of Claims. We can send it to the Court of Claims.

Another point, it seems to me, is that this paying for rent lost during the occupation is rather a dangerous precedent to establish. I think that should be properly considered by the Court of Claims. I have no objection to the claim being sent there, and if the court shall decide that it is a good claim I shall cheerfully vote for it; but with this conflict of testimony, by reputable men, I am willing to admit, on both sides, it seems to me the bill ought not to pass in its present form. I do not think in any event we ought to pay that rent.

Mr. TELLER. There is no statement that this is charged for rent lost.

Mr. LODGE. The Senator from North Carolina said that was the case.

Mr. TELLER. In determining the value, and in considering what the Government ought to pay, the committee considered what the building would rent for.

Mr. LODGE. If the Senator will look at the report I think he will see that the damages were assessed by these people themselves at $4,000. The balance was $9,000 for rent, which raised the total claim to $13,000.

Mr. TELLER. This is what the committee say:

> Your committee think it would be fair and beyond controversy to allow the sum of $2,000 for injury and damage to the lodge building and furniture, being one-half the amount asked by the petitioner and by the bill, and that there should be further allowed for rent of the lodge building the sum of $4,000, being for the use and occupation of said building for three years.

Mr. LODGE. That is what the committee say—$4,000. I thought it was $2,000, but it now appears that we are to give to this lodge $4,000 for rent. Are we in the habit of paying rent for buildings occupied during a state of war?

Mr. TELLER. I think the Senator ought to be able to understand what I have said once or twice. We determined in passing upon these claims, in the case of churches and schoolhouses, that a proper basis of ascertaining the damage would be to allow a fair price for rent and to have the Government pay that. I think that is an equitable way of determining what the property is worth. You can not always rent churches or schoolhouses, but you can determine what the Government would pay for these accommodations, and therefore that would be a fair price to allow. That is all that is done here.

This is not a case of the Government renting a building and a claim being made for the rent. It is said in the affidavits "that the reasonable rental value of the building during the time it was occupied was $250 per month," but we are not allowing anything like that.

Mr. PLATT of Connecticut. I think that in such claims we have been paying simply for damages. It is said the damage in this case was $2,000.

Mr. TELLER. We have in many instances paid more than the amount of damage to a particular building. We never have made such a rule as to churches at all. We have paid four or five times and ten times this amount in some cases.

Mr. PLATT of Connecticut. Then I think we have been going on a wrong basis.

Mr. TELLER. No; we have not been going on a wrong basis. We have been trying to right the wrongs we have done to that kind of property. Of course we were not obliged to pay any church; we were not obliged to pay any college. For a time we refused to pay them. I made myself a report very early here in which I took the position that by law we were not compelled to pay even for the use and occupation of a church, and that position was well supported. Later, under the direction largely of the senior Senator from Massachusetts [Mr. HOAR], we took up the William and Mary College case, and, after a thorough debate, in which the Senator from Massachusetts—I believe he was then a member of the Committee on Claims, and I am not certain but that he was chairman of the committee—took the lead, we decided we would make an exception in such cases and that we would not apply the question of loyalty where a church or a schoolhouse was concerned; and we put lodges on the same basis for the reason that they are not commercial organizations, but are social and educational in their nature, and I may say, also, religious.

Mr. WARREN. Mr. President, the act of July 4, 1864, provided for the payment of certain claims in the Quartermaster and Commissary Departments coming from the States which were not in rebellion. It seems that the claims for churches and schools were presented in large numbers; and were for a time, perhaps, a mooted question. We have here a record of the claims that were so presented, and all that we have a record of amounts to about $250,000 that are unsettled. But it seems that the Government commenced paying very soon after that for both damage and rent. It appears that this practice was commenced in 1874. I ask to have read a paragraph from the report of the Committee on

Claims in regard to claims under the Bowman Act, as it pertains to this matter.

Mr. ALDRICH. That is, claims from States not in rebellion.

Mr. WARREN. After the practice commenced, other claims have been since taken up and have been paid by allowances like this. We were speaking of churches and schools. Merely for information as to when we commenced paying claims for rent, I desire to have the paragraph I have referred to read at the desk.

Before the paragraph is read, however, I desire to say to the Senator from Massachusetts [Mr. LODGE] that, as chairman of the Committee on Claims, this is the first I ever heard of his desire at any time to appear before the committee; and I regret very much that the Senator was not heard.

Mr. LODGE. I have no doubt that the clerk of the committee overlooked it.

Mr. TELLER. I want to say the same thing. I never heard of the Senator's request to appear before the committee in relation to the bill now under discussion.

Mr. LODGE. I sent word by my clerk to the clerk of the Committee on Claims; but I have no doubt that in the multiplicity of business my request has been overlooked.

Mr. WARREN. I want to say further that the Committee on Claims is always glad to have information from any Senator on any claim pending before it.

Mr. LODGE. I should like to ask the Senator if this bill ever came before the full committee?

Mr. TELLER. It did. I will not say that every member of the committee was present, but it came before the committee when it was in condition to act. I remember very well when the case was reported.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from Wyoming [Mr. WARREN].

The Secretary read as follows:

CLAIMS FOR USE AND OCCUPATION OF CHURCHES AND SCHOOL BUILDINGS.

In the consideration of these claims it was found that a considerable number were presented from States and districts declared to be in insurrection during the war of the rebellion.

It was the custom of the War Department to place churches in the same condition as when they were taken possession of by the United States, natural wear and tear excepted, or allow a reasonable amount in money in lieu of such repairs. No general instruction for the payment of such claims appears to have been given, but each claim was decided on its merits. This practice, however, had the approval of the Secretary of War, as such cases were submitted to and approved by him from time to time. Up to 1874 it was uniformly held by the Quartermaster-General that no rent should be paid for churches, there being no law authorizing such payment. On March 30, 1874, the claim of Trinity Protestant Episcopal Church, of Washington, D. C., for rent, stated at $2,250, was referred to the Third Auditor of the Treasury for settlement, having been recommended by Assistant Judge-Advocate-General Dunn and approved by the Secretary of War. A number of other claims for rent of churches were paid subsequently by the direction and approval of the Secretary of War.

Mr. LODGE. If the motion is in order—and I suppose it is—I will move to refer this bill to the Court of Claims under the Bowman Act.

Mr. BUTLER. I hope the Senator will not do that.

Mr. WARREN. I presume the Senator means under the Tucker Act. It could not go to the court under the Bowman Act.

Mr. LODGE. I meant under the Tucker Act.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the claim represented by the pending bill be referred to the Court of Claims under the provisions of the Tucker Act. [Putting the question.] The "noes" seem to have it.

Mr. LODGE. I ask for the yeas and nays.

Mr. JONES of Arkansas. I hope the Senator will not do that.

Mr. LODGE. We must have a quorum here to consider the sundry civil conference report.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DEBOE (when his name was called). I am paired with the Senator from Tennessee [Mr. BATE].

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I will transfer to the Senator from Kansas [Mr. BAKER] and vote. I vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL]. I transfer that pair to the junior Senator from Colorado [Mr. WOLCOTT] and vote. I vote "yea."

Mr. HEITFELD (when his name was called). I have a general pair with the Senator from New York [Mr. PLATT].

Mr. McBRIDE (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY].

Mr. PETTUS (when his name was called). I have had a pair ever since I have been in the Senate, and this is the first time I ever regretted it. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. I am sorry that I can not vote against this motion.

Mr. PRITCHARD (when his name was called). Inasmuch as the junior Senator from South Carolina [Mr. MCLAURIN], with whom I am paired, reported the pending bill favorably, I take the liberty of voting. I vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. I suggest to the Senator from Alabama [Mr. PETTUS], who is paired with the Senator from Massachusetts [Mr. HOAR], that we transfer our pairs, so that the Senator from Tennessee [Mr. TURLEY] will stand paired with the Senator from Massachusetts [Mr. HOAR]. I vote "nay."

Mr. PETTUS. I vote "nay."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. ALDRICH. I would call the attention of the Senator from Wisconsin [Mr. SPOONER] to the fact that by the peculiar arrangement he has made he gets two votes in the negative for this bill. I assume that the Senator from Massachusetts [Mr. HOAR], if present, would vote in the affirmative.

Mr. SPOONER. I do not know how the Senator from Tennessee [Mr. TURLEY] would vote, and I do not know that the Senator from Rhode Island knows how the Senator from Massachusetts would vote.

Mr. ALDRICH. I think the Senator from Massachusetts would vote in the affirmative if present. I ask the junior Senator from Massachusetts if that is not so?

Mr. LODGE. I think it likely that my colleague would so vote if he were present.

Mr. SPOONER. If there is any objection, I will withdraw my vote.

Mr. ALDRICH. The change of pairs would result in making two votes for the negative side.

Mr. SPOONER. It is objected that the effect of the transfer of pairs which I announced would be unjust.

Mr. BACON. I do not think that is a good point at all.

Mr. SPOONER. Without any change of pairs, I am informed that the Senator from Tennessee [Mr. TURLEY] would vote "nay," and I vote "nay."

Mr. HANSBROUGH (after having voted in the affirmative). The Senator from Virginia [Mr. DANIEL], with whom I am paired, has not voted, and therefore I desire to withdraw my vote.

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.

Aldrich,	Clapp,	Gallinger,	McMillan,
Allison,	Clark,	Hanna,	Nelson,
Bard,	Cullom,	Hawley,	Platt, Conn.
Beveridge,	Depew,	Kean,	Quarles,
Burrows,	Dillingham,	Kearns,	Simon.
Carter,	Fairbanks,	Lodge,	

NAYS—28.

Bacon,	Harris,	Pritchard,	Thurston,
Berry,	Jones, Ark.	Sewell,	Tillman,
Butler,	Lindsay,	Shoup,	Turner,
Clay,	McComas,	Spooner,	Vest,
Cockrell,	Martin,	Stewart,	Warren,
Culberson,	Perkins,	Sullivan,	Wellington,
Foraker,	Pettigrew,	Teller,	Wetmore.

NOT VOTING—37.

Allen,	Foster,	McCumber,	Proctor,
Baker,	Frye,	McEnery,	Quay,
Bate,	Hale,	McLaurin,	Rawlins,
Caffery,	Hansbrough,	Mallory,	Scott,
Chandler,	Heitfeld,	Mason,	Taliaferro,
Chilton,	Hoar,	Money,	Turley,
Daniel,	Jones, Nev.	Morgan,	Wolcott.
Deboe,	Kenney,	Penrose,	
Dolliver,	Kyle,	Pettus,	
Elkins,	McBride,	Platt, N. Y.	

So the motion of Mr. LODGE was not agreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAFETY APPLIANCES ON RAILROADS.

Mr. LODGE. Mr. President, I desire to say a word in regard to the lost bill with respect to which we passed a resolution not long ago. I was informed while the debate was in progress on the North Carolina claim bill that the bill had been found in a desk in the enrolling room of the House of Representatives. It seems to have slipped into the drawer of the desk. I wish to say this in justice to the clerks and officers of the Senate. It never came here.

Mr. CULLOM. It has not yet come, I believe.

Mr. LODGE. It has not yet come. They have found it, and it is coming over in the next installment of bills.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free

conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 26, 30, 35, 36, 41, 42, 49, 62, 70, 71, 82, 89, 93, 105, 108, 110, 111, 112, 113, 115, 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 128, 129, 130, 132, 133, 134, 135, 149, and 150.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 20, 28, 81, 91, 99, 101, 102, 127, 131, and 152; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the sum of $332,500 where it occurs in lines 3 and 4 and in lines 19 and 20 of the matter inserted by said amendment, and insert in lieu thereof the sum of $300,000; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$950,770;" and the Senate agree to the same.

That the House recede from its amendment of the Senate numbered 88, and agree to said amendment amended as follows: Strike out all after the word "acre" in line 8 of the matter inserted by said amendment and insert in lieu thereof the following:

"And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria and known as Godding Croft, for 80 acres, more or less, lying immediately adjoining this said 60 acres and south of the present building site of the hospital. In case such exchange is made, the Secretary is also authorized, in his discretion, to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding 90 feet in width. Any of the buildings authorized in the sundry civil appropriation act approved June 6, 1900, for the Government Hospital for the Insane may be erected on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$860,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment amended as follows: On page 103 of the bill, in line 23, after the word "upon," insert the following: "or exercised by;" and the Senate agree to the same.

On amendment 151 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
THOMAS C. McRAE,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. ALLISON. Mr. President, there is one amendment, as will be seen from the report, still in disagreement, namely, the amendment relating to expositions. We have labored faithfully to secure an agreement upon this amendment, but have failed to obtain the assent of the House conferees. I think I may say to the Senate that there is no possibility of an agreement upon that amendment, and we have reached a point in the bill where it can not afford to fail. I therefore move that the Senate recede from its amendment numbered 151, which is the amendment relating to the expositions at St. Louis, Buffalo, and Charleston.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate recede from its amendment numbered 151.

Mr. PETTIGREW. Mr. President, I desire to address the Senate. What I shall say, perhaps, will not be very pertinent to this matter, but it is the only opportunity I shall probably have to make the remarks I desire to submit.

Some days ago I placed in the RECORD a statement in regard to the Philippine Lumber and Development Company. The president of the company has since made the following statement in the House of Representatives:

I will say to the gentleman from Tennessee that I am the same man that is connected with the Philippine Lumber Company, and that I have something invested in that enterprise. I will say further to this House that I have not, nor has that company, ever asked one favor of the Government of the United States; and we do not propose to do so. Our dealings there are with men who have titles in fee simple of long standing. The business is entirely legitimate.

And I want to say to this House and the country that whenever the time comes that I am not permitted to invest in a legitimate enterprise I would prefer to leave Congress to being a drone, dependent only on politics for my living. [Applause.] I will say further to the gentleman from Tennessee, and to this House, that while the campaign was on the company with which I am associated called a halt in their enterprise and notified every one of the stockholders that if Bryan should be elected not one dollar would we invest in the Philippines, but if McKinley should be elected we would invest all the money that we pleased, believing it would have a favorable return by the restoration of order and good government in the Philippines. [Applause on the Republican side; derisive applause on the Democratic side.]

Bryan's election would mean disorder and anarchy in the islands. McKinley's election would mean order and thrift.

Under the one I would not be willing to invest in any legitimate enterprise; under the other the ax and the sawmill would be encouraged, labor benefited, and civilization advanced.

Now, why? Because the one man was trying to run the country on wind and the other believed in legitimate enterprise. [Great confusion in the Hall.] I yield the balance of my time to the gentleman from Iowa.

Mr. President, that is a very remarkable state of affairs. The Philippine Development and Lumber Company has its offices in room 812, Merchants' Loan and Trust Company Building, 135 Adams street, Chicago. Its president is J. A. T. HULL, whose remarks I have just read; John Bradford, vice president; Stewart Spalding, secretary; John Gibson, treasurer; Frank S. Bourns, representative of the company, Manila, P. I.; B. B. DOVENER, attorney for the company. I am reading from their prospectus. The directors are: Mr. HULL, president, member of Congress, Seventh Iowa district—he is so described—Des Moines, Iowa; John S. Bradford, Bradford & Sons, bankers, Greenville, Ill.; Stewart Spalding, secretary and treasurer Calumet and Chicago Canal and Dock Company; Frank Phillips, stocks and bonds, Chicago, Ill.; George Bogart, president Shenandoah National Bank, Shenandoah, Iowa; M. L. Severance, Eastern representative of company, Middlebury, Vt.; F. W. Craig, director Capital City Bank, Des Moines, Iowa; Isaac Bassford, stocks and bonds, Chicago, Ill.; and G. A. Vawter, capitalist, Cambridge, Ill.

The prospectus goes on to say that the object and purpose is to deal in Philippine lumber, and this says they have a very fine quality, and plenty of mahogany and rosewood and ebony, and so on. They are also to cultivate the soil, to produce fiber, and manufacture it. I have the articles of incorporation. It was incorporated under the statutes of West Virginia, and I telegraphed to a very reputable gentleman in Chicago and asked him if this company had an office there. He sent a reputable gentleman to the office, and I know that both of these people are men of character and standing and entitled to credit and belief. The gentleman sent to the office makes this statement:

CHICAGO, *February 26, 1901.*

I had a long talk with Mr. John Gibson, treasurer of the Philippine Lumber and Development Company, who is president of the Iowa Savings Bank, at Creston, Iowa.

He says the company have immense timber rights, embracing great quantities of mahogany, ebony, logwood and other valuable timber. That they shipped via steamer *Coptic* from San Francisco on December 2 a sawmill of 12,000 feet daily capacity, which should be there by this time. That the E. P. Allis Co., of Milwaukee, are now making another sawmill of 30,000 feet daily capacity (hardwood), which mill will be shipped March 22, and that day after to-morrow they will order another similar mill, which will give them a capacity of 72,000 feet per day. They have plenty of money in treasury for this and other necessary purposes. That Congressman BABCOCK of Wisconsin and a number of other prominent members of Congress and the Senate are interested, and all on an equal basis. There are no commissions being paid on sale of stock, and all stock is sold at $25 per $100 share until 5,000 shares shall have been disposed of, after which it is to be sold at par, and then he offered to pay me a commission on the sale.

I endeavored to ascertain something about the said timber rights, saying that my inquiry was from a doctor in Iowa, who had heretofore purchased lots from me and would probably want to know something about the basis for security if he should think of investing in stock.

I was unable to get any definite information in regard to any one timber right of any kind which they actually have, although he intimated that through political influence they would obtain grants of great value, and that they had already contracted with owners for some timber rights, but of this he could give me no definite details, as it is all in the hands of Major Bourns, who is the head of the Liberal party in Manila, and was general health officer of the Army.

Mr. GALLINGER. Is that Major Burns?
Mr. PETTIGREW. It is spelled B-o-u-r-n-s.
Mr. BEVERIDGE. Frank S. Bourns, a good man.
Mr. PETTIGREW. The letter continues:

He said the first sawmill was sawing on Government account to build a post and sanitarium in the Benguet region, 40 miles east of Dagupan, and that they expected to keep this and one other mill continuously sawing on Government account for some time to come.

I inclose copy of his letter head, showing the various officers of the company.

And further deponent sayeth not.

I find that Mr. Bourns has written several letters, which are given out by the company to induce people to invest. Here is a letter from Agent Bourns, in Manila, dated December 14, 1900:

Hon. JOHN GIBSON, *Chicago, Ill.*

DEAR Mr. GIBSON: On my return from Zamboanga last Saturday night I found your cable of November 23—"$5,000 sent. Loomis starts January 1." I also have your cable of the 11th stating "Mill ordered." I am very glad to hear this news, as it means we shall soon get started. As soon as the portable mill gets here I shall get it up into the Benguet region, if possible. The first move that is to be made by the Government is to construct a wagon road from Benguet to Dagupan, which will follow the line of the proposed railroad. This road will be about 50 miles long and will cost at least $50,000, gold. Every probability is that the railroad will speedily follow. I am informed by the engineer in charge that he desires to begin building from both ends and that he will use pine for the bridges, etc., in the Benguet region. If I am on the ground, therefore, I should come in for a share of this. Building will undoubtedly begin almost immediately. The whole prospect for the region is excellent, in my opinion.

So it appears this letter was written December 14, and now on the 28th of February the mill is running, exclusively sawing for

the Government. So, after all, it would appear that there is some relation between the officers of the Government and this enterprise. Of course the enterprise can succeed, because the appropriation bill is prepared by the Military Affairs Committee in the House, and the chairman of the committee boasted that he would not be a drone; that this is a legitimate enterprise.

I do not care to comment upon it at all, but it seems to me a deplorable state of affairs that these things can exist and are satisfactory to an Iowa constituency. The larger the Army in Manila, the more money appropriated, the greater the profits of the Philippine Lumber and Development Company; the more roads built, the more shekels pour into the pockets of the people who vote the appropriations out of the Treasury of the United States.

These letters are on various subjects connected with the enterprise, but I will not read them in full. They describe the timber, and they describe fine bodies of timber on the island of Mindanao and a fine bay that they propose to take possession of. There is nothing said about private ownership there, however.

No connection with the Government! An entirely legitimate enterprise!

Here is another letter:

I submitted a preliminary report in my last in regard to the Benguet region. I can now complete that. There is now no doubt that the Government will establish an extensive sanitarium and health resort there. Therefore I believe it to be an excellent policy to make an attempt to get some sort of a sawmill on the spot as soon as possible. After looking the ground over carefully, I am convinced that a portable sawmill would be best. It would be cheaper; we could get it in place much sooner; and, as the pine forests are rather thin, we could easily transfer it from place to place as occasion might require. Again, it is quite probable that the railroad will be considerably delayed in getting up there, and the Government wants to begin building before it is finished, or as soon as possible, say in a few months.

To facilitate this a certain amount of money will be laid out on the old Spanish military road leading up there. When this is done I believe it will be possible to get a portable mill up there. It will be a difficult task, but I believe it can be done, and I also feel pretty sure that we can depend upon a certain amount of aid from the Government, such as mules, etc. Of this I can not speak with certainty, but as the Government will be interested in having lumber on the spot I feel pretty sure of this, even should we be unable to get the mill up as soon as the railroad is through; but I feel confident that we can get it through, as I have been over the road.

It appears they got it through, according to the later statement.

Mr. BURROWS. From whom is that letter?

Mr. PETTIGREW. From Frank S. Bourns, the manager of the company, at Manila.

Mr. BURROWS. And health officer?

Mr. PETTIGREW. Yes; that is what they say he is. Here is a letter dated Manila, January 10, 1901. He quotes some one here:

The demand for lumber is very great here. In conversation with the engineer of the Department of Southern Luzon I find that the Government finds it almost impossible to get the timber needed and is paying almost any price for suitable wood—from 75 cents to $1.25, gold, a cubic foot. He gave it as his opinion that there could be no risk in the investment of a considerable sum of money in a lumber plant, as the Government wants lumber badly and will be glad to contract with anyone who can agree to furnish desired timber within a reasonable time limit.

I do not care to pursue this question further, but I desire to put in the RECORD as a part of my remarks the certificate of incorporation of this company in the State of West Virginia.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the paper will be printed in the RECORD.

The paper referred to is as follows:

CERTIFICATE OF INCORPORATION.

STATE OF WEST VIRGINIA:

I, William M. O. Dawson, secretary of state of the State of West Virginia, do hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me, which agreement is in the words and figures following: The undersigned agree to become a corporation, by the name of the Philippine Lumber and Development Company, for the purpose of purchasing or leasing from persons having title thereto timber lands in the Philippines, Jolo, or Sulu islands; also the acquisition of such other lands, real estate, and other property, either personal or mixed, in said islands and elsewhere, as shall be deemed necessary for the needs and purpose of said corporation; also to carry on, in said islands and elsewhere, the manufacture and sale of all kinds of lumber and of all products which can be produced from the timber on said acquired lands; to make, sell, and deliver railroad ties, cord wood, charcoal, tar, turpentine, and saw logs; to manufacture and sell rubber and gutta-percha and all principal and by-products to be obtained from any growth upon said lands; also to erect and to continue from time to time the erection and maintenance of all such houses, sawmills, factories, charcoal furnaces, rubber-boiling vats, gutta-percha kettles, and other structures, improvements, and machinery as shall be required in the successful operation of the business of said company; also to cultivate said lands when cleared of timber; to plant cane and to manufacture sugar; to raise hemp, tobacco, and other agricultural products; to raise horses, cattle, sheep, and other live stock, or to lease lands for any of above or other legitimate purposes; to carry on mining in the Philippines, Jolo, or Sulu islands; also of conducting such general merchandising, banking, exchanging, express, and transportation business as may prove necessary and convenient in the prosecution of the company's business; of maintaining roads, tramways, dams, ditches, irrigating waterways, and to construct and operate railroads, and to make other internal improvements necessary to further the best interests of said company in said islands; erecting wharves and warehouses in said islands; owning, operating, and building sailing vessels and steamships for the transportation of the productions and manufactures of said corporation, and for the transportation of passengers and freight to any ports touched by said sailing vessels and steamships, upon such terms as may be fixed by the officers of said corporation; enjoying all the rights and privileges and assuming all the duties and liabilities, and receiving all the profits and revenues arising from and growing out of and in any manner connected with said business, wherever conducted and in any and all its stages and ramifications; selling and transferring its lands and other property, franchises, and concessions, but no sale of the entire property of the company shall be made unless the holders of three-fourths of the capital stock of the corporation which has been issued shall vote to make such sale, said vote to be taken at a meeting of stockholders called to consider such proposition of sale, and of which meeting thirty days' notice shall be given by circular, addressed to each stockholder at his last post-office address, as known by the secretary of this corporation; purchasing of and from Frank S. Bourns, of Manila, the land, timber, rights, leases, and concessions acquired by him in the Philippines, Jolo, and Sulu Islands for the sum of $3,000,000 in the stock of this corporation.

Which corporation shall keep its principal office or place of business at Chicago, in the county of Cook, State of Illinois, and is to expire on the 1st day of May, A. D. 1950, and for the purpose of forming the said corporation we have subscribed the sum of $1,000 to the capital thereof, and have paid in on said subscriptions the sum of $100, and desire the privilege of increasing the said capital by the sale of additional shares, from time to time, to $5,000,000 in all.

The capital so subscribed is divided into shares of $100 each, which are held by the undersigned, respectively, as follows, that is to say: J. A. T. Hull, Des Moines, Iowa, 2 shares; John Gibson, Creston, Iowa, 2 shares; John S. Bradford, Greenville, Ill., 2 shares; Stewart Spalding, Chicago, Ill., 2 shares; Frank Phillips, Creston, Iowa, 2 shares.

And the capital to be sold hereafter is to be divided into shares of the like amount.

Given under our hands this 25th day of April A. D. 1900.

J. A. T. HULL.
JOHN GIBSON.
JOHN S. BRADFORD.
STEWART SPALDING.
FRANK PHILLIPS.

Wherefore the corporators named in the said agreement and who have signed the same, and their successors and assigns, are hereby declared to be from this date until the 1st day of May, A. D. 1950, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Charleston, this 3d day of May, 1900.

[SEAL.] WM. M. O. DAWSON, *Secretary of State.*

[Testimonial.]

OFFICE OF SECRETARY OF STATE, *to wit:*

I, William M. O. Dawson, secretary of state of the State of West Virginia, hereby certify that the foregoing, writing, dated the 3d day of May, 1900, is a true and correct copy of the certificate of incorporation of Philippine Lumber and Development Company, a corporation created and formed under the laws of said State, as appears from the records of corporations in my said office.

Given under my hand and the great seal of the said State, at the city of Charleston, this 7th day of May, 1900.

[SEAL.] WM. M. O. DAWSON, *Secretary of State.*

Mr. PETTIGREW. I also desire to print in this connection a clipping from a Manila paper in regard to how the Federal party that we are talking about is built up. This man, who is a representative of the lumber company at Manila, Frank S. Bourns, they say is the head of the Federal party there. I have here an article from The American, Manila, P. I., Tuesday, January 10, 1901. It is headed:

Take the oath or go to Guam—No rebel can work for Uncle Sam—American soldiers and civilians are running the "amigos" down.

This paper is evidently an American paper. The article is as follows:

There is a ripple of excitement in employee circles of the Government, especially in the Quartermaster's Department. An effort is being made to compel native workmen to take the oath of allegiance, or be cast from the Government pay rolls. It seems soldiers and ex-soldiers have tired of work ing with Tagalogs without knowledge of their loyalty to the flag.

The action of Ecsmilla at a club dance, a few weeks since, in refusing to drink to the health of the President of the United States, and the late action of Governor-General MacArthur in a general order of malcontents into exile to Guam, has aroused the proper spirit, and all true-blue Americans are asserting it.

The fact is, Americans in every department of the United States Government in the Philippines agree that all native employees should take the oath of allegiance to the flag or suffer deportation to Guam with Mabini, Pio del Pilar, and the party of rebels that accompany them.

The feeling is general in Manila that Governor-General MacArthur has taken the right step, initially speaking, and that he should extend it to every department of service in the Philippines where native help is employed. There seems to be no objection to the Tagalog, wherever he gives evidence that he is a loyal subject of the United States.

Soldiers and civilian employees of the Quartermaster's Department are emphatic in the expression that all Tagalogs employed there shall take the oath of allegiance.

COMPULSORY ALLEGIANCE.

That is the sort of Federal party supporting the United States that we seem to be building up in that country. The other day I read some letters from the island of Cebu, where we imprisoned the officers of a town until they would come out and take the oath of allegiance. Now, I want to go further for a few moments into some other matters in connection with this, as they ought to go in the RECORD. These people were our allies and they helped us fight Spain under our flag and their flag. Now they are being deported because they love their country.

Mabini was deported. He was not a prisoner of war. He was a cripple, an invalid, the victim of Spanish cruelty. We sent out a squad and captured him and brought him into Manila, and when he refused to swear allegiance and wrote articles high in character, full of patriotic spirit, we deported him to Guam as a prisoner along with 31 others. Mr. President, I believe that I shall live to see the day when there will be a monument built by the people of the United States in this capital to Mabini, as there ought to be.

Now, how are we carrying on the war? MacArthur's report shows that during the last ten months our losses have been 268

killed and 750 wounded; the Filipino losses, 3,227 killed, 694 wounded. Who ever heard of anything of the sort before in the history of the world? It indicates that we give no quarter, that we are engaged in the butchery of men in that country.

Now I am going to read from a letter signed by Capt. D. S. Crawford on that same subject. I will not read the whole of it, but I will read those parts of it which touch this question of barbarity. This is an account of operations in the island of Mindanao. I want to read first what Captain Crawford says, that they were instructed to kill everybody, to give no quarter, to take no prisoners:

Capt. S. D. Crawford writes as follows from Santa Anna, Mindanao, P. I., under date of December 23, 1900:

"While we rest I will write you. I am reduced to a few scraps of paper and a 2-inch pencil, which Major Taggert gave me. This is one of the most remarkable expeditions in my experience. December 16, after having every man examined from head to foot by the surgeons, I started as one of eight companies and the mounted detachment with Colonel Birkhimer in command for the enemy's stronghold. We started at 4.30 a. m. and by daylight the column was moving on its way from Cagayan to Tagalaon, 15 miles. Before we reached that place we were fired upon from the high ridges. At Tagalaon we ate dinner, and then having landed Company A from the cutter on the other side of the river, we forded the swiftest strean I ever crossed. The water came above my waist and it was a wonder that some of the small men were not drowned. That put us into the San Martin, where we spent the night. My bed was at the foot of a cocoanut palm. The spearmen attacked our outposts, and the men killed one. He

YELLED LIKE A STUCK PIG.

We have more dread of the spearmen than anything else.

"At daylight we started for Santa Anna, 3 miles inland. This is a small town of less than three hundred houses. The enemy left it without firing on us, but they opened up on us from the hills. At 1 o'clock we started with the Maxim-Nordenfeldt gun in the column for Pamplona, 15 or 20 miles into the mountains, to one of the strongholds. We made a false movement in the direction of the much-talked-of fort on which they had worked for months, and then turned to the left and began the ascent of the mountain, reaching it in good condition. We then descended to the River Quimaya, which zigzags through a canyon which is from 2,000 to 3,000 feet deep, with precipitous sides. The insurrectos kept along at the top, shooting at us whenever they could see the column. This was a terrible journey. We crossed that stream 31 times before midnight. It was terribly swift, but only came to the belt. The mule gave out and the men had to drag that gun, and men never did harder work. The night was inky black and we had to gather phosphorus sticks and put them in the men's hats so that we could see the trail. When we got into Pamplona we camped out in the long, wet grass, and the rain fell until daylight. This town was also deserted. At 6 o'clock we started for Malabug over the mountain, and it took several hours to reach the summit, going through the wildest of forest. Shortly after starting 2 spearmen, one decorated with ribbons—a chief, I suppose—attacked a man in the rear of my company. They hurled their spears, which he dodged, and he then shot one and clubbed the other with his gun. They were armed with knives. After crossing the mountains we struck the Malabug River, and then the enemy began firing on our column from the steep mountain side. We could not reach them and had to march along under their fire for about 5 miles.

"That tried men's nerves, but the men stand it all right and get even by swearing at the enemy, which of course makes the enemy feel badly. It was not long after reaching Malabug until the pigs began to squeal and beautiful fields of corn showed animation. I went to sleep about 1 o'clock; did not wake up until nearly dark. The colonel just allowed us to make ourselves comfortable. How we do drink water on this island! The rivers are swift; the water is pure and actually cool. We had outposts, and at night I had a camp guard to protect my men from the spearmen, for they creep up like snakes. Yesterday morning we set out to make a rear attack on Fort Santa Anna, on the summit, going down the valley, 5 miles from where we found a small fort which had been vacated and burned. The trail up the mountain was so steep that we had to rest every hundred yards, and did not get to the summit until noon. We were now directly in the rear of the fort. The day very hot. After a hasty meal we inspected the arms and ammunition and advanced to what we thought would be a bloody battle, but imagine our disappointment and chagrin, when we advanced upon the strongest fortification and best strategic position any army could ask for, to find it entirely deserted. The enemy had even left their cannon in their haste to get away. The men were so angry that they swore like demons. Well, we went at that fort, which consisted of a stockade over a crest about 125 yards long, with trench in the rear, deep trench in front set full of spear-pointed bamboos covered with brush and grass.

"Well, I ran out of paper and had to borrow some Japanese wrapping paper. Had we attacked that fort from the front, as the enemy expected we would do, our loss would have been very heavy. Their entire front was full of mantraps; poisoned arrows were set behind trips; long, spear-pointed poles set on spring poles lay concealed in the grass to pierce us when the strings were touched, and all sorts of devices to wound and kill—everything that savagery could suggest or that ever existed in the dark ages. We went at that fort and mantraps and tore them up and burned everything in sight. They had an especially peculiar arrangement which would have troubled us in deploying into line of battle. It consisted of a lot of stakes set in the ground. These were split into quarters in the top, and fastened in those splits were long brier vines—a natural barbed wire. These thorns were very sharp; and set behind these vines were sharpened bamboo sticks set in the ground to pierce you as you fell. I inclose a piece of that barbed-wire fence.

WERE THERE TO KILL.

We started for Santa Anna after wrecking that fort, and a more tired lot of men you never saw. I had two go sick—Charles Lee, of Erie, for one; but he is just played out, and a few days' rest will fix him up. The colonel had no reveille sound this morning and everybody slept just as long as they wanted to. We have squads out now looking for fresh meat, chickens, etc. We are now in an enemy's country, and are here to kill every man who is found armed or in the vicinity of the enemy. We have orders to accept no surrender unless to turn over a rifle. These people are different to those in Luzon. These Visayans are intruders on this island. They are not wanted here by the Moros, and we are going to stick to them until we kill them or make them surrender with arms. This is the most beautiful country in the archipelago."

Mr. GALLINGER. Who is Captain Crawford?

Mr. PETTIGREW. I will tell the Senator who he is. I have a statement here. I do not know what State he is from. He signs this letter. It was published in the Erie Morning Dispatch, a leading Republican paper in that part of Pennsylvania, I suppose, "containing a letter from Capt. G. S. Crawford of the Twenty-eighth Infantry. Captain Crawford is of this city," that is, of Erie. He goes on to say:

SATURDAY, *December 22.*

It is no man's land, and here is grazing country for millions of heads of cattle. The large table-lands at the top of the canyons are covered with nutritious grass. A large native beef sold here last May for $5 in gold; they are now $15 in gold, and we can not get them at that just now, so we will get them with Kraga. I inclose you some flowers which grow at my front door. I have a house now with two rooms and a kitchen. It is a little out of repair, but when it rains I can move my bunk over to the other corner. The floor is bamboo slats, with inch spaces; the sides and roof nipa. We have a delightful sea breeze here after the middle of the day.

HEARTBREAKING TRIP.

SANTA ANA, *December 23, 1900.*

I thank the Lord we are home again, after one of the most eventful and successful expeditions ever sent out in this archipelago; and we did not lose a man.

I wrote you after we returned from a three days' expedition into the interior, and the destruction of the big fort on the top of the mountain. That was Wednesday, December 22. Thursday we rested, but that night got orders to get ready for a forced march of 30 miles into the mountains to Silo, one of the insurrecto strongholds. Our feet were sore and badly cut from the previous trip, and some men were barefooted, and we were all very sore and tired, but when you locate your enemy you can not lose time. Friday morning we had an attack about 1 o'clock, but the fools fired from the hills and did not hit a man of us. I tell you it was confusing to be attacked in the night. You grab for your shoes every place but where they are. You can not strike a light, for that locates the officers, and if the spear men are in under your shack or close by they will get you before you can get on your fighting clothes.

I have slept in my wet clothes and shoes so much that I become desperate and undress partially. Well, we started at 5 o'clock and made a forced march, passing the fort we had reduced on Wednesday and got into Malabug at 10.30 a. m. Half an hour's rest started us on the worst mountain I ever climbed. About a dozen of my men were so prostrated by the heat and fatigue that we had to make frequent stops, but fortunately found a mountain stream about noon or 1 o'clock. We were then away on top of the mountain. It was a grand sight, but it was mighty hard on us. We got water, and when at the summit stopped to eat. The insurrectos fired on our rear after we got a short distance from Malabug, but only one shot came in my vicinity and that struck about 10 feet ahead. We descended on the town of Silo, on the Silo River, and surprised a force of insurrectos. We shot a few, but the rest escaped up the canyons.

BROKE UP A FUNERAL.

They were holding a funeral in a little nipa church when we approached. They left the dead body in the church and took to the canyons. I got a Remington rifle and an officer's sword, a very fine Spanish weapon, which the colonel has given me. We found large quantities of stores and supplies, and having an abundant supply of fresh beef and chickens, as well as rice, we fared well. In the morning at 3 o'clock we cooked breakfast, loaded the men with choice tobacco, and then set fire to every house in the town except the church where the dead body lay.

They had captured this town while a funeral was going on, and the people attending the funeral had fled. So they did leave the dead body in the church, and they did not burn that, but they burned everything else.

This paper I am writing on belonged to a Visayan colonel, whose sword I captured, or rather picked up from where he had dropped it as he fled from our fire. There were two American deserters in the town, but they got away. One of them left his watch and clothes. If we could get our hands on those five wretches who deserted, we would not make them prisoners, but would riddle them with bullets, and they know it. We found a strata of fine chalk, also a vein of anthracite coal, near Silo. We reached the top of the mountain before the sun got very hot and stopped for a half hour's rest and then started for Malabug. We found a big herd of fine, fat cattle, but they got away from us. We got into Malabug about 11 o'clock and spent the afternoon and night there.

We butchered a lot of cattle, goats, and pigs and had a feast. While we were enjoying the feast the Gugas showed up on the mountains, but we made it so hot for them that they did not bother us any more, and we had a peaceful night. The day before we were so close on them in that town that an officer left his shaving outfit and his men left half a beef in the plaza, which was our meat. This morning, when we left the town at 5 o'clock, we burned every building, and a large herd of their horses, which all tried to corral, got away from us.

A DESERTED FORT.

We came down the canyon instead of going up over the hill by the fort which we had reduced on Wednesday, and we found another fort, which we took without firing a shot. They had deserted it the day we got in behind them. Had we undertaken to have captured that fort by a frontal attack, they would have butchered us. They had a trench across the canyon with palisades 10 feet high, with a trench in front fitted with sharpened bamboo sticks set up on end and covered with grass. The Malabug River was barricaded in the same way. They had loopholes through the stone wall for rifles and their cannons on the side of the mountain, commanding the left of their works. About 50 feet up they had trenches and cannon.

On the right bank they had cannon trained on the pass and bags of grape shot, each bag containing 90 grape shot. Had we come up that canyon, as the insurrectos expected we would, they would have slaughtered us, for we would have had to deploy in a very swift river filled with slippery stones, and could not have formed a front of 30 yards. Farther down they had other trenches. We tore down their works and burned their houses, and coming down the canyon burned every house in sight or reach. Now, this we did not do in Luzon excepting where they fired on us from the houses. The whole expedition has been one

UNDER DIVINE GUIDANCE.

First, we fooled the insurrectos by taking another canyon and going into their rear into the interior 30 miles. We captured some Visayans who had been compelled to work on the mountain fort three months without pay, and they said they would show us the fort by way of revenge on the cruel Tagalos from Manila. Then we captured three others, Bolo men, who located the other fort, which we destroyed to-day, as well as the headquarters.

Bang! There goes the outpost, and some fool spearman is biting the dust by this time. They creep up to spear our men at the outposts. It is now 9 p. m. We have marched, under fire a part of the way, for over 130 miles; have captured and reduced to ruins two strong forts, and have burned two insurrection strongholds and have not lost a man. A most remarkable record, and, barring the men who were hurt by man traps or are suffering from sunstrokes, we are all right, but very tired, and in fact worn out for a few days. Colonel Birkhimer's superior strategy, under the guidance of God, has

enabled us to crush the Tagalo movement here and to force Aguinaldo's followers to fall back onto some other town. I hear that our regiment is coming down from Cagayan to go into camp down on the beach at San Martin or at Tagaloan, across the river. I am glad of it, for we have no natives here, no women, and no liquor to injure the men. We have the very best of mountain water here, flowing at torrent pace down through the rocky canyons. Now, I must close to-night and turn in, for I am just paralyzed. So good night.

Monday, December 24.—I am very tired to-day and have not the courage to move farther away than from my quarters to those occupied by our men. The mounted detachment went out to-day and brought in the large brass cannon which we found yesterday in the cannon fort. I am sorry to say that one of my men who was stricken by the heat yesterday has not recovered consciousness yet and is sinking. Another of my men has recovered consciousness and will recover. Fortunately the sky is overclouded to-day and I think we are going to have rain. We sent out details to-day to shoot cattle, and my men will have fresh meat for supper and breakfast. The sweet potatoes here are very good—better than they are in Luzon. The corn is also better. The farming sections are very beautifully laid out. The plateaus on the high land, or above the canyons, are covered with delicious grass, and there are millions here for men who have the means to stock a ranch.

This would be a great sheep-growing country. The Moros, they say, are very prosperous and have very fine farms. We have not seen any of them yet, as the Tagalos and Visayans have driven them back. At Llegan the Moros come in and trade with the soldiers, and are very friendly. I inclose you some leaves and beans from the coffee trees in our yard. The trees are very beautiful, and the berry, before it gets brown, looks like a big, red cherry. I also send you some flowers which look like clover. The landscape and foliage here is far more beautiful than it is in Luzon.

I hear to-day that the entire regiment is to be brought down to Villanuevas, on the bay. They say that that is a beautiful place, but I hope the Colonel will allow us to stay here in Santa Ana until we move around the bay to Butuan, our next place. The air here is very pure, and we have but few mosquitoes, but they are horrid in Cagayan. The heat here is quite intense between 9 and 11 o'clock, but after that there is a good breeze, unless you happen to get into a canyon or mountain pass, where the circulation is shut off.

DESERTER LEFT SHOES.

While we were reducing the fort in the canyon yesterday one of the men found a letter written by a Visayan insurrecto to his girl. It was full of loving expressions and wishes. We found a pair of shoes left by one of the American deserters. Those deserters were what we call vino fiends—that is, men who are fond of vino de cocos, a very strong liquor made from the milk of cocoanuts. Their desertion was arranged by Visayan senoritas. The deserters received $500 (Mexican) for their guns and ammunition and the deserter then gets a senorita and all the vino he wants, besides a position on the general's staff. They also have servants to arrange for their comfort.

Our men are wild to get at the enemy when they see a man who looks like an American. We saw one who stood out on a crest watching us when we marched around in the rear of their forts, but he was up too high for our range, and we had to let the cur go. Another sat away up on the side of the canyon and shot at the mounted officers as long as there was one in sight. My men have just come back with three quarters of a beef and their shirt fronts full of onions (green). While they were out there—a mile from camp—the "Gugus" showed up on the ridge and opened up on our men, but never hit one. The men held onto their meat and brought it in. I am just now in receipt of our highland cream, six cans, and we are going to have crackers and milk and fresh beef for supper. We are regular gourmands when we get in, for when we are out we do have to fly light. I often make a meal on hard-tack and water, and am thankful for that.

So he describes the capture of cattle and the destruction further of property, and he also describes the country. He speaks of its fertility and the cultivated fields, abandoned by the people for fear of the "benevolent assimilation" which we seem to be imposing upon that country.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate recede from the remaining amendment.

Mr. TILLMAN. Mr. President, before the vote is taken, I wish to make a brief statement:

Last summer, or in the spring, I introduced a bill providing for an exhibit to be made by the Government at Charleston similar to that at Buffalo, at a cost of $250,000. A favorable report was made on it, and the bill was placed on the Calendar. In the first week of the session, in December, it passed the Senate. It went to the House, and was smothered in committee.

When the independent bill for the St. Louis Exposition was passed by the House and sent over here, I offered the Charleston Exposition bill as an amendment to that bill, and the Senate very kindly and justly, as I thought, put it on unanimously. The bill went back to the House and the Charleston amendment was stricken out, and that bill, I believe, is in conference; at least, the Senate has appointed its conferees and the House never agreed to any conference, as I understand it. Is not that the case, I ask the Senator from Massachusetts?

Mr. LODGE. No; the House conferees and our conferees met. We had one conference. It went back on a disagreement, and, I believe, has been sent back again into conference.

Mr. TILLMAN. Well, the bill fell in a deadlock in the conference?

Mr. LODGE. Yes.

Mr. TILLMAN. I have never contended for anything in regard to this exposition business except what I thought to be simple justice. I did not believe that it was possibly the right thing for the Government to spend so much money on this kind of thing. I rather thought we were going into the exposition business rather extravagantly. But I did feel that if Buffalo had received $500,000 and St. Louis was to receive $5,000,000, it was nothing but a just proposition that Charleston should receive the little pitiful sum of $250,000, which was all she asked. I have insisted on that view. I have demanded what I believed to be equality, not of amounts, but equality of principle; in other words, that the city in my State should not be considered as an outcast and treated differently from these other two.

I am perfectly willing to have all of these exposition amendments go out of the sundry civil bill if it is necessary for the bill to become a law. Of course I shall vote "no" against the motion to recede, because I do not understand how it is, and why it is, that the Senate must bow down and yield to the dictation of the House in a matter of this kind.

Mr. PETTIGREW. Mr. President, it seems to me the minority has nothing to lose in an extra session and they have everything to gain. If they would defeat the sundry civil bill it would compel an extra session and compel the Republicans to stay here and discuss this Filipino question. I believe the time has come when the people of the United States are getting sick of it. They are coming to discover the barbarities they are practicing in that country. They are discovering that we have no commerce with that country, and can not have, and will not have. They are coming to find that we shot the first shot and began the war and we are fighting our allies; that we are committing an act of treachery and national infamy and dishonor.

It seems to me the minority can afford to stay here and talk about it. I have felt so all winter, and it seems to me now that they could gain an advantage. They can get together themselves and cease to be a ragged, straggling crowd here that does not belong to any party. They are approaching that, and if they would stay here for two or three months and discuss this question there would be a Democratic party once more in this body; and it would be a good thing for them; and then it would divide the Republicans. The dissatisfaction and discontent of the Republicans were witnessed in the defeat of the subsidy bill, which was defeated by Republicans who could not be whipped into line by their bosses. Half of them nearly were dissatisfied with the bill, and they did not want to vote for it, and were glad of an opportunity to escape.

Another thing, the Republican party have come to a point where they will not defend the course of the Administration in the Philippines. They will not stand up here and defend or argue any longer. They do not want to talk about it. They simply line up, and they are getting sick of that.

It seems to me that the Senator from South Carolina, instead of being so anxious to surrender on this bill in order to get it through, ought to be anxious and take the opportunity and talk the time out until 12 o'clock, and compel the Republicans to stay here and compel them to hear these things, and fight out this great issue, in which is involved the honor of the American people and what there is left of the honor of the Administration.

Mr. TILLMAN. Mr. President——

Mr. PETTIGREW. I yield to the Senator.

Mr. TILLMAN. If it had been determined by those on this side with whom I consulted that it was wisest and best to force an extra session rather than to submit to the legislation on the Army bill, I would have been the last man to yield on that question. In consultation with my colleagues we were confronted with the condition that if we forced an extra session after we had thoroughly ventilated the entire proposition and shown its infamy, and had given every evidence that men could, to the people of this country, that it was a departure from all the time-honored principles of our Government and our traditions as a people, after we had done everything that could cast odium upon those who were guilty of it, then if we forced the extra session, we would be met with a larger majority than we now have in both branches, and one which was elected at the time the President was elected by a larger majority than he had when he was first elected, and that we would have only delayed the time by a few weeks when, from mere exhaustion, we would be overpowered and this same Philippine amendment would go through.

Mr. PETTIGREW. I did not yield for a speech. I am willing to have the Senator speak as long as he chooses, and I will yield the floor in a moment.

Mr. TILLMAN. The Senator is opening up a very large question here.

Mr. PETTIGREW. I am perfectly willing to yield the floor and let the Senator talk about all he has a mind to, but I do not like to hold the floor and interrupt him.

Mr. TILLMAN. I just want to set myself right.

Mr. PETTIGREW. Mr. President, I should like to finish.

Mr. TILLMAN. If the Senator refuses to let me finish, of course I will have to yield.

Mr. PETTIGREW. I do not know when you would finish, and I would expect to have to stand here.

Mr. TILLMAN. We are not apparently very much interested in this thing under discussion. I should like to get through. I will get through in two minutes.

Mr. PETTIGREW. I will yield the floor with the understanding that I will resume if the Senator wants to make his speech in the middle of my speech.

Mr. TILLMAN. But I want to get through my statement now.

What I was going to say was this: The extra session would have brought with it a larger majority and one which possibly would have perpetrated a great deal more that was contrary to the Constitution and more outrageous in its character than the present Congress has done; and therefore we would have gained absolutely nothing as a matter of principle except that we had forced an extra session upon the country.

I was going to say it had been charged in the papers that I had been bought off by the exposition appropriation.

Mr. PETTIGREW. Nobody believed that.

Mr. TILLMAN. Those who undertook to start that lie knew it was a lie when they began it. No man has ever dared approach me with any hint that I could be seduced or induced to cast any votes here because of money that my State was getting. I do not care a thrip about the exposition money or anything else in that regard. I simply abandoned the idea of filibustering to prevent the passage of the Philippine amendment and the Cuban amendment because I thought we had gone far enough to show to the country that the Republicans were bent—hell bent, so to speak—on that, and it was useless to resist.

Mr. PETTIGREW. Now, Mr. President, there was no minority report on the Army enlargement bill. There was no minority report on the Philippine amendment, by which we revolutionized this Government and coupled with the Republic an empire.

I am glad to see that there are signs of reviving life; and I believe in the future there will be a minority party. The American people have a minority party, and there ought to be one in this body, and there will be. So, I say, it would be a good thing to stay here and let the minority discuss these questions and keep them before the American people, for not only the Republicans are getting sick of it, but you can make great political capital and gain great advantage to yourselves and do a great patriotic duty. You have the chance to do it and you ought to do it. I would be very glad, indeed, to join with you in doing it, and kill both these bills.

The river and harbor bill is a job. There are some meritorious appropriations in it, and a good many that are not. It is more stupendous in its proportions than the subsidy bill. It involves more money. That involves $9,000,000 a year, but this starts off with $50,000,000. You would save a vast sum by the defeat of this measure. Both measures ought to be defeated, one for the purpose of securing an extra session and the other because it never ought to become a law. I would be very glad to see it done, and I would be glad to join with the minority in securing that result.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House still further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain rivers and harbors, and for other purposes, upon which the committee of conference have been unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 10302) requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission; and

A bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

INTERNATIONAL EXHIBITION AT ST. LOUIS, MO.

Mr. VEST. Mr. President, I ask the Chair to lay before the Senate the communication from the House of Representatives conveying to us the report of the conference committee upon the St. Louis Exposition bill made day before yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March 1, 1901.*

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri.

Mr. DEPEW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreeing vote on Senate amendment numbered 1, and agree to the same.

That the conferees have been unable to agree to Senate amendment numbered 2, providing for the erection of a Government building and the making of a Government exhibit at the Interstate and West Indian Exposition in the city of Charleston, S. C.

CHAUNCEY M. DEPEW,
H. C. LODGE,
GEORGE G. VEST,
Managers on the part of the Senate.

J. A. TAWNEY,
GEORGE W. STEELE,
JOHN S. WILLIAMS,
Managers on the part of the House.

The report was agreed to.

Mr. VEST. I move that the Senate recede from amendment numbered 2, which has just been laid before the Senate.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate recede from amendment numbered 2.

Mr. LODGE. Before that vote is taken, it should be understood that moving to recede from amendment numbered 2 kills the Charleston Exposition appropriation and passes the St. Louis Exposition appropriation.

Acting on behalf of the Senate, the Senate conferees adhered to that Charleston appropriation. I still think that it ought to be made. I do not think it is fair to cut it off. I have not changed my mind from the vote I gave in conference. I merely wished to say this so that the Senate might know on what it was voting.

Mr. VEST. Mr. President, I simply wish to say that at the last session of Congress, as we all know, the Senate unanimously agreed that if the people of St. Louis should raise $10,000,000 and the Secretary of the Treasury should certify to that effect, then that the Government would advance $5,000,000 for the purposes of that exposition. Every Senator who was present then and voted for that proposition pledged himself on his honor and that of his constituents to this contract.

This is not an original proposition as to the expediency of the action had at the last session of Congress, but it involves the good faith of the whole people of the United States. Because of this legislative action the people of St. Louis went to the last limit in their financial ability and resources, having no doubt that Congress would redeem at this session, if they succeeded in raising the $10,000,000, the pledge then made.

Now, Mr. President, I have no feeling except the kindest possible one toward the proposition in regard to the exposition at Buffalo and that at Charleston. We have a right to expect from both these places the same kindly sentiment which the people of St. Louis and of Missouri entertain for those localities. When Charleston some years ago was visited by a terrible calamity and many of her citizens were almost in a state of destitution, the people of St. Louis were amongst the first to give their earnest sympathy and their liberal contributions to that suffering community; and I appeal now, with all the earnestness of which I am capable, to the Senate, to the representatives of New York and of South Carolina, that this act of simple justice shall be carried out and the contract fulfilled on the part of the Government, the conditions of which have been complied with on the part of the people of the city of St. Louis. I ask this, and I shall be greatly mistaken in the feelings that I know actuate every Senator if what I have said falls to the ground and is without effect.

Mr. TILLMAN. Mr. President, I have only a word to add to what I have already said. I am at great disadvantage here, because there is no one who regrets more than I do to have the appearance of opposing the Senators from Missouri. They are men of national reputation, with great minds and characters. They have been here a long time. They have many friends; they have many more friends than I have; they have more influence, and I hate to even appear to antagonize them. The appeal is made that we simply do justice to the city of St. Louis in carrying out an act which every man knows went through here by sufferance, because one objection would have knocked it out. It went through the other House under a condition of paralysis of the tender consciences of those men who are now claiming to be watchdogs of the Treasury. These honest patriots have stood guard to-night to see that Charleston gets nothing, and that Buffalo gets nothing additional; but those men, I say, stood guard over there and declared by their action, if not by their words, that the Charleston Exposition bill should not be placed upon a similar condition of legality with the St. Louis Exposition. It was a more modest scheme and an equally just one.

Therefore, when the Senator from Missouri says he appeals to us to do justice, simply upon the technical proposition that we have passed an act by which we promised to do thus and so, it is not altogether right or fair that Senators should take it into consideration. We will have to get down to bed-rock principles here.

The United States has spent, I think, something like $11,000,000 on expositions. It is now proposed to spend $5,000,000 more on another exposition. My State has never had any of the largess of the Government. It has been a kind of outcast, a disinherited daughter, ever since 1865, and when we come here to simply ask that the United States Government, under whose flag in the Spanish war South Carolinians rallied as promptly as citizens of any other State, shall give this little pitiful sum of $250,000 to assist her development I leave it to Senators whether they are disposed to give to one city $5,000,000 and to give us nothing.

Mr. SULLIVAN. Mr. President, I desire to say but few words on this subject. I do not believe that the Senate of the United States or Congress should give to South Carolina, or to any city there, a quarter of a million dollars, to Buffalo, N. Y., half a million dollars, and to St. Louis, Mo., $5,000,000 and leave standing at the doors of the Senate those to whom this Government owes hundreds of thousands of dollars, and has owed these debts many years, denying them justice, denying them the right to be heard, or to have a single cent paid to them for honest dollars that have been due these many years.

I have talked here in vain to this Senate; I have sought to get the claim of Eli Ayres allowed; I have appealed time and again for a hearing, yet I have not had that hearing. In 1834 his property was taken from him by this Government, converted into money, and the money put into the Treasury. He was robbed, plundered, pillaged. All these years have gone, and not a cent has been paid back. It seems to me the opportunity ought to be given sometime, somewhere, somehow, when we should inquire whether or not this Government shall be lavish in giving away money taken out of the pockets of the taxpayers, or whether it shall pay its debts.

It appears to me that this is a very fitting time to make the inquiry, whether or not we will pay our debts and be honest, or whether we shall be overgenerous to every corporation that comes along asking some concession, and to every person who wants to put his hands into the public Treasury.

A few days ago when this question came up I observed then that there were Senators who were very astute to make points of order to kill off this or that or the other amendment to the bill; but when this appropriation for a half million dollars came up it went onto the bill; and I thank God that the House, in its wisdom, has seen proper to reject all three of these propositions. I want to see the time come when this Government shall pay its honest debts before it goes to giving out money in this way. I am tired of seeing honest claims held up and denied here year after year—yes, not only year after year, but for fifty and seventy-five years—and yet any kind of an arrangement can go through here when some one, with such propositions as these, comes along and he may be accommodated and money loaned. I will be most happy if it shall occur that all three of these claims, these petitions, these propositions of donation, be defeated.

Sometimes I think, as I sit here and listen to the numbers of private pension bills that are passed, not by the dozen, but by the hundreds—not under the general law that prevails, but by special legislation, to take out of the Treasury money, when the appropriations for pensions now run up to one hundred and forty-five or one hundred and fifty million dollars—what a pity it is that our people will not stop first and pay the honest debts that are justly due, and then afterwards be generous.

I would not withhold a single cent from anybody to whom it was due; but I do want to say here and now, we should be a little more careful about the appropriations to pay bills of the character now under discussion, and first pay those which have been long since past due. If this were done, this Government, which boasts of its desire to stand before the world as never repudiating a debt, would appear in a much better light.

So far as I am concerned, I think the point of order made the other day as to the Buffalo Exposition should have been sustained; and I repeat that I am glad the whole matter has been rejected in the House. I hope the Senate will concur in that opinion. I think we had first better pay our debts, and afterwards be generous.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri [Mr. VEST].

Mr. TILLMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I have a pair with the Senator from Louisiana [Mr. CAFFERY].

Mr. DEBOE (when his name was called). I am paired with the Senator from Tennessee [Mr. BATE]. If he were present, I should vote "yea."

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I will transfer to the Senator from Kansas [Mr. BAKER], and vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL].

Mr. HEITFELD (when his name was called). I have a general pair with the Senator from New York [Mr. PLATT].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. If he were present, I should vote "nay." I do not know how that Senator would vote if present.

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I must withhold my vote, as I do not know how he would vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. I am informed if he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 38, nays 10; as follows:

YEAS—38.

Aldrich,	Culberson,	Jones, Ark.	Spooner,
Allison,	Cullom,	Kean,	Teller,
Bard,	Dillingham,	Kearns,	Thurston,
Berry,	Fairbanks,	Lindsay,	Turner,
Beveridge,	Foraker,	McEnery,	Vest,
Carter,	Foster,	McMillan,	Warren,
Clapp,	Frye,	Mason,	Wellington,
Clark,	Gallinger,	Nelson,	Wetmore.
Clay,	Hanna,	Perkins,	
Cockrell,	Harris,	Sewell,	

NAYS—10.

Butler,	Lodge,	Pettigrew,	Sullivan.
Depew,	McComas,	Quarles,	
Hawley,	Martin,	Stewart,	

NOT VOTING—40.

Allen,	Dolliver,	McCumber,	Proctor,
Bacon,	Elkins,	McLaurin,	Quay,
Baker,	Hale,	Mallory,	Rawlins,
Bate,	Hansbrough,	Money,	Scott,
Burrows,	Heitfeld,	Morgan,	Shoup,
Caffery,	Hoar,	Penrose,	Simon,
Chandler,	Jones, Nev.	Pettus,	Taliaferro,
Chilton,	Kenney,	Platt, Conn.	Tillman,
Daniel,	Kyle,	Platt, N. Y.	Turley,
Deboe,	McBride,	Pritchard,	Wolcott.

So the motion of Mr. VEST was agreed to.

SENATOR FROM MONTANA.

The PRESIDENT pro tempore. The Presiding Officer has received a telegram from the lieutenant-governor of Montana, and is inclined to think that it is fairly entitled to be read to the Senate. It will be read, if there be no objection.

The Secretary read as follows:

[Telegram.]

HELENA, MONT., *March 5, 1901.*

Hon. WM. P. FRYE,
President of the United States Senate, Washington, D. C.:

As the presiding officer of the joint assembly of the seventh legislative assembly of the State of Montana, I desire to inform you and the honorable body over which you preside that the election of the Hon. William A. Clark as United States Senator from the State of Montana, on the 16th day of January, 1901, was the culmination of the expressed wish of the people of this State. Senator Clark was an issue in our late campaign, and the members of this legislative assembly, representing the fusion force composing the Democrats, the Populist, and the Labor parties voted unanimously for the return of Senator Clark to your honorable body.

Any person or persons protesting against the admission of Senator Clark as a member of your honorable body takes a position entirely unwarranted and a reference to the returns at the polls during the recent State election will show this fact, which has subsequently been emphasized by the solid vote of his party and its fusion allies in the legislature. The late campaign in the State of Montana was a hard-fought struggle, yet it was honorable and honest, and it is the firm and honest belief of the undersigned that Senator William A. Clark stands to-day before your honorable body vindicated by the people of this State, and any effort to besmirch his character or oppose his admission to your body is wrong, and can not be supported by any legal testimony.

FRANK HIGGINS,
Lieutenant-Governor of the State of Montana.

Mr. JONES of Arkansas. In connection with the telegram which has just been presented to the Senate, I have a telegram which I deem it my duty also to present to the Senate.

There was a protest against Senator Clark's right to a seat in the Senate by H. R. Knapp a day or two ago, which was ordered to be printed and lie on the table. I have a telegram, addressed to myself, from Helena, Mont., under date of March 2, 1901, as follows:

H. R. Knapp, who prefers charges against Senator Clark, is not a citizen of Montana. He is a blackmailer and an adventurer. No credence should be given any statement made by him. The election of Senator Clark was hearty, and not one dollar used to secure the same.

JNO. S. M. NEILL,
Member National Committee, Montana.

Mr. PLATT of Connecticut. I desire to say only a word about this telegram.

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, of course I do not for a moment question the judgment of the Chair in laying the telegram before the Senate, but it is not in accordance with the rules of the Senate that a petition should be printed in the RECORD, and I take it that the telegram which has been presented is nothing more than a petition from the individual or the officer who sends it.

SAFETY APPLIANCES ON RAILROADS.

Mr. PETTIGREW. A while ago we passed a resolution in regard to the bill providing for safety appliances on railroads, which was supposed to have disappeared. The resolution has not been delivered to the House of Representatives, and perhaps it will be as well to reconsider the vote by which it was passed so as to make the record clear.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota, that the vote by which the resolution referred to was passed be reconsidered? The Chair hears none, and that order is made.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. I present the conference report on the river and harbor bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 168, 219, 220, and 221 to the bill (H. R. 13489) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

On amendments numbered 168, 219, 220, and 221 the conferees have been unable to reach an agreement.

KNUTE NELSON,
JAMES McMILLAN,
JAMES H. BERRY,
Managers on the part of the Senate.

THEODORE E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. NELSON. I desire to make a brief statement. The conferees on the part of the Senate have made a diligent effort to come to an agreement with the House conferees, but it is perfectly evident to me that it is useless to attempt any further conference. The river and harbor bill will fail unless the Senate will recede from its amendments which are in disagreement. On that account I feel that it is proper for me to make a motion that the Senate recede from its amendments disagreed to by the House of Representatives.

Mr. PETTIGREW. I should like to know what matters are involved?

Mr. NELSON. The four amendments of the Senate to which I have heretofore referred—the three reservoirs and the Brazos River improvement item—the four amendments we have had in conference all day.

Mr. WARREN. I ask if the condition is exactly the same as when the first conference report was made?

Mr. NELSON. Yes. I will say further, if I may parliamentarily speak of the proceedings in the other body, that I can very well understand why the conferees on the part of the other House refused to agree to these amendments and why there is no hope of their ever agreeing to the amendments. Unless Senators want the river and harbor bill to utterly fail, all we can do is to recede from these four amendments.

Mr. CLARK. In other words, we are being held up.

Mr. WARREN. Mr. President, I am very, very sorry to hear the statement made by the Senator from Minnesota [Mr. NELSON]. I am sorry for him and for his fellow-conferees, who have labored so faithfully, in such good faith, and in so good a cause. I have sympathy for the Committee on Commerce of this Senate, the largest committee in numbers, and the peer of any committee in this Senate or in any parliamentary body in the world.

With great unanimity, as I am informed, that committee indorsed the proposition of having two or three or more reservoirs built in the arid and semiarid States, so that we might know from actual working tests whether it is feasible to conserve with reservoirs the waters of the United States for the double purposes of irrigation near the head waters of streams and to prevent floods and overflows along the lower portions, so that practical tests may be made and definite conclusions reached upon these two propositions.

I am also sorry to hear the Senator's statement on my own account, for I can truly say that there has been no bill before the Senate or before this Congress, there has been no measure in which I have felt a greater interest than in these particular amendments providing reservoirs for the West, which are a part of this measure. My disappointment is keen and bitter, and I feel more distressed over the prospective failure of the provisions of this bill providing relief for the people of my State and of the West than over the failure of any of the meritorious measures which have been before this Congress and for one cause or another have failed to pass and become laws.

And I am not alone in my disappointment. At my home and at many places in my State there are men and women anxiously awaiting the result of our deliberations to-night. They are sitting up all this livelong night, with ears at telegraph and telephone, breathlessly awaiting news upon this question, for they know its failure means more long years of waiting for recognition of their needs, and, on the other hand, its success means early realization of their hopes.

They believe that upon our settlement of this matter to-night depends, in a measure, the industrial life or death of their State; and if tidings reach them in the early daylight, as they read the news of the closing hours of Congress, that we have done nothing for them and have refused to recognize their modest request for one or two hundred thousand dollars for this laudable purpose, they will share with me my profound and disheartening disappointment.

Our people in the great West have asked nothing unreasonable in their request for this appropriation to grant them that which in every political convention, in every commercial congress, in every convention or meeting of organized labor, and in nearly every publication in the country is conceded and freely admitted without argument is their due.

What do the political parties say of this request in their platforms? And I mean their latest platforms, the ones upon which every member of the incoming Congress was elected and nearly all members of the present House of Representatives, voting upon these very propositions, were elected. Listen to them: The Republican national platform of 1900, adopted at Philadelphia, contains this plank:

In further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

And the Democratic platform adopted at Kansas City recites:

We favor an intelligent system of improving the arid lands of the West, storing the waters for purposes of irrigation, and the holding of such lands for actual settlers.

And the Silver Republicans also wheeled into line the same day and at the same place as their Democratic brethren and said:

We believe the national Government should lend every aid, encouragement, and assistance toward the reclamation of the arid lands of the United States.

So you see it is not a dogma of one party; it is not a dogma of two parties, but it is a proposition agreed to by all parties. There is no political party to-day that dare go before the people with a platform that should contain in it anything adverse to this proposition.

Every member of the present House of Representatives who will go into the next House, whatever his party, was elected upon a platform which pledged him to aid reclamation of arid lands, pledged him to do something toward building reservoirs at Government expense, pledged him to do just what the Senate has given him an opportunity to do when it invited his vote and support in behalf of these amendments. How many of these members so pledged by their party platforms have kept the faith?

The answer comes in the vote of the House to-night rejecting ignominiously these Senate amendments, embodying as they do precisely the precepts and principles enunciated in the platforms of three political parties.

Nor is Government construction of reservoirs at the head waters of streams a new proposition. We know that for years it has been considered proper and entirely reasonable to provide in river and harbor bills for building reservoirs on the head waters of the Mississippi. And why not on the head waters of the Missouri? Because, forsooth, the struggling farming and ranching industries of the West might be benefited, and because opulent power is always disposed and willing to strangle and crush with its mailed and cruel hand the weak and defenseless.

And in the House of Representatives we are weak and defenseless. We have in the House from wholly arid-land States and Territories but seven Representatives and two Delegates; from the semiarid States and Territories not more than 25 Representatives and Delegates—a total House representation from a section of the country comprising more than two-fifths of the area of the United States of about the number representing, for instance, the State of New York.

What wonder, then, that the State of New York, with her great delegation, can, if she chooses, in combination with other States

with large delegations, secure the passage of a bill with so much so-called pork in it that they can divide it around among such States and districts as they decide upon, and in the arrogance of their power can say, "this great Western empire shall not have a dollar to develop a national industry in which every poor man, every family seeking a home, every pioneer struggling with the hard conditions of frontier life, may have a share"—the oleaginous pork obtruding from every pocket fore and aft, that can snap their fingers at us if they will.

There is not a single good excuse for such action; not a single valid argument can be offered in its support. The House has offered nothing to justify its vindictive action save the nonsensical plea that if the farmers of the arid regions are benefited they will come into competition with the farmers of the East and thus injure them. As well might New York say that the growth of San Francisco will take away some of her industrial and commercial standing.

We are mutually dependent. What helps one section helps all. When part of our country prospers all other parts prosper likewise, and if the farmers of the West gain, in the same proportion will their brethren of the East gain. In fact, the House offers no argument against this proposition of conservation of the waters of the West. It simply stands flat upon the dictum that "might is right," and in this river and harbor bill dictatorially and obstinately rejects what I consider one of the most meritorious items it contains.

Mr. President, I want to predict that before another river and harbor bill passes and becomes law there will be reservoirs built or provided for by this nation, either in the river and harbor bill or on some other appropriation bill or in an independent measure.

I do not say this as a threat, for the West is not vindictive. It always takes the knock-out blows administered to it in good part and comes up smiling every year ready to do its share in the nation's work whether what it does is appreciated or not. But I do not believe this nation, which has grown great mainly because it has always helped the weak, will abandon this great principle and allow this great Western domain to suffer simply because, under the form of law governing representation in the House of Representatives its extent, resources, and capabilities have so small a number of Representatives to protect and secure its rights and requirements.

This great domain, nearly 2,000 miles across and extending from the northwest possessions of the Dominion of Canada on the north to the Republic of Mexico on the south, is settled by those who pushed westward with gun in one hand to protect against Indians and ax in the other to blaze the trail of civilization; and it is the part of your country from which you get, in proportion to population, the largest quota of soldiers to fight your wars. You get from its mountains and great elevated plains better soldiers than any other nation in the world has put in its ranks.

From its grazing grounds you get the hardiest horses for cavalry service to be found upon which to mount your soldiers, so hardy and enduring that Great Britain, Germany, and Mexico have their representatives among our horse growers of the West purchasing mounts for their cavalry. From this great domain you get the beef and mutton to feed not only your soldiers, but the great bulk of the population of the entire country, and the wool, also, to clothe them, and from its bounteous mines you get the gold and silver forming your monetary standard, making it possible to conduct the great commercial business of the country and to pay the enormous appropriations you are making here.

And right here I would remind those who so arrogantly, and I might say so flippantly, vote down, year after year, any and every proposition looking to arid-land reclamation by the Government of a fact which perhaps has escaped their notice. The Government receives annually from sales of the public lands in the arid and semiarid West over $4,000,000, and yet with this great income pouring in year after year not a penny can be spared to aid in the work of improving these or the remaining unsold public lands of the West. In the twelve or fifteen years the West has been before Congress asking for recognition its people have paid into the National Treasury for public lands an amount greater than the aggregate appropriations of this river and harbor bill, and in return have never received a penny for actual land reclamation.

I should like to ask some of those who believe that we of that district have no rights, how long they expect the Senators from the States comprising it to stand in their places here and vote "yea" time and time again on every river and harbor bill, on every bill to support the Navy, on every other bill that affects other parts of the country when, as a matter of fact, their own part gets nothing at all, and is sent home hungry and stripped and naked whenever it knocks at the door of the Treasury of the United States, through Congress, and asks for appropriations in aid of meritorious, beneficial, and practical purposes. How long are they to ask for bread and receive a stone? Not as a threat, but as a prediction, I say the time will not be long.

Mr. President, the Western country receives the benefits of protective tariff legislation on a few items—perhaps three or four in one State, half a dozen in another, and ten or twelve in another. But it is called upon to do its share in supporting a protective tariff upon some four or five thousand articles in each of the New England and Middle States. We do this willingly and cheerfully as we willingly and cheerfully pay our part of every appropriation made by Congress.

And in asking this appropriation we do not ask it to establish a precedent, so that we may have recognition on the river and harbor bill and then follow the usual custom of debauchery, of building up and inordinately adding to the amount of this appropriation every subsequent year. We simply ask that the Government may build two or three reservoirs—models, if you please—to demonstrate what may be accomplished by such works. In appearing before the Commerce Committee I want to say—and I know they will bear me out in my statement—I asked appropriations for no particular location and no particular State.

I said that if they could leave out the State I represent and find a better locality elsewhere, they could do so. I simply wanted to prove that there was or was not merit in the proposition of reservoiring water. The committee put on one reservoir that had been provided for through a survey made by authority of a clause in the river and harbor bill of 1896 providing the small appropriation of $5,000 for the examination of sites by the War Department, and report upon the practicability and desirability of constructing reservoirs necessary for storage and utilization of water and to reenforce the flow of streams. They put on another reservoir project surveyed by the Geological Survey. They put on a third which had been given attention and examined both by officers of the War Department and the Interior Department.

We want to demonstrate just what others want to demonstrate in respect to any industry—the feasibility of our model, if you please—before we commence to manufacture the article in great numbers. In other words, applying it to mining, we want a mill-run test and not an analysis. We know what water will do. We know what we can do with reservoirs in a small way. We want to know what it will cost to actually build and put in operation and use a reservoir that can be filled at one time of the year and emptied at another.

We want to know whether the rocks and soil underlying the reservoir will retain and hold the water from the flood time until the time of drought. We want to know what the action of the water and the wind may be upon the earth work, embankment, and masonry walls, and how they will stand. We want to know what the evaporation will be throughout the year. We want to know the quantity of water we can actually discharge after husbanding it in flood time, and the effect upon the streams at low water.

Mr. President, we are not asking this as individuals. We are not asking it because it does us good individually or as States. We are not asking that anything unreasonable shall be given us. It is not unreasonable to ask the United States to do one thing or the other with its lands—either improve them herself or make laws whereby States or individuals can improve them. The United States, under the present system of land laws, is in the position of the dog in the manger. Laws made for settlement of land in humid sections are inapplicable in arid sections. Under the present laws the land lies there, nearly 700,000,000 acres.

The waters run on by it every year, and it is beyond the possibility of individual effort and it is not practicable under the law for the States to proceed in the work of getting the water from the streams onto the land without aid. We simply ask the Government to husband the water, to apply it to its own land, apply the cost to it, and let us have a settlement wherein and whereby full reimbursement can be had. If it were possible we would say to the United States, "Take your land up and move it away." But there we all are.

This is no new matter with those of us who come from those States. As long ago as the time when Jefferson Davis was an engineer officer and actually in the service he reported that it was entirely feasible, by a system of reservoirs at the head waters of the streams, to do away with the overflow of the Lower Mississippi River and the Missouri; and I fail to see why, in a river and harbor bill, if you give it out as a principle that you can take water off from land under the river and harbor bills you can not as consistently provide for putting water on the land. And why do you take it off the land? Why, to improve the land, of course.

You have appropriated hundreds of thousands of dollars—yes, many millions of dollars—in this river and harbor bill, and in every river and harbor bill that has preceded it, for the sole purpose of taking water off from land, so that the land may be productive. It seems to me if it is legitimate to take water off of land to make it productive in the Southern States, it is just as legitimate to put water onto land to make it productive in the Northern States. In the latter we have this advantage, that when you take the water off the land in the Southern States and make the land from which you take it valuable, that is the only good

that you effect with it. On the other hand, when we put water on the land to make it fertile in the high northern arid country we are also removing the cause of the floods in the lower country.

We are, by reservoiring the water and holding it back and fructifying land, in the meantime making it unnecessary to drain the land below and to expend millions upon levees and dikes. In conserving water for irrigation purposes we are incidentally protecting the lower river lands from floods and inundations, or, if primarily such reservoirs are built for preventing floods and inundations, we are incidentally aiding irrigation. Build the reservoirs primarily for irrigation or to prevent floods and you accomplish two desirable results, both deserving national aid.

I know there is nothing further I can do or say at this time to remedy the matter or improve the situation confronting us. I can only repeat what I have said before that I consider the action of the House on this measure one of the most monumental exhibitions of vindictiveness and stubbornness that has ever been witnessed in the Congress of the United States.

I thank God that standing out in contrast to the action of the House on this economic question the United States Senate time and time again has stood by and voted with its magnificent Committee on Commerce in support of its honest effort to give encouragement to the weak and struggling in our Western States. Unlike the House, it stands ready to extend the helping hand to those who have shown by their faith and their works they deserve such help.

Mr. STEWART. Mr. President, I am not going to prolong this discussion. I simply wish to call the attention of the Senate to the very serious opposition that has been exhibited during the present Congress to irrigation. In the Indian appropriation bill there was a proposition to irrigate lands for the Indians and for the whites alike, a very rare location, where a hundred or a hundred and fifty thousand acres of very valuable land, the best in the world, could have been brought under cultivation. It was beaten on the ground that it might be an entering wedge to commit the Government. The Government of the United States would undoubtedly have got back more than it expended in the enhanced value of the land. The Indians would have been provided for.

Here it comes again. It seems that it is desired to have a demonstration on the part of some people in the East of ill will to the West. It looks like that. It is not all the people of the East. I incorporated in my speech extracts from papers from every State in the Union, showing a kindly sentiment to do anything that might reasonably be done. There is no doubt that this amendment for the irrigation of these lands for the Indians and the whites alike would have been adopted if it had not been for the intimation that the East was favorable to irrigation. You put it in your platform and in your papers that you are in favor of irrigation.

I do not believe the sentiment exhibited by the action of the other House in regard to irrigation at this session is the sentiment of the country. I know it is not, if you take the whole press of the country into account, and if you admit that it expresses public opinion. I do not believe it is the sentiment, and I do not want it to go out West that the people of the East are governed by a spirit of hostility to this movement. I do not believe the people are, although these votes might indicate it.

[Mr. BUTLER addressed the Senate. See Appendix.]

Mr. MASON. Mr. President, I do not feel as if I ought to take further time of my colleagues on this matter. I believe the conferees representing the Senate and the committee of which I have the honor to be a member have done all that could reasonably be expected of them to secure favorable action upon one of the amendments which I have offered.

I feel that a great injustice has been done to several hundred people who have put their money into the enterprise. It is admitted that the Government has taken their property. I am informed that in the other Chamber some members of the conference committee stated that the claim was perfectly just, perfectly equitable; that the Government had taken this property and was using it and improving it for Government purposes. I call the attention of the Senate to the contract originally made by the act itself, under and by which the Government reserved the right to take it, and saying to the stockholders of this stock company that they would take it at its actual value to the Government.

I have shown to my colleagues that there was a great and a serious loss; that an unfriendly engineer made an estimate of about one-third, and that the committee finally, as a compromise, reduced it one-third, and now I am informed that at least one member of the conference takes the position that rather than pay for what the Government has already taken from my constituents he would rather see this river and harbor bill defeated. I can hardly believe that one in charge of the bill at the other end of the Capitol could have that sentiment. However, the course of the conference seems to indicate that that is probably his position.

It is exceedingly unfortunate that I should be placed here within six hours of the end of the session, where I can not present fairly before a committee and before the Senate the merits of the amendment which has been lost in conference, if the motion prevails that is offered by the Senator from Minnesota. It is not pleasant to be put in a position to abandon a fight or stand, like a dog in a manger, and say: "If I can not have what my constituents need and deserve, I shall refuse the right of others to have anything under this bill." I do not propose to take that position. I never have taken it here, and I do not propose to begin now.

I am glad to have had even this opportunity to explain the merits. I believe if this measure could have been considered at the long session, and a fair and full discussion had, there would have been no reason at this time for the Senate conferees to abandon the amendment which they very properly presented and so fairly fought for.

I have, therefore, Mr. President, after conferring with my colleague from my State, no desire to prolong the discussion upon this matter, and I have no desire to oppose the motion made by the Senator from Minnesota.

Mr. HANSBROUGH. Mr. President, I have a few words to add to the proceedings of this experience meeting. Early in the session to-night I made a request of some member of the Committee to Audit and Control the Contingent Expenses of the Senate to explain why it was that a resolution reported by the Committee on Public Lands and sent to that committee had not been reported back in some form or other. Up to the present time I have failed to get a reply from any member of that committee.

Now, Mr. President, I desire to say briefly that the information which has come to the Committee on Public Lands in regard to the conduct of the public-land system in the Territory of Hawaii—I was about to say is a little less than scandalous, but I will say that it presents a very interesting situation. The Committee on Public Lands of the Senate, dealing with public-land questions constantly, must necessarily be advised on that subject. That committee is overrun with communications, complaints, etc., from the people of Hawaii in regard to the conduct of the public-land system of that Territory.

I have conferred with the Department of the Interior on the subject and addressed the Secretary a letter, which he referred to the Commissioner of the General Land Office. Both of those officials replied to the committee to the effect that they know nothing whatever in regard to the public-land system of the Territory of Hawaii, and the Secretary of the Interior urged that a committee of one or the other branch of Congress should visit that island and ascertain the true situation in regard to the public-land system there. Upon that I offered a resolution, which was agreed to by the Committee on Public Lands, having jurisdiction of these questions and being familiar with the subject. The resolution was read, referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and that committee, which I do not care to criticise, have deemed it best not to say anything about it, but to allow it to be smothered there.

Now, Mr. President, I say this in justice to the Committee on Public Lands. As its chairman I was authorized to report that resolution and I have urged that we get action upon it. Personally I do not want to go to Hawaii to investigate the public-land system of that Territory, or for any other purpose. I have other engagements for the coming summer. But I deem it a public duty for some member or members of the Senate to go to those islands and make an investigation and inquiry into the system of public lands prevailing there, because there is not a Senator here who can get one particle of information from the Secretary of the Interior, for the reason that he has no information to give on that subject. I have the documents here in my desk from the Secretary of the Interior to show that he is totally ignorant of what is going on in those islands to-day with respect to the public lands, which are to all intents and purposes under a foreign jurisdiction.

Mr. President, they have in the Territory of Hawaii—and it is a Territory the same as Arizona, the same as New Mexico, the same as Oklahoma—about 2,000,000 acres of public land, about 1,000,000 acres of it the very best agricultural land. Those lands are to day totally in the hands of the sugar planters, and as I believe, and as the members of my committee believe, the Territorial officers there who have the control of these public lands are likewise in the hands of the sugar planters. I say, Mr. President, there should be some investigation of this subject, and it is the duty of the members of this body or the members of the other House to make such investigation.

With these statements I wash my hands of the affair, and the Committee to Audit and Control the Contingent Expenses of the Senate may take the responsibility.

Mr. WELLINGTON. Mr. President, I know it is an ungrateful task at this early hour in the morning, after a night session,

to say anything upon any measure, but I believe it to be a duty which I owe to myself and my constituency to say a word or two upon this bill.

I shall find no fault with the managers of the conference of this measure upon the part of the Senate, because I believe that so far as they were concerned they did the best they could, under the circumstances, to cut down objectionable appropriations and make the bill more acceptable to the people of the country. It was due to their efforts that the bill was cut down from $59,000,000 to $50,000,000.

Mr. NELSON. To $49,000,000.

Mr. WELLINGTON. To $49,000,000. The amount was $50,000,000, as stated in the report.

Mr. NELSON. It was reduced to $49,000,000 in conference. It was cut down $1,000,000 in conference.

Mr. WELLINGTON. I stand corrected. They cut down the bill $10,000,000. That is greatly to their credit, because, as we look around and about us year after year, we see that the expenses of the Government are constantly increased. Year after year we see in every Department of the Government increasing figures for carrying on that Department. And we have reached the high-water limit in this Congress, where the appropriations will be anywhere from $750,000,000 to $800,000,000.

A few years ago, I remember, there went up in this country the voice of the people protesting against the billion-dollar Congress. We have far exceeded that. This Congress has expended more than $1,500,000,000 for the various departments of our Government. This disagreeable fact makes it necessary that some one should look about and endeavor to cut down governmental expenses and to bring economy, if it be possible, into all branches of the Administration.

It may be said that a great many of the items of these increased appropriations of the present Congress are made necessary by the enormous expenditures which are chargeable to our foreign wars and the consequent augmentation of our Army any Navy. With that view I feel compelled to disagree. I do not believe that it was necessary to have war with Spain, and the slaughter of the Filipinos is still less defensible.

I do not believe that it is necessary to increase our Army, as we have done, to four times the number that was found sufficient previous to the late war, nor do I favor the transformation of the volunteer into the regular soldier. Further, I disapprove the increase of our Navy by the building of great hulks, which have already been proven worthless by the fact that our own shot and torpedo boats can puncture and destroy them.

But be that as it may, the fact is patent to everyone here that expenditures are increasing enormously, and that therefore appropriations are going upward as well.

I give this note of warning to the Senate of the United States, and to the House of Representatives now assembled, that the people will not longer submit to this sort of unwarranted increase. There must be a day of accounting and reckoning. They will call upon us, their representatives and servants, and demand to know why it is that they must assume the ever-increasing burdens of taxation, and why we have added to the appropriations by hundreds of millions of dollars when the actual necessity for so doing is not apparent. Therefore I commend, first, the committee, and then the conferees upon the part of the Senate. They have doubtless worked faithfully and honestly.

I am opposed to this bill in toto, because I believe it to be the very worst of its kind and character that has ever been attempted to be passed by any Congress—and there have been bad bills of this kind and character before. I can remember when a river and harbor bill was passed some years ago, and the people rose up against the Congress which enacted it, and defeated for reelection perhaps a hundred members of the legislative body that had engaged in that measure. But this bill is worse than its prototype of former years.

It goes far beyond the limits then set. I do not propose to favor the measure because, perchance, there are in this river and harbor bill some items that were asked for by the people of my State. I did not ask for the items that are in the bill for the benefit of our people, because I knew from the beginning that I would vote against it if given an opportunity. Unfortunately, during the time in which this bill was reported in the Senate and hastily put upon its passage I was absent by reason of illness and was prevented at that stage from opposing it.

It is for that reason that I have risen in this morning hour to sound the note of warning to you, to tell you that the people will not forever stand silently by and see this reckless, this wasteful expenditure of their money. It is a measure that can not be defended by Congress. It is a measure that should be defeated by Congress, and I hope we shall be able to defeat it.

Upon what do we base this theory that it is necessary for the General Government to go out and improve the harbors and the rivers and the creeks and the attenuated streams that are found throughout the country? Upon what principle do you do it? Upon the great principle asserted by Henry Clay, the illustrious commoner, many, many years ago.

His idea of the development of the vast resources of our country was that we Americans should build up America and develop the vast resources of our country by pressing forward to the westward, by using every force that we could command in this endeavor. For that reason he said we must have internal improvements. The first internal improvement that was given to the country was the great national road. That was before the coming of the steamboats. It was before the coming of the steam railroad and the still later electric railway.

They first endeavored to open up the great West by the national road. That was a great measure of internal improvement. It was well that it should be done. It did not belong to one little locality or to one State. It went through numbers of States, and its great object was to facilitate transportation and advance the development and settlement of our great country, then in its infancy. It was intended to send over the Allegheny Mountains the great stream of dauntless settlers to the westward, and it did so. This was the first great measure of internal improvement by the National Government.

But attention was next directed to the improvement of waterways. Harbors were enlarged, great rivers, deemed useful in commerce and trade, were improved by widening and making deeper their channels, and later came the building of canals. In these works the General Government aided.

Then came the era of railroads, but there the Government stopped. The Government built no railroads. That was left to private enterprise and to private capital. Yet the great system of railroads which, with its splendid network of lines, now extends over our land was built, and following that came the wonderful development of electric power, utilized and employed in transportation. I was never more impressed with the history of the progress made in this line of advancement than the other day, when, upon my journey homeward, I looked out upon the scene before me. Upon my left ran the waters of the Potomac, the river which the Potomac Company attempted to make a waterway to the Allegheny Mountains, as suggested by General Washington.

I then saw, to my right hand, the great national road, built under the auspices of Clay. I saw between them the Chesapeake and Ohio Canal; and running parallel with it the steam railway; and beyond, the electric railway, the latest improvement.

Before me was the story of a century. Since the beginning of the scheme of internal improvement there has been a change in the conditions of our country; and there ought to be, and there must be transformation in the country's policy. There is no need to expend public money on attenuated streams in West Virginia, or Wyoming, or Maryland, or Florida, or California, under pretense of internal improvement, as attempted in this bill. It is unconstitutional, for it was not contemplated to better purely local streams.

The idea of expending vast sums of money for the improvement of insignificant streams, such as those cited and noted, one after the other, by the Senator from Montana, in his masterly address, makes the scheme laughable and ridiculous. Sir, the time for it has passed by, because instead of benefiting the country by such attempts, the system has become a stench in the nostrils of honest people. The bill before us is a bill of jobs.

It is a bill of big and little steals, in which one man helps the other in looting the Treasury. No man can gainsay this statement. You know the bill is built upon the fact that State after State is provided for by an appropriation; that each State receives something by which its representatives in the House and the Senate are expected to stand up and vote for the whole measure. Forty States receive consideration; some in large, others in small amounts.

Take my own State. As I said in the beginning, I did not ask for a single dollar. I did not believe it was right to do it when I had determined to vote against the bill. I refused to go before the Committee on Commerce. Yet there are appropriations there for Maryland, and some of them I believe to be just and fair and honest, and possibly for the good and advancement of those communities for the harbors and waters of which appropriations are made. But rather than vote for this bill I will permit the State to lose these appropriations, because in my heart and soul I do not believe that it is a just bill, and I for one will vote against it.

As I said, this scheme for the development of our country originated in the mind of the great commoner. He put the twin doctrines of internal improvement and a protective tariff together. Both are good in their way, but you can go beyond the true line. You can by American protection kill foreign competition, and that is good; but the original idea was that by so doing you would build up in this country a competition of our own, and that it would be American competition.

However, the latest developments have shown in all the ramifications of trade that you have killed off the foreign competitor,

but the American manufacturers combine together and the great aggregation and amalgamation of capital destroy home competition and create in the country a monopoly. So it is that instead of being a benefit it becomes poisonous to the national system and ruins the classes intended to be benefited.

There are other ways of internal improvements beyond the river and harbor, and in this bill the most meritorious items, to my mind, are those that go toward the new plan—that of irrigation for our arid lands. A great Republican has said that the grandest thing the American citizen can do for the material development of his country is to go out into the arid States and there, by his brain and arm and brawn and muscle, let loose the water upon the sand and make that live which before was dead.

This bill attempted to do that. It attempted to give to the State of Wyoming some water foundations—reservoirs—something by which they could contain their water there until the proper season came and then divide it and distribute it, and call forth life from what was dead. That I have counted to be a meritorious measure, and if anything would have convinced me that I should vote for the measure, that would have been a strong reason.

But, sir, this measure will not do as it now stands. You give to Ohio $5,000,000 for the development of her harbors and her streams, but you can not give to Wyoming three or four hundred thousand dollars for the development of her arid land. In the reclamation and quickening of the vast body of arid land lies a great future for the country.

Instead of turning your attention to the conquest of the Filipinos, to the subjugation of the Cubans, to the maltreatment of the Porto Ricans, let them alone, let them have the right to enjoy that which we have—liberty, freedom, and self-government, and turn your attention to the vast empire that lies to the westward. Do what that great Republican said. Let all your vigor and your attention, your brain and your muscle, be turned in the direction of irrigation. It will pay abundantly to make out of the wilderness an oasis that shall cover the whole desert.

Now, sir, I will not further go into details of this measure, except that as there was reference made to my own State, I will cite those items that are in the bill.

One of the largest is that of Curtis Bay Channel, Baltimore Harbor, $50,000, and a contract of $146,000, which would make about $200,000 in all. So far as that is concerned, if this policy of internal improvement is to be honestly carried out, I believe here is an honest item.

The great city of Baltimore, over yonder in my native State, is the metropolis of the South. It has water advantages that few cities have. It has safe harbors. It lies yonder where ships can go out to all parts of the world; and if there is any harbor in this country that should have assistance, that should be deepened and widened, it is the harbor of Baltimore.

Then the other item that I see here is improving Rock Hall Harbor, Maryland, in accordance with the estimate, $5,000. Rock Hall is down on the Eastern Shore of Maryland, upon the Chesapeake Bay, and it is a place where a safe harbor can be made. It is a place that already commands commerce, and there is undoubtedly merit in the proposition for its benefit.

And so it is with the harbor of Queenstown, as also Claiborne Harbor. My friend the honorable Senator from Montana said he had not heard of Claiborne Harbor. I am sure he has reconsidered that. On his journey to Ocean City he entered this port. Maryland, one of the earliest settled of the original States, with her sister colony, Virginia, had many disturbances and troubles, and Claiborne is the one great name that remains there as the disturber of the peace. Therefore, as the name was ever in their remembrance, the inhabitants of the section named it Claiborne Harbor.

It is a place that is growing in importance every day. But, sir, local benefit must give way to the general good. These appropriations have merit, but they are bound up with iniquitous measures, and I will vote against this bill with these items included. Rather than see the country robbed out of the major portion of the $50,000,000, I will see these appropriations for my State buried with the dead body of this bill, which I will aid in defeating.

Mr. CARTER. Mr. President, I do not desire to be considered ungracious or unkind or inconsiderate. The cordial treatment I have received for six years in this Chamber, the uniform kindness and courtesy extended to me, impels me strongly and irresistibly to yield in kindness to my fellow-Senators. Nothing but a sense of duty in connection with this measure could impel me to offer any further objection to its passage. I feel now that a public service will be performed in preventing this bill from becoming a law.

I do not feel warranted in speaking for any other Senator, but I do feel justified in saying that, in my humble judgment, confronted this morning with the appropriation of $50,000,000 for such items as I took the pains to recapitulate last night, there are few Senators in this Chamber who do not falter, and there are many who would openly, vigorously, and unreservedly oppose the bill were it not for the pernicious manner in which the bill itself is framed. Senators feel compelled to stand mute because of local interests that this bill is calculated to serve. It would take time for each Senator to explain in a manner satisfactory to his constituents the reasons for his general opposition to the bill. In each and every locality, however unworthy in itself the project may be, the neighbors round about, who furnish supplies for the men at work, who furnish the labor, who execute the project, feel that the project has some merit; and, however small it may be, the Senator from the State is supposed to have been in some sense derelict in his duty, is supposed to have in some measure failed to comprehend the public interest and the interest of the community in opposing such a bill.

Mr. President, the hours are fast passing. The Senate Chamber must be prepared for the ceremonies to occur here at the hour of 12 o'clock. Senators are weary and anxious to procure some little rest before the fatigues of the day incident to the ceremonies to follow; and I wish to say now that it is probably as prudent for those who have this bill in charge to consent to a recess to such hour as will enable the Senate to dispose of the routine business, which must be transacted before the reassembling of the Senate at the hour of 12 o'clock. I should be glad to yield for a motion to take a recess, but for no other purpose. [A pause.] I do not wish to make that motion, and if the Senate does not care to take a recess, I shall be glad to proceed.

Before going forward and addressing myself to the merits of this question, I wish to briefly call the attention of the Committee on Contingent Expenses to the resolution referred to by the Senator from North Dakota [Mr. HANSBROUGH].

We had considerable declamation here some days ago relative to public lands in the Philippine Islands. Most stringent restrictions were placed upon the proposed civil government there with reference to the disposition of those lands and the timber growing upon them, yet the public lands of the Hawaiian Islands are in a much more satisfactory condition than would be the public lands in the Philippine Islands under the local government to be established there.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Alabama?

Mr. PETTUS. I ask the Senator if he will allow me to make a request?

Mr. CARTER. I will yield temporarily for that purpose.

Mr. PETTUS. I am not going to do anything more than to make a request.

Mr. CARTER. Very well.

Mr. PETTUS. Mr. President, we have a long day's work before us. We are almost in a condition where we might take a recess for a few minutes, and I appeal to the Senator from Montana to allow us to have a half a minute's rest before we commence the new day.

Mr. CARTER. I have suggested to the Senate that it would be well to take a recess until 10.30 o'clock to give that rest to the Senate.

Under the joint resolution to provide for the annexing of the Hawaiian Islands to the United States, approved July 7, 1898——

Mr. NELSON. If the Senator from Montana will allow us a chance to vote on the bill, then we shall take a recess. I ask the Senator from Montana to let us vote, and then we can take a recess, as he suggests.

Mr. CARTER. I do not wish the Senator from Minnesota to misunderstand the purpose of the recess which I proposed.

I do not think this bill ought to become a law. That is a radical and unqualified statement; and, so believing, I shall do what lies in my power to prevent the passage of this bill between now and the hour of 12 o'clock. The bill will pass if my strength fails me to such an extent that I can not longer occupy this floor; and I am in a pretty fair state of health. [Laughter.]

Mr. President, the joint resolution to which I have referred provided:

> The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

It will be perceived that that joint resolution left all matters relating to the disposition of public lands in Hawaii to special legislation by Congress. Congress discharged its trust in that behalf under the terms of an act which organized a civil government for the Hawaiian Islands, as found in chapter 339 of the Session Laws of 1899–1900, entitled "An act to provide a government for the Territory of Hawaii." That act in section 73 provides:

> That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide.

That left in force the Hawaiian act of 1895. I read now from section 17, on page 9, of the pamphlet containing the law, a portion of part 4, relating to public lands:

SEC. 17. The commissioners may, with the consent of the executive council, sell public lands not under lease, in parcels of not over 1,000 acres, at public auction for cash. Upon any such sale and the payment of the full consideration therefor, a land patent shall be issued to the purchaser.

And they may, with such consent—

That is, of the executive council—

sell public lands not under lease, in parcels of not over 600 acres, at public auction, upon part credit and part cash, and deliver possession under an agreement of sale containing conditions of residence on or improvements of the premises sold, or of payment by installments or otherwise of the purchase price, or all or any of such conditions.

Which agreement shall entitle the purchaser to a land patent of the premises upon the due performance of its conditions.

The commissioners shall have authority to fix any upset price for all such sales for cash or part credit and part cash.

All such sales shall be held in Honolulu, or in the district where the land to be sold is situated. Any person designated by the commissioners may act as auctioneer at such sales without taking out an auctioneer's license.

Provided, however, That land patents may be issued in exchange for deeds of private land or by way of compromise upon the recommendation of the Commissioners and with the approval of the executive council without an auction sale: *And Provided further*, That the President may, in his discretion, upon such recommendation and approval, execute quit-claim deeds for perfecting the titles of private lands where such titles are purely equitable or where such lands are suffering under defective titles, or in cases of claims to use of lands upon legal or equitable grounds.

In that country of limited area it will be perceived that public lands are being sold by the commissioners at public sale in tracts of not over 1,000 acres, and with the consent of the commissioners or the council lands are sold that are not under lease in parcels of not over 600 acres.

We hesitated, Mr. President, to extend the homestead laws to the Hawaiian Islands because 160 acres of land, allowed by the homestead law of the United States, was deemed too large a tract to be sold in those islands of limited area and dense population. Yet under a law of Congress, which we approved, because the Hawaiian act of 1895 becomes the act of Congress in this behalf, and under the approval of Congress, tracts of land are being sold in Hawaii at public auction for cash 1,000 acres in extent, or 600 acres under certain other conditions. The natural consequence of this situation is that the average man in Hawaii is deprived of the privilege which every citizen of the United States on the mainland enjoys, of going upon the public domain, improving a tract of land, and making his home thereon. These tracts are put up at public auction and sold for cash.

I wish to say to the Senator from Arkansas, who certainly disapproved in the most emphatic terms of the proposition to allow the public lands of the Philippines to be disposed of under a civil government, that this condition of affairs in the Hawaiian Islands, now in operation under force of Congressional enactment, is leading to the complete, and inevitably leads to the complete monopoly of the public lands of that country by the sugar-planting monopoly having its home in the States, and principally upon the west coast.

If on our own extensive public domain on the mainland it should be made to appear that by any chance a law had crept upon the statute books allowing a thousand acres of land to be sold in a body for cash, without any condition of settlement attached to it, Congress would, with as much speed as possible, repeal the law and remedy the evil. Yet when called upon to permit a committee of the Senate to inquire into the operations of this law, so repugnant to our own theories relative to the public domain, the expense is consulted, and in the meantime the sugar trust proceeds to purchase whatever is of any value in the Hawaiian Islands, to the exclusion of the natives and such of our citizens as may go there without the means to attend these sales and make purchases.

I do not know upon what theory those who oppose the granting or selling or disposition of lands in the Philippines can stand idly by and refuse to interfere in this scheme of land monopoly of the Hawaiian Islands. Since the old Oregon donation act, which only gave 640 acres of land to a settler, there has been nothing approaching this system of wholesale distribution of lands in large bodies to the people attending the sale who are apt to have the most money. I desire to put these statutes in the RECORD of to-day, to the end that the observations of the Senator from North Dakota, relative to his resolution providing for an investigation, may be thoroughly and clearly understood.

Now, sir, as to the bill. It consists of 135 pages. It is accompanied by a report of 423 pages. It appropriates, in round numbers, $50,000,000. Numerous items appear upon each page. The bill has been prepared at the short session of Congress. We will assume, for a more direct understanding of the procedure, that the bill should pass within five minutes. What opportunity, I pray you tell me, can the President of the United States have to inspect this bill with a view to determining how he may properly exercise his part in this legislation? The bill would be enrolled and passed up for his signature shortly before 12 o'clock noon to-day. He can not read it. It will be impossible for him to examine the report, and he therefore must practically abdicate his function in the legislation, except the formal work of attaching his signature.

The bill passed this body with its 135 pages and $50,000,000 in one afternoon, with scarcely two dozen Senators present when it was read. During the evening I took occasion to call attention to some of its provisions, and the Senate was amused at the ridiculous features of the bill as disclosed by a mere reading of the report on the respective items. A Senator told me an hour ago that there were items in this bill so much more ridiculous than those referred to that they would be entitled to a place in a comic almanac—items not referred to by me at all—as, for instance, as to one item said to be in this report. The engineer who inspected the proposed improvement is alleged to have stated that the only way to improve the stream was to cut down all the brush along its banks, pull out the snags, and when the river went dry to pick up the logs in the bottom, pile them, and burn them, and having done that to just put a dam at the lower end of the river, sink an artesian well, and fill the place with water. [Laughter.] I do not know that that is in this report; but I have been informed that something in substance such as I have stated was read in the other Chamber in connection with the consideration of this bill.

As a sample of some of the things that were not read this evening, I will call attention to Trinity River in Texas, and let us see what the Trinity River is. There is quite a handsome appropriation for Trinity River—$12,500 being provided for that stream.

This stream discharges into Galveston Bay through several mouths or passes.

I suppose, a sort of delta at the mouth of the river—

Opposite each of these a bar existed, over which there was a depth of but 3.5 feet at mean low tide, which was not sufficient for purposes of navigation, at least 5 feet of water being required.

Now, let us see about the matter. We start there with 3 feet. We had one place this afternoon with only 1 foot to start with, but this has 3 feet and 5 inches!

The improvement of this stream has been limited to that portion lying between the mouth and Liberty, at the head of tide water, a distance of 39 miles.

The project adopted for this improvement on June 18, 1878, consisted in the removal of snags from the river below Liberty and in dredging a channel 80 feet wide by 6 feet deep across the bar at the mouth of the pass then in use by vessels. The estimated cost of the work was $22,581.40. On May 4, 1889, an amended project was adopted. It contemplated the erection of two parallel jetties at the mouth known as the Middle Pass, placed about 275 feet apart and extending about 7,750 feet into Galveston Bay; also in closing the other two principal passes by submerged dams, the object being to create and maintain a channel 6 feet deep at mean low tide at the mouth of the river.

Now, mark.

The revised cost of the improvement was placed at $89,500.

The amount expended on this improvement to the close of the fiscal year ending June 30, 1899, was $69,444.76.

At that date the west jetty had been completed, its length being 7,359 feet, and a channel 100 feet wide by 5 feet deep had been secured at the mouth of the river.

Owing to rises in the river twice during the fiscal year, log jams have had to be removed from the Middle Pass of the river and once from Browns Pass, to enable boats to go up the river. The cost of removing these jams was $941.57.

Work done during the fiscal year was limited, for the reason that there was sufficient depth of water on the bar at the mouth to accommodate all vessels heretofore navigating the river.

By act of Congress approved March 3, 1899, an appropriation was made for the construction of a dredge boat and snagging outfit in connection with the improvement of Brazos River between Velasco and Richmond, West Galveston Bay Channel, Double Bayou, and the mouths of adjacent streams, which, by the law, will be available for use on the Trinity River.

With the $7,000 appropriated by river and harbor act approved March 3, 1899, a survey was made from Dallas, Tex., to the mouth, and a log jam at Browns Pass removed. The report upon the survey is printed in House Doc. No. 409, Fifty-sixth Congress, first session; also in Report of Engineers for 1900, Part IV, page 2318 et seq.

The following is from the letter of the Chief of Engineers transmitting the report of the engineer in charge of the survey:

"The length of the river from its mouth to Dallas is 511 miles, and Captain Riché states that for the proper improvement of the river it will first be necessary to cut down and remove all timber along the banks which would be likely to be washed into the river in times of flood, to remove by burning during low water all drift that has collected in the bed of the stream, and to remove all snags from the stream, which work would give a clean river from Dallas to the mouth, making it possible for light-draft steamers to traverse the entire distance at high water, and for intermittent navigation; but by canalizing the river by means of locks and dams, with the addition of an artificial water supply in the upper reaches of the river, to be obtained by storing surplus water during the wet season, or by sinking additional artesian wells"—

Here is the very same statement—

"or by a combination of the two methods, it will be possible to obtain a navigation which will be continuous at all seasons, except possibly for a short period during years of excessive drought.

"Captain Riché considers the improvement of the river for a 4-foot navigation from Dallas to its mouth not only advisable, but urgently necessary; and he presents a project for improvement to that depth in the manner indicated above, the estimated cost being—

For cleaning the river	$500,000
For 37 locks and movable dams	3,175,000
For artificial water supply	200,000
For bank protection	100,000
For dredging	25,000
Total	4,000,000

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4120) to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779; and

A bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. Mr. President, does this not really pass belief that we are entering upon a project to spend $4,000,000 of public money, enough to buy over 6,000,000 bushels of wheat in Minnesota, in order to make navigable a stream from which you must first take out the logs in the bottom and burn them, then clean out all the logs on the banks so that they will not roll into the river again and block it?

Mr. WELLINGTON. Swamp navigation.

Mr. CARTER. Swamp navigation. Then, strange, startling, you have not water to run in the river until you dig artesian wells at the head of it. I will stay here until this time to-morrow night, if need be, to prevent that item from going on the statute books of the United States, and I think it is the duty of every Senator in this Chamber, measured by my view, to join me in the effort.

Mr. President, $4,000,000 for Trinity River, starting in at the mouth with 3 feet of water—a river full of logs. Do not fail to remember that the first thing to be done with this river is to burn all the logs or destroy all the logs on the slopes leading down to the river, and, I suppose, cut the timber off, so that other logs will not bother you in the future. When you have done that, of course, you must burn the brush, because the brush might get in the river. Would it not be necessary? Of course.

It is a narrow, crooked little stream evidently, in which logs jam readily. After you have taken the brush off the hillsides and piled them on the logs and burned all the logs on both sides of the stream for 135 miles, you must then start in—no, I believe under the engineer's report you take a rest at that time and wait until the stream goes dry and then burn the logs that you find on the bottom of the stream. As a Senator behind me suggests, they would need about all the water in the stream to get up steam in the boilers. But let me not be understood as overstating this report. Mark the statement of the engineer. He states that—

For the proper improvement of the river it will first be necessary to cut down and remove all timber along the banks which would be likely to be washed into the river in times of flood.

That is one proposition. Second—

To remove, by burning during low water, all drift that has collected in the bed of the stream, and to remove all snags from the stream, which work would give a clean river from Dallas to the mouth, making it possible for light-draft steamers to traverse the entire distance at high water, and for intermittent navigation.

He then proceeds to say:

But by canalizing the river by means of locks and dams, with the addition of an artificial water supply in the upper reaches of the river, to be obtained by storing surplus water during the wet season, or by sinking additional artesian wells—

I assume they have some artesian wells there at present, and yet the stream goes dry—so dry that this engineer thinks we could burn the logs in the bottom of it during the dry season.

A slight computation will show that the $4,000,000 to be spent on this project, upon which we are to enter, would buy I do not know how many pounds of cotton. Cotton is probably worth 10 cents a pound. I do not know what the market price of it is at the present time, but it is easy to compute that it would buy a very large amount of cotton. Hence it will probably take the cotton crop of half a dozen counties in the State of Arkansas to make up the tax that will have to be paid for this foolish and silly enterprise. It will take the wheat crop of a Congressional district in the State of Minnesota. It will keep a good-sized army of working men toiling day in and day out for a year to make the money to pay the taxes to build this trifling, silly improvement.

Mr. President, it is difficult to be patient with an item of this kind. I wish to give due credit to this honorable body. I wish especially to give thanks to the Senate committee for striking out the item of $50,000 appropriated for this river. That was the appropriation to begin the work as it came to this body. The Senate committee cut that item down to $12,500, and the limit was sought to be placed upon it for the aggregate work of $556,657, "exclusive of the amount herein and heretofore appropriated."

It would seem that that limitation of something over a half million dollars would protect the Government. But such is not the case. It would until that amount had been spent, whereupon, with much force, indeed, some one would come up from that district and insist that inasmuch as we had spent more than a half million dollars cutting the logs off the hillside, burning the brush, cleaning up the bed of the stream, burning the logs there in dry time, it was eminently proper that we should follow up this half million dollars with the full amount estimated by the engineer as necessary to accomplish anything at this point.

The half million dollar item here provided would, according to the engineer, barely clean out the river. He says "for cleaning the river, $500,000." When you have spent the $500,000 you will have burned the logs on the bank, and probably you will have burned the logs in the channel of the stream; but the estimate goes on to say that is of no avail. You must have locks and movable dams, or else the $500,000 spent in cleaning the stream will have been utterly wasted. You can not afford to throw away the $500,000. Here you have a great stream, Trinity River, cleaned up, the logs taken from the banks and from the channel of the stream. Then you must have 37 dams, and when you undertake to get the 37 dams you must spend $3,700,000.

After you have the dams erected, you have not anything to put in them. So you must dig artesian wells up at the head of the stream to get some water to fill the space above the dam. Then you have to have a hundred thousand dollars for bank protection—whatever that may mean; then for dredging, $25,000. After we have dug the artesian wells, built the 37 locks, cleaned out the stream, and burned the logs, and have our four millions invested in Trinity River, you will have saddled upon the Government of the United States an everlasting expense in keeping it dredged and keeping the locks in repair. How much is it going to cost each year? On this one item alone this bill should fail.

Let us get down to the mouth of the Brazos River:

Continuing improvement, $30,000.

I suppose that is more of a river. Let us see what the engineer says about it. He says:

The river and harbor act approved March 3, 1899, contains the following item: "Mouth of Brazos River, Texas: For dredging and such other work as may be deemed most effective in the judgment of the Secretary of War in improving and developing the harbor, $85,000: *Provided*, That no part of said sum shall be expended until the Brazos River Channel and Dock Company shall file with the Secretary of War a transfer to the United States of the jetties and auxiliary works; also a release of all rights and privileges conferred upon said company by its charter or by the act of Congress approved August 9, 1888, to charge or collect tolls for the use and navigation of said river; and the Secretary of War is directed to have an examination made of the mouth of the Brazos and the jetties and report to Congress the estimated cost of extending the jetties one-half mile, and the estimated depth and width of the channel to be obtained by such extension, and the estimated cost of obtaining 20 feet of water and a channel 150 feet wide."

This is a former item approved, and a contract was entered into.

"(*a*) Estimated cost of extending the jetties one-half mile, $1,100,000, in addition to $165,000 required under existing project for repairing and completing the present jetties, the estimate being based upon the supposition that the extension work can be placed under one contract.

"(*b*) The extension of the jetties one-half mile would not of itself improve the channel, but if supplemented by dredging and a system of spur dikes to contract the channel to about 440 feet between jetties, estimated to cost $200,000, a channel depth of 20 feet and width of 150 feet could be practically constantly maintained by an expenditure of $30,000 annually.

"(*c*) Estimated cost of obtaining 20 feet of water and a channel 150 feet wide: (1) By jetty extension, spur dikes, and dredging, $1,300,000, and $30,000 annually for maintenance, or (2) by dredging alone, $375,000, and $40,000 annually for maintenance."

In the opinion of Captain Riché, concurred in by the division engineer, the best method of improvement is by dredging alone.

The report was transmitted to Congress and printed in House Document No. 652, Fifty-sixth Congress, first session; also page 2426, Report of Engineers for 1900.

Now we have Brazos River again. These millions roll up:

BRAZOS RIVER BETWEEN VELASCO AND RICHMOND, TEX.

The Brazos River, Texas, from Richmond to Velasco, flows in a generally southerly direction, the distance between these points being 89 miles. It flows through Fort Bend and Brazoria counties and empties into the Gulf of Mexico about 5 miles below Velasco.

The river and harbor act approved March 3, 1899, provides as follows:

"For the improvement of the Brazos River between Velasco and Richmond, West Galveston Bay Channel, Double Bayou, and the mouths of adjacent streams, $65,000, out of which said sum a suitable dredge and snagging outfit may be provided to carry on said work and to be used on other approved projects on the Texas coast, including streams emptying into the Gulf of Mexico and bays connected therewith.

Heretofore the projects embraced in this improvement have been independent (see improving Brazos River, Texas, between Velasco and Richmond, Annual Report of the Chief of Engineers for 1895, p. 1838 et seq.; improving channel of West Galveston Bay, Annual Report of the Chief of Engineers for 1892, p. 1556 et seq., and improving Double Bayou, Annual Report of the Chief of Engineers for 1898, p. 287 et seq.).

The object of the improvement, in part, is to obtain and maintain a navigable channel depth of from 4 to 6 feet across the bars at the mouths of most of the streams and bayous along the Texas coast by dredging and snagging, the plant to be owned and operated by the United States.

Now, 4 to 6 feet of water. There are a number of these bayous, and for that purpose we start in here with an item of $30,000, and the further item of $400,000 is to be appropriated for the Brazos River Channel and Dock Company, etc., an item which was stricken out in conference, I believe.

The first item of this Brazos River is $30,000. The second item is

$50,000, and then there is an amendment providing the sum of $50,000. The $50,000, the $100,000, and the $30,000 are to get 4 feet of water, and the report nowhere shows that the water, when it is procured to the depth of 4 feet, will be of any special value to the country or to the State of Texas. It would certainly be a waste of considerable money from the Treasury of the United States.

Now, passing by Trinity River and the rivers I have just named, we take the Upper White River, in the State of Arkansas. You will find there is very little of merit in it, I think, by reference to the report.

UPPER WHITE RIVER, ARKANSAS.

The original condition of this portion of White River and the previous projects for its improvement are given in the report for White River.

The approved project for this work, based on a report printed in the Annual Report of the Chief of Engineers for 1897, page 1992, contemplates providing slack-water navigation from Batesville to Buffalo Shoals, a distance of 89 miles, by means of 10 fixed dams with concrete locks. The locks are to be 175 feet long between hollow quoins and 36 feet wide, with a lift of about 14 feet, and with a depth of 4 feet on the lower miter sills.

The total estimated cost is $1,600,000, based on having sufficient funds on hand to construct one lock and dam complete each working season.

Up to June 30, 1899, there had been expended on this work $535.79. Plans were in preparation for the first lock, and the survey of pool No. 1 was nearly completed.

During the year ending June 30, 1900, the survey of pool No. 1 was completed and the exact locations of Dams Nos. 1 and 2 determined. Plans have been completed for the locks and dams at sites Nos. 1 and 2. Owing to delay in procuring land at the site of Lock No. 1, below Batesville, construction could not be begun last season. The land was procured in December, 1899, and the plant has been installed, and work upon the cofferdam for Lock No. 1 is well under way.

Here we have a stream without sufficient water in it to float anything. We must put in locks and dams and practically build a canal without any showing here of commerce on the river or anything to indicate why we should appropriate the money. I wish to be entirely correct. Nine thousand tons of material passed over this river in 1899 and 39,000 tons in 1900. The interest on the money invested in this improvement would pay for the entire tonnage, I venture to say, that passes over this river every year.

Mr. President, I submit that no business man, no company or organization conducted upon business principles, would for one moment entertain the idea or thought of investing this large amount of money in the proposed project. It would be deemed utterly ridiculous.

Why not build an electric railway up and down the stream and use what little water there is for generating electricity? You can build the railroad for less than you can build the locks and dredge out the stream; and then it would be of some use to the country through which it passes. If we stopped with the loss of money on the expenditure, it would be one thing; but when the improvements are made they must be maintained. Each and every year, as long as time runs, the Government will be required to invest a certain amount of money to keep the people who make their living out of dredging employed in dredging the channel in the stream and keeping the locks in repair. That certainly can not be a mistake. So White River in Arkansas is about as bad as Trinity River in Texas, although it does not appear from any report that it would be necessary to cut the logs down on both sides of the stream, or to burn the logs in the channel of the stream during the dry time in the summer when the creek runs dry.

Mr. McBRIDE. Where is that river?

Mr. CARTER. I was referring to White River in Arkansas. We have St. Francis River in Arkansas provided for—a very important stream, with some water running through it, and for it we are going to appropriate $8,000. Let us see what the St. Francis River is:

ST. FRANCIS RIVER, ARKANSAS.

This river rises in southern Missouri, flows in a southerly direction, and enters the Mississippi near Helena, Ark.

In its original condition this stream was not navigable at any stage above Lester Landing, between Lester Landing and Marked Tree navigation was possible at high stages only, and below Marked Tree it was difficult at medium stages. Snags and fallen timber were the principal obstructions.

The original project was to improve navigation below Lester Landing by cutting a channel through "The Lake" and clearing the river of obstructions by snagging operations. The present project (adopted October 21, 1884) is to remove drift, logs, and snags from the channel and overhanging timber from the banks from the mouth to Kennett, Mo. (279 miles), and close chutes and sloughs in the "Sunk Lands," so as to make the river navigable at high stages to Kennett, Mo., at medium stages to Marked Tree, and at low stages to a point about 30 miles below Madison, Ark.

The amount expended up to the close of the fiscal year ending June 30, 1899, was $58,908.65.

The condition of the river below Marked Tree on June 30, 1899, was good for navigation at a 4-foot stage or over. Above Marked Tree a fair high-water channel had been made through the "Sunk Land."

Operations during the year ending June 30, 1900, consisted of cutting overhanging timber and removing snags from the mouth to 15 miles above Madison, or 85 miles above the mouth. This part of the river was left in good condition.

Now, Mr. President, here we have another proposition to cut down the trees that overhang the banks, trim off the willows, burn off the brush, and take the loose logs far enough back into the interior from the river banks to prevent their falling into this little stream and blocking it up. That process has gone on for a few miles up the river, and we are expected to put about $8,000 more in the continuance of that work for the present season. Of this sum of $8,000 it is provided that—

$1,000 may, in the discretion of the Secretary of War, be expended in removing obstructions in L'Anguille River, its tributary, from its mouth to the town of Marianna.

So that $7,000 will be devoted to this brush work along the St. Francis River in Arkansas. This is to get 4 feet of water. There is no commerce about that. There can be no pretense that this is in aid of any national improvement. Yet, Mr. President, we are asked to support this bill which from beginning to end is replete with just this class of items.

Yet, Mr. President, with all these items, lacking in merit to such a degree, we find the strange condition of refusing to provide a small appropriation, which once made will endure, with a view to enhancing the value of the public lands of the United States. I do not believe that the time has come to fully and completely deal with the arid-land question, but, when the time does come, I hope the question will not be dealt with in such a manner as the items herein contained appear to be handled. Let merit be the test; let river and harbor bills fail; let Senators and Members defeat them mercilessly, until such time as a river and harbor bill possessed of actual merit, and that kind of a bill alone, shall be presented for the consideration of Congress.

I do not wish to be understood as casting, or attempting to cast, any reflection upon any committee of Congress, nor upon any member of either body. The committees work conscientiously and faithfully in an effort to perfect a bill of this kind. They are the victims of a vicious system. They work on the bill as the preceding bills were worked upon. Each person having a little project is encouraged with a small appropriation to begin with. The engineers being somewhat good natured, anxious, as the employees of the Government generally are, to extend the scope of their operations, give the best reports they can upon each new project surveyed. It is a very rare thing indeed for an engineer to report on a survey adversely.

And yet with the disposition to do the very best possible to give a good report, we find such statements coming here as the basis of appropriation as this relating to Trinity River, and White River, and the various streams to which I have referred, where, with the most lenient hand, the most considerate judgment in favor of the bill, the engineer, in deference to his sense of duty, is compelled to yield to the country in his report such facts as would, in the judgment of Congress, condemn the project without any sort of reservation.

The engineer who made this report on Trinity River did the best he could to wash the thing through. If his own keen, deliberate judgment had been called for by a private capitalist or by a company intending to work this project for profit or to some advantage, he would, without any qualification, have condemned the project. I think it may be said, and that, too, without any stretch of the imagination, that taking these reports and going through them fairly and impartially from a plain business standpoint, without any reference to getting votes or helping the bill through, this bill would be cut down to $10,000,000. Fifteen million dollars would be the outside limit, cutting off the useless items. Fifteen million dollars will cover every reasonable project outlined in the bill.

Why should the $35,000,000 be thrown away? It might be asked why should any Senator take a stubborn stand upon the bill? I believe that it is the duty of every Senator to take a stand against this bill, and unless that is done these bills will grow from $50,000,000 to $75,000,000, from $75,000,000 to $100,000,000, and in the course of a few years it will be found that aside from any new projects, any new development, any new work, we will have a fixed charge upon the Government for dredging out these useless streams in a vain attempt to utilize and protect the property which we have attempted to bring into existence by the lavish expenditure of money, without rhyme or reason in many cases.

If you will take the $35,000,000 thrown away in the muddy waters of these little streams and build reservoirs in the arid regions of the United States you will bring about conditions which will furnish homes for hundreds and thousands, yea, tens of thousands of deserving American citizens anxious to find homes upon the public domain, and who are unable to do that because unable to provide the capital to reclaim the desert at the beginning. With the $35,000,000 wasted, the Senator from Wyoming [Mr. WARREN] appealed in vain for a small pittance for experimental work in this direction. The Senator from South Dakota [Mr. PETTIGREW] appealed in vain.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Montana yield?

Mr. CARTER. Certainly.

Mr. PETTUS. I just wanted to ask the Senator a question. I have been supporting your arid-land notions ever since I have been here. Do you not know that you are making it odious in the eyes of all mankind? How can I go along with a set of men

who are conducting themselves in the way that the business of the Senate has been conducted this morning? There must be something radically wrong about it, and all mankind——

Mr. WELLINGTON. I ask the Senator from Alabama what there has been out of the ordinary in the conduct of the Senate here except that there has been confusion upon confusion by Senators who did not occupy the floor. He need not lose his temper because he has been here all night. We have been here, and it does not stand him in hand, and it is not just, and it is not fair, to intimate that there has been conduct in the Senate that has not been proper. There has been nothing done in the Senate, so far as we are concerned, in support of the position we have taken that has not been fair, honest, just, and correct.

Mr. CARTER. Mr. President, if the price of the reclamation of the desert is to involve such a reckless expenditure of public money as this bill proposes, then the desert will not be reclaimed. The Senator from Wyoming I cited as presenting a meritorious project which was little headed and vigorously opposed. Compared with Trinity River, compared with the appropriations made for the rivers in Alabama, it stands up as a monumental proposition judged by the elements of merit.

I do not think that it is ill-mannered or unjust to the Senate to resist the passage of this bill. I do not believe that the bill can be defended in any school district or any Congressional district or in any State in the Union. You will find some sympathy for it in the immediate localities where the expenditures are to be made; but let me say to the Senators who challenge the conduct of those who oppose this bill that they will falter if confronted with the request to have this report and bill published in their States. I should like to have the Senator from Alabama confronted down in some school district of that State with this Trinity River proposition and inquired of concerning his reasons for supporting it.

Mr. PETTUS. I have never said one word in its support, in any way, shape, or fashion.

Mr. CARTER. The Senator would not, I am quite sure. He would not defend it, yet he blames me for condemning it. Nobody will try to defend the poor item that is about as meritorious as hundreds of other items in the bill.

Mr. PETTUS. The Senator calls on me for an answer. I tell him I have never blamed anybody for their opposition to any bill, not in the slightest degree.

Mr. CARTER. I am thankful to the Senator for that.

Mr. PETTUS. So far as this bill is concerned, I have expressed no opinion about it; but I have an opinion, and a very decided one, when a man holds up a Senate in this fashion on a day when we have to inaugurate a President. I have a decided opinion on that conduct.

Mr. CARTER. Mr. President, I suggested at the beginning of my remarks that it would be desirable and very agreeable to me to take a recess until 10.30 or to such other hour as seemed to the Senate appropriate to the transaction of the routine business preceding the inauguration ceremonies. I would be delighted now to yield to the Senator from Alabama for the purpose of making a motion to that effect, or for asking unanimous consent that the Senate shall stand in recess until 10.30.

But, Mr. President, if the price of my silence is to be the passage of this bill I will not hold my peace. I think I am doing my country a service right now. There is not a solitary one of these projects that will suffer during the coming summer. Every one of the river and harbor improvements possessed of any merit has been taken care of in the sundry civil appropriation bill. That statement may require qualification. There are many meritorious items in this bill, but they do not predominate, in my judgment.

Let the Senate take this question up next December, at the beginning of a long session, a session that will not be terminated by inaugural ceremonies, debate the bill from stem to gudgeon, take the pruning knife and cut these spurious items out without mercy, and compel Senators to stand on this floor and under the sanctity of their official oaths attempt to defend these little items, small in themselves but in the aggregate making up nearly $50,000,000.

Why, Mr. President, if the time has come when we must be silent because we are weary and allow this kind of legislation to go unchallenged, the Government is at the mercy of courtesy, courtesy ever yielding and complaisant, willing to do the nice thing rather than the just thing, willing to yield to the amenities rather than to follow the strict path of duty.

Mr. PETTUS. Will the Senator allow me to ask him a question by way of relieving him? I see that he is tired.

Mr. CARTER. I am not very tired.

Mr. PETTUS. Did the Senator ever say one word against this bill until the measure for the relief of arid lands was voted down? Did he ever mention in any way, shape, form, or fashion his opposition to this bill in the Senate?

Mr. CARTER. Mr. President, I will be perfectly frank with the Senator. I fully expected that this bill would be under consideration in the Senate for two or three days. The day it passed this body I happened to be engaged on the Committee on Appropriations—on a subcommittee, looking after another bill. To my astonishment upon entering the Chamber, not over two hours, I think, after the reading commenced, I learned that the bill had passed. With that I find fault; and the fault I find with the system which permits a thing of that sort. It is in the system of distribution which creates an invidious and commanding influence. With that system I am at war, and until the system is broken down there will not be an honest river and harbor bill prepared.

Mr. President, is it not useful to have some understanding before the country and the Congress as to what will be done in the future with this class of legislation? Conceal it as we may, the fact remains that these small items creep in because Members and Senators importune the committee, and importunity failing, they threaten and combine, and, to use the old-time phrase born in former days, they bulldoze to some extent, and finally force the item in. Sometimes it is expected to cut it out in conference, but if that fails the Government suffers, no community is much benefited, and the wasteful process goes on. Beat these bills time and again, cut them to pieces in debate on the floor. Let it be understood that a proposition lacking merit can not go through on this bill any more than it can go through on the sundry civil or the deficiency bill. When that condition is reached committees can deliberate coolly, logically, patriotically—provide for that which is necessary and refuse to make provision for that which is unnecessary.

For many years I have witnessed the growth of this bill. The country has witnessed it. There need be no mistake about that. This river and harbor bill is known to people in the backwoods counties of every State in the Union as "the pork bill." Men who have never seen a harbor know that there is something wrong about the way this bill is put together. And yet no one is to blame for it any more than we are to blame for the customs which we inherit. But I do think that there ought to be a reformation at some time or some place. This bill will be $75,000,000 next trip. It raised its brazen head to $60,000,000 or thereabouts this time. Through most strenuous efforts the committee of the Senate reduced it a little below the $50,000,000 mark. I should not stand here for one moment in the way of the passage of this bill if its passage was demanded by any public interest whatever.

But the Government, Mr. President, will go on just as well. The Treasury will be $50,000,000 ahead. No one employed need be discharged. The contract work in the river and harbor system of contracts will continue, appropriations having been made in the regular sundry civil appropriation bill. I think that there will be no difficulty with the country. There is no danger whatever of anybody suffering. There may be a few contractors disappointed, but no Senator will be injured in his State if this bill fails to pass.

Surely no one will suffer if the harbor at Stamford, Conn., is not troubled this year with the ten thousand and additional dollars sunk there. Greenwich, Conn., will be quite as well off if they do not get the $14,000. Then Montauk, N. Y., continuing improvement, starting in with 1 foot of water, will be just as well off without the sum of $5,000 which this bill proposes to spend in that stream. For the harbor at Huntington, N. Y., $2,500; the contractors will miss it, but the Government will be in that amount. Here is a little item for improving harbor at Glencoe, N. Y., continuing improvement, $7,000. Glencoe will do quite as well without that money sunk in the harbor up there. It is not demanded by any commercial interest, and no one will suffer except the contractor who will fail to have work there through this season. Let him find employment somewhere else for the time being and give the Government a rest.

I am quite sure that our commerce will be in no sense checked or interfered with if we do not start in to try to make a harbor in the marsh pond at Flushing, where we have 1 foot of water to begin with.

Even my learned friend the Senator from New York [Mr. DEPEW] will not complain very seriously if the harbor at Peekskill, on the Hudson, is not benefited to the extent of $5,000 during this year.

But let me read the list of these harbors to some extent to show that there is scarcely a harbor that anybody ever heard of outside of the immediate neighborhood which is mentioned in this bill:

Improving the harbor at Ogdensburg, N. Y., $150,000.

There is no necessity for that this year.

Improving the harbor at Cape Vincent, continuing improvement—

Fifty-eight thousand dollars in money is to go into that.

Improving harbor at Oswego, N. Y.: Continuing improvement, $48,000.
Improving harbor at Great Sodus Bay, New York: For maintenance, $5,000.
Improving harbor at Little Sodus Bay, New York: For maintenance, $4,000.
Improving harbor at Charlotte, N. Y.: For maintenance, $10,000.
Improving Oak Orchard Harbor, New York: Continuing improvement, $2,000.
Improving harbor at Wilson, N. Y.: For maintenance, $2,500.
Improving Tonawanda Harbor and Niagara River, New York: Continuing improvement, $193,275, including the dredging of Tonawanda Harbor in Erie County.

You have to locate that by reference to the county.

Improving harbor at Dunkirk, N. Y.: For maintenance, $20,000. Improving harbor at Buffalo—

Here is a harbor that probably needs and merits consideration for an improvement, but we only give it $50,000. That will do very little for the harbor at Buffalo, but the commerce of that harbor will go on just the same.

Then:

Improvement of Buffalo Harbor: For extending breakwater south, to be let under contract, not exceeding $200,000.

Improving Lake Erie entrance to Black Rock Harbor and Erie Basin, New York, in accordance with certain House documents, $150,000.

That is an important item.

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: For maintenance—

But only the sum of $10,000 is provided. That will have very little effect in extending the harbor between Staten Island and the Jersey shore—New York and New Jersey—and of that sum, mark you, $1,000 may be expended on Lemon Creek. So that would leave for New York in this bill only $9,000. Lemon Creek would get $1,000 of that.

Improving Arthur Kill, or Staten Island Sound, from Kill van Kull to Raritan Bay, New York and New Jersey—

In accordance with reports submitted in House documents referred to of the Fifty-sixth Congress—

$50,000.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Montana to the engineer's report on that subject.

Mr. CARTER. I should be very glad to have the report upon that read, Mr. President, and I think it ought to be read, because certainly I know something of that section, and I do not recall this Kill van Kull country at all; but there is probably some reference to it in the report relative to improving the harbor of Kill van Kull, or Staten Island Sound, from Kill von Kull to Raritan Bay, New York and New Jersey.

MEMORIALS.

Mr. SHOUP. Will the Senator yield to me to present certain memorials?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Yes, sir.

Mr. SHOUP. I present memorials from the legislature of the State of Idaho, and ask that they may be inserted in the RECORD, and one referred to the Committee on Commerce and the other to the Committee on Military Affairs.

The PRESIDING OFFICER. The memorials will be printed in the RECORD and referred as indicated by the Senator from Idaho.

Mr. WELLINGTON. I ask that the memorials may be read. They are memorials from a State legislature, and should be honored by being read in the Senate.

Mr. JONES of Arkansas. I object. Let us have the regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas objects.

Mr. CARTER. I do not wish to raise any objection, but I think it is unusual to refuse the reading of a memorial from a State legislature. I think the uniform practice has been to the contrary.

Mr. WELLINGTON. It would be an indignity upon the legislature of Idaho not to have their memorials read. The rule requires it, and it is right.

Mr. JONES of Arkansas. I call for the regular order, Mr. President.

Mr. WELLINGTON. Does the Chair refuse to have the memorials of the Idaho legislature read?

The PRESIDING OFFICER. The Senator from Arkansas [Mr. JONES] has demanded the regular order.

Mr. WELLINGTON. I understand when those memorials were presented they became the regular order, in so far that, under the rule, they should be read to the Senate; and I insist upon their being read.

The PRESIDING OFFICER. There is no rule requiring a memorial to be read to the Senate.

Mr. WELLINGTON. I understand from a Senator on my left that one of the memorials is in relation to rivers and harbors, so that it is pertinent to the subject now under consideration.

Mr. President, it seems to me that under all the circumstances the memorials ought to be read.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. JONES] has demanded the regular order.

Mr. CARTER. Mr. President——

Mr. WELLINGTON. Mr. President, I must appeal from the decision of the Chair upon that ruling.

The PRESIDING OFFICER. What is the appeal of the Senator?

Mr. WELLINGTON. I appeal because, in my opinion, the rule requires the reading. It is due to the legislature of a sovereign Commonwealth in this country that, when it sends a communication to the Senate of the United States, we must do it the honor of having its communication read in full.

The PRESIDING OFFICER. Will the Senator kindly point the Chair to the rule which so prescribes?

Mr. WELLINGTON. Mr. President, upon the insistence of several Senators I will withdraw the appeal.

The PRESIDING OFFICER. The memorials will be printed in the RECORD and referred as indicated by the Senator from Idaho [Mr. SHOUP].

The memorials are as follows:

EXECUTIVE DEPARTMENT,
SECRETARY'S OFFICE, STATE OF IDAHO.

I, C. J. Bassett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 5, by Mounce and Triesch, a resolution asking Congress for the opening of the Snake and Columbia rivers to navigation, which was filed in this office the 20th day of February, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 25th day of February, A. D. 1901.

[SEAL.]

C. J. BASSETT,
Secretary of State.

House joint memorial No. 5, by Mounce and Triesch, asking Congress for the opening of the Snake and Columbia rivers to navigation.

To the Honorable the Senate and House of Representatives of the United States:

Your memorialists, the governor and legislature of the State of Idaho, would respectfully represent that a canal around The Dalles-Celilo Rapids of the Columbia River would open up the Columbia and Snake rivers to navigation and promote the settlement and development of the Pacific Northwest, and especially the Columbia River Basin, known as the inland empire, comprising a territory richer in wheat than the Dakotas, already producing over 5,000,000 bushels, and, with an open river to the sea, easily capable of producing 25,000,000 bushels, thereby of itself swelling the present magnificent total of 35,000,000 bushels of the inland empire to 55,000,000; the latter comprising a territory as rich in cattle and horses as Colorado; a territory as rich in choice timber as Michigan in her palmiest days; a territory richer in gold and copper than California or Montana, only awaiting transportation; a territory rich in fruits, rich in coal, rich in silver and lead, rich in lime, marble, and granite.

The products of the Columbia River Basin above The Dalles-Celilo Rapids in 1900 approximate 80,000 carloads, which the railroads frankly admit they have not the facilities for handling. And yet the resources of this section are as yet only beginning to be developed.

The Clearwater country embraces about 6,200,000 acres, including the northeastern corner of Oregon; Asotin County, Wash.; Nez Perces, Latah, and Idaho counties and part of Shoshone County, Idaho. It is drained by the Snake and Clearwater rivers and their tributaries, and its only natural, logical, commercial outlet is by way of the Snake and Columbia rivers to the Pacific Ocean, already navigable from the heart of this territory to the seacoast, excepting only at The Dalles-Celilo Rapids and a few insignificant bowlder obstructions.

The population of this district is fully 50,000 people (while that of the inland empire as a whole to be directly benefited by an open river is 350,000 or more, and the territory is easily capable of supporting a population of 10,000,000 souls).

The agricultural wealth of this territory is of first importance. Its grain belt is estimated to comprise 2,200,000 acres. Its capacity of production of cereals for export is conservatively estimated at 25,000,000 bushels annually. About 700,000 acres of this land were fenced, but only 375,000 acres were cultivated during the year 1900, including 25,000 acres in cultivated grasses, and all classes of hay lands. This leaves 1,500,000 acres classed as first quality of grain lands, which are still unfenced waste. These lands are largely remote from the transportation facilities which alone are required to promote rich annual harvests.

The yield of cereals in the Clearwater country for 1900 is estimated at 5,450,000 bushels of wheat, 1,120,000 bushels of oats and barley, and 284,000 bushels of flax, a total of 6,854,000 bushels. Of this grain nearly 6,000,000 bushels should be exported before the next harvest; this would load over 7,000 cars, and the existing means of transportation are inadequate to move even the crop of this year.

The wheat soils of the plateaus adjacent to the Columbia and Snake rivers are certainly the richest on the continent, crops of 40 to 60 bushels per acre being not uncommon and 30 bushels being an ordinary average for large areas.

Bordering the grain belt are valleys and benches that are adapted to fruit growing and the cultivation of vegetables. This area of fruit land approximates 100,000 acres. The irrigable bottom lands approach 25,000 acres, and the benches and plateaus suited to apples, pears, cherries, prunes, plums, etc., aggregate a very large acreage. The shipments of fruits and vegetables for the year equal 400 carloads, including Upper Snake River. The capacity for the production of tonnage from orchards and gardens is very great, the average, when in full bearing and thorough cultivation, being 1 carload per acre. This industry, however, is, in a measure, still dormant, because it is dependent upon ready market facilities more than almost any other; it must wait for the extension of railroad and steamboat traffic routes. There are, perhaps, 2,000 acres in the district now cultivated to fruit trees which are fast approaching the age from which profitable crops may be anticipated.

The live-stock industry is next to agriculture in importance, measured by the year's returns. There is a record of the shipment of 12,000 head of cattle since January, 1900, valued at $450,000. This cattle industry is increasing. The large herds have been reduced on the ranges, but the raising of cattle on farms and in inclosed pastures has increased in still greater degree. There has been an increase of exports during the year, while the accumulation of stock cattle has increased fully 25 per cent. The limit of the output will not be reached for many years. These rich soils are prolific of a variety of crops suited to economic beef production. The shipments of sheep and hogs from the Lewiston district equal about 55,500 for this year. The flocks on the ranges count up fully 400,000 sheep. The wool shipped and in public and private warehouses amounts to about 2,000,000 pounds, valued at over $200,000.

The record of shipment of horses shows 3,425 head. Although range horses have decreased in the past five years, yet horse breeding is reviving on the farms, with a class of horses much improved over those which roamed the ranges a few years ago. It is believed from information gathered from stockmen that the horses of this district number fully 150,000.

Our timber interests are very important. The famous Idaho white pine belt is along the Clearwater River.

The State holdings of timber land alone amount to 170,000 acres in this belt, and over 100,000 acres have been entered by individuals as homesteads and by scrip for the timber. This land will average as stumpage 10,000 feet to the acre, a grand total of 2,700,000,000 feet of lumber in the Clearwater white pine belt. This vast product awaits transportation to make it valuable. The variety and quality of this timber make its value so high that it will be shipped to the Far East at a profit whenever practicable facilities are provided for its transportation.

The white-pine forests are in proximity to the Clearwater River, which requires only a small outlay to make it navigable for drives and rafts. A yellow-pine timber belt lies along the Grand Ronde River in Oregon and Washington, beginning 15 miles from the mouth of that stream and 40 miles from Lewiston. The Grand Ronde is suitable for log driving without improvement other than the booms for the control of logs afloat. The extent of this yellow-pine forest is fully 250,000 acres, estimated at 1,600,000 feet to the quarter section, a total of 2,500,000 feet of merchantable lumber. This timber is the most available large supply of common timber for the farming districts and the cities of the inland empire. This Grand Ronde pine belt must find a market by the Snake River water route or wait for a railroad from Elgin or Lewiston. These two forests aggregate over 5,200,000,000 feet of white and yellow pine, and in addition there are large quantities of tamarack, cedar, red fir, white fir, and lower grades of pine, covering nearly 3,000,000 acres. There is an almost unlimited amount of the timber, and also of soft woods suitable for paper pulp, and all within easy reach of waterways on which it may be floated to Lewiston as a shipping center.

The vast mining interests of this territory are still largely unproductive for no other reason than the absence of transportation. In extent and superficial values this district is claimed to excel any other mineral belt in the United States. There are now some 7,500 mineral locations with a legal status upon the county records within the district. Every one of these locations records the fact that mineral has been found in place. The universal opinion of experts is that these prospects, while they cover a vast area, present an average surface value greater than the average of any other district in America. Only with favorable transportation advantages can these prospects become profitable, producing mines. The mineral ores must be accessible to reduction works to be mined profitably. The average ores of Cripple Creek, Leadville, and the Coeur d'Alene would be valueless in the bins of any camp in this district. These millions of tons of ores must remain a dormant resource till transportation facilities are extended to the Snake River, Salmon River, and Clearwater River camps.

Until the present year one need of all this interior country has been a sufficient coal supply. This want now promises to be supplied by newly discovered coal measures. Good evidence of a coal vein of very great extent has been revealed within the year. The "blossom" of this vein has been traced across the whole plateau from the Bitter Root Mountains to the Blue Mountains, a distance of over 100 miles. On the Grande Ronde River it has been fairly well demonstrated that coal exists in large quantities and in merchantable quantity. This adds value to our mineral prospects, and also to our farm lands and all other commercial interests.

We can not, however, reap the benefit of this variety of resources without improved transportation facilities. Our ores and coal, our forest, range, farm, garden, and orchard products must be brought together to make them valuable. With the greatest natural wealth of any district in the United States of equal extent, we are held in a state of comparative inactivity by the absence of transportation facilities.

An open waterway to the ocean would so stimulate settlement, development, and production in all the industries named above that several railroads would, perforce, quickly follow and gridiron the territory described, and thus aid in upbuilding the richest portion of the inland empire, which would then easily rank with the most productive, most prosperous, and most progressive sections of America.

The inland empire as a whole posesses grain lands worth $200,000,000 when under favorable transportation conditions; live-stock interests now valued at $50,000; fruit lands prospectively worth $100,000,000; lumbering interests awaiting cheap transportation to have a valuation above $150,000,000; a grand total in these items alone of $500,000,000, not counting the millions in coal and ores and manufacturing, all awaiting the life-giving influence of an open river to the sea and consequent ample and economical transportation facilities. Even in this end of the year of 1900, with development in its infancy, the grand total of 80,000 carloads of these products have been crowding for shipment.

Wherefore we respectfully and earnestly memorialize the Congress of the United States to make adequate appropriations for the construction of a canal around The Dalles-Celilo Rapids of the Columbia River, thereby opening the Columbia and Snake rivers to navigation, and thus developing the greatest portion of the Northwest.

This joint memorial passed the house of representatives on the 30th day of January, 1901.

GLENN P. McKINLEY,
Speaker of the House of Representatives.

This joint memorial passed the Senate on the 11th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This joint memorial received by the governor on the 18th day of February, 1901, at 5 o'clock p. m., and approved on the 20th day of February, 1901.

FRANK W. HUNT, *Governor.*

DEPARTMENT OF STATE, SECRETARY'S OFFICE,
Boise City, Idaho.

Filed this 20th day of February, 1901.

C. J. BASSETT, *Secretary of State.*

EXECUTIVE DEPARTMENT, SECRETARY'S OFFICE, *State of Idaho:*

I, C. J. Bassett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 4, by Scott, a joint memorial to Congress to create a branch of the National Soldiers' Home at Fort Sherman, Idaho, which was filed in this office the 20th day of February, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 27th day of February, A. D. 1901.

[SEAL.] C. J. BASSETT, *Secretary of State.*

[House joint memorial No. 4, by Scott, in regard to a Branch of the National Soldiers' Home at Fort Sherman, Idaho, by the senate and house of representatives of the State of Idaho.]

A joint memorial to Congress to create a Branch of the National Soldiers' Home at Fort Sherman, Idaho.

To the Honorable Senate and House of Representatives of the United States:

Whereas by act of Congress and the orders of the War Department the troops have been removed from Fort Sherman to the newly established military post at Spokane, Wash.; and

Whereas the present site of Fort Sherman, with all its buildings and improvements, is worthless to the United States and can not be sold for any great amount of money; and

Whereas it is located in a healthy part of the State, at the north end of Coeur d'Alene Lake, a most beautiful body of water, upon which are many steamers, with Coeur d'Alene City near by, with good railroad facilities; and

Whereas there is not a National Soldiers' Home in the extreme Northwestern States:

Therefore we earnestly ask that you give this matter due consideration and establish a National Home upon the site of Fort Sherman, in order that those men that defended the country's flag in time of peril may have a pleasant, healthy place to spend their last remaining days on earth; and that a copy of this memorial be sent to each of our Senators and Representatives in Congress, and that they are urged to give their best influence toward the accomplishment of the matter herein set forth.

This house joint memorial No. 4 passed the house of representatives on the 1st day of February, 1901.

GLENN P. McKINLEY,
Speaker of the House of Representatives.

This house joint memorial No. 4 passed the senate on the 13th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This house joint memorial No. 4 received by the governor on the 19th day of February, 1901, at 3 o'clock p. m., and approved on the 19th day of February, 1901.

FRANK W. HUNT, *Governor.*

DEPARTMENT OF STATE, SECRETARY'S OFFICE,
Boise City, Idaho.

Filed this 20th day of February, 1901.

C. J. BASSETT, *Secretary of State.*

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. Mr. President, proceeding with these items, I reach: "Improving Claiborne Harbor." I presume Claiborne can wait.

"Improving Queenstown Harbor, Maryland."

Mr. WELLINGTON. Claiborne Harbor can wait.

Mr. CARTER. I presume it is in a very fair condition.

"Improving Rock Hall Harbor, Maryland." I presume that is not a matter of pressing necessity.

"Improving harbor at Keyport, N. J."—probably an important matter, but only $5,000 are allowed for that, and it will practically keep until the fall or winter or next year.

"Improving the harbor at Erie, Pa."

That is quite an important center of trade, but still it was thought proper to materially reduce that item. I presume that the commerce of Erie will continue during the summer just as well without this improvement as with it.

Mr. WELLINGTON. Will the Senator yield to me to make a motion?

Mr. NELSON. I call for the regular order, Mr. President.

Mr. WELLINGTON. It is a motion that is in order.

Mr. NELSON. Regular order, Mr. President.

Mr. WELLINGTON. I question the presence of a quorum, and demand a roll call. That passes the regular order.

The PRESIDING OFFICER. The Senator from Maryland has not addressed the Chair, and has not been recognized.

Mr. NELSON. The regular order is the Senator from Montana [Mr. CARTER].

Mr. WELLINGTON. Mr. President, allow me; did I fail to address the Chair?

The PRESIDING OFFICER. The Senator failed to address the Chair.

Mr. WELLINGTON. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland.

Mr. WELLINGTON. I question the presence of a quorum, and ask for a roll call, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary (at 8 o'clock and 10 minutes a. m., March 4) called the roll; and the following Senators answered to their names:

Butler,	Frye,	McBride,	Sullivan,
Carter,	Gallinger,	Mason,	Taliaferro,
Clapp,	Harris,	Nelson,	Thurston,
Clark,	Hawley,	Perkins,	Turner,
Culberson,	Heitfeld,	Pettigrew,	Warren,
Daniel,	Jones, Ark.	Scott,	Wellington.
Fairbanks,	Kean,	Shoup,	
Foster,	Lindsay,	Stewart,	

The PRESIDING OFFICER. Thirty Senators have answered to their names—not a quorum.

Mr. FRYE (Mr. KEAN in the chair). I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Maine moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

At 8 o'clock and 14 minutes a. m. Mr. COCKRELL entered the Chamber and responded to his name.

At 8 o'clock and 15 minutes a. m. Mr. SIMON entered the Chamber and responded to his name.

At 8 o'clock and 20 minutes a. m. Mr. BERRY entered the Chamber and responded to his name.

At 8 o'clock and 21 minutes a. m. Mr. MARTIN entered the Chamber and responded to his name.

At 8 o'clock and 44 minutes a. m. Mr. DEBOE entered the Chamber and answered to his name.

At 8 o'clock and 45 minutes a. m. Mr. CLAY entered the Chamber and answered to his name.

At 8 o'clock and 47 minutes a. m. Mr. CHILTON entered the Chamber and answered to his name.

At 8 o'clock and 49 minutes a. m. Mr. BARD entered the Chamber and answered to his name.

At 8 o'clock and 51 minutes a. m. Mr. CHANDLER entered the Chamber and answered to his name.

At 8 o'clock and 55 minutes a. m. Mr. PRITCHARD entered the Chamber and answered to his name.

Mr. PETTIGREW (at 8 o'clock and 56 minutes a. m.). I move that the Senate do now adjourn.

Mr. CARTER. I hope the Senator from South Dakota will not insist upon that motion.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the motion of the Senator from South Dakota that the Senate adjourn.

The motion was rejected.

At 9 o'clock Mr. MCCUMBER entered the Chamber and answered to his name.

At 9 o'clock and 5 minutes Mr. HANSBROUGH entered the Chamber and answered to his name.

At 9 o'clock and 8 minutes Mr. PLATT of New York entered the Chamber and answered to his name.

At 9 o'clock and 10 minutes Mr. BATE entered the Chamber and answered to his name.

At 9 o'clock and 15 minutes Mr. TELLER entered the Chamber and answered to his name.

The PRESIDING OFFICER (Mr. KEAN in the chair). Forty-five Senators have answered to their names. A quorum has responded.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 636) for the relief of St. John's Lodge Free and Accepted Masons, No. 3, of Newbern, N. C.;

A bill (H. R. 9829) to provide for celebrating the one-hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mines, forest, and sea in the city of St. Louis, in the State of Missouri;

A bill (H. R. 9835) to establish a code of laws for the District of Columbia; and

A bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. Mr. President——

Mr. WELLINGTON. I ask the Senator if he will allow me to move that the Senate take a recess until 10.30.

Mr. CARTER. I yield for that purpose.

The PRESIDING OFFICER (Mr. KEAN in the chair.) The Senator from Maryland moves that the Senate take a recess until 10.30.

Mr. BERRY. Mr. President, I call for a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Clay,	Kean,	Shoup,
Bard,	Cockrell,	Martin,	Simon,
Bate,	Fairbanks,	Mason,	Stewart,
Berry,	Foster,	Pettigrew,	Taliaferro,
Butler,	Frye,	Pettus,	Teller,
Carter,	Gallinger,	Platt, Conn.	Turner,
Chilton,	Harris,	Platt, N. Y.	Wellington.
Clapp,	Hawley,	Pritchard,	
Clark,	Jones, Ark.,	Scott,	

The PRESIDING OFFICER. Thirty-four Senators have answered to their names. There is not a quorum present.

Mr. JONES of Arkansas. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will carry out the order of the Senate.

Mr. CHANDLER, Mr. QUAY, Mr. KYLE, Mr. HALE, Mr. MALLORY, Mr. WARREN, Mr. PERKINS, Mr. SULLIVAN, Mr. DEBOE, Mr. FORAKER, and Mr. NELSON subsequently entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-five Senators have responded to their names. There is a quorum present.

Mr. CARTER. Mr. President, in the course of the remarks which I have had the honor to make to the Senate during the last few hours, I have found it necessary, in order to elucidate the nature of my objections to this bill, to quote from the text of the bill at some length, and likewise from the report of the committee which accompanies the bill, to the end that there may not be any basis for suspicion, even, that points of particular weakness have been taken out for appropriation.

Mr. PETTIGREW. Will the Senator yield to me to make a motion for a recess until 11 o'clock?

Mr. CARTER. I yield to the Senator.

Mr. PETTIGREW. I move that the Senate take a recess until 11 o'clock. It seems to me it is nonsense to go on with this discussion.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate take a recess until 11 o'clock. The question is on that motion.

The motion was rejected.

Mr. CARTER. I am gratified that the Senate has refused to take a recess at this moment, for the reason that I desire to complete the statement I was proceeding to make at the time the Senator from South Dakota made the motion for a recess.

Mr. TELLER. If the Senator will speak a little louder, we would get more benefit from his speech.

Mr. CARTER. I will speak louder as I warm up to the text. [Laughter.]

To the end that there may be no basis whatever for charge or suspicion that the quotations made from the bill and the report of the committee, which accompanies it, I deem it proper at this time to insert the full text of the bill, and likewise the report which accompanies it, to the end that the country may know the precise text of the bill and the causes urged in the report for its passage. To that end, not wishing to weary the secretaries nor to annoy the Senate with any direct request, I will proceed to read the bill, Mr. President:

An act (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named:

For construction of breakwater from Mount Desert to Porcupine Island, Maine: Continuing improvement, $12,500—

As amended by the Senate it reads, "$25,000"——

Mr. CHANDLER. Mr. President, is the Senator from Montana entitled to read this bill without making comments upon it? He has undoubtedly the right to read it and comment upon it, but has he the right to take a bill of that size and read it, and, while reading, say nothing?

Mr. CARTER. I shall be glad to enlighten the Senate upon some of the provisions of this bill between the lines. I have no desire to read the bill, but would prefer to insert it as a part of my remarks. I think it is important that the country should know what this bill is. I know there is very little hearty support for the measure in this body. I know that if it should be passed upon—as other bills are passed upon—on its actual merits, the bill would receive a very meager vote in this Senate; but it has fallen to my lot to oppose the bill during the night, and I have quoted sufficiently from it to, I think, convince those who may read the RECORD that the bill should not pass, because it is inherently lacking in the merit entitling it to the favorable action or consideration of the Senate.

But with reference to the observation of the Senator from New Hampshire [Mr. CHANDLER], I do not wish to consume the time of the Senate in commenting upon the bill during the reading.

Here, Mr. President, we have, beginning on line 5, page 2:

Improving harbor at Camden, Me.: Completing improvement of outer harbor in accordance with the report submitted in House Document No. 263, Fifty-sixth Congress, first session, $7,500.

I presume that is a meritorious appropriation. The next is—

Improving Bucksport Harbor, Maine, in accordance with the project submitted in House Document No. 275, Fifty-sixth Congress, first session, completing improvement, $20,000.

I presume that is a meritorious appropriation.

Improving harbor at Isle of Shoals, Maine: For completing improvement in accordance with the report submitted in House Document No. 255, Fifty-sixth Congress, first session, $30,000.

It would be interesting to read the report in that connection.

Improving harbor of refuge at Little Harbor, New Hampshire: Completing improvement, $13,000.

Improving harbor at Burlington, Vt.: For the immediate renewal and repair of the existing breakwater, $37,750.

Improving harbor at Newburyport, Mass.: Continuing improvement, $30,000.

While each one of these appropriations may have merit, I insist that they will not suffer sufficiently during the few months remaining of this summer after June 30, to warrant the Senate in passing them with the enormous weight of improvident legislation associated with them in the bill.

Improving harbor at Rockport, Mass.

Improving harbor at Gloucester, Mass.

Sums are appropriated in the first instance of $22,481.80, and in the second instance, that at Gloucester, $75,000.

These points are points of shipment for large quantities of granite. It is important that there should be good harbor facilities there, and it is not likely that any special or serious accident will occur at that place or either of these places to seriously retard the development of the continuation of commerce in the harbor. Nothing that has happened will prevent the coming and going of vessels after June 30 precisely as before June 30.

These items illustrate my contention that there is no present necessity for the passage of this bill, and that the bill should not pass, because it has not been considered as it should be considered.

Mr. ALLISON. Will the Senator yield to me that I may offer a resolution which it is necessary to pass?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. Certainly.

STANDING AND SELECT COMMITTEES.

Mr. ALLISON. I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress, or until their successors are elected.

The resolution was considered by unanimous consent, and agreed to.

CUSTOMS OF CONFERENCE COMMITTEES.

Mr. ALLISON. I desire to present, from the Committee on Appropriations, a statement respecting the customs of conference committees, in response to a resolution passed at the last session. I ask that it may be printed as a document.

The PRESIDENT pro tempore. It will be printed as a document, if there be no objection.

Mr. CARTER. I ask that the document be read for the information of the Senate. I should like to hear it. I understand it is a statement giving the amounts of appropriations at this session. It is an important paper, and it should be read.

Mr. ALLISON. I will say to the Senator that it is not a statement of appropriations, but it is a statement in conformity to a resolution which was adopted on the motion of the senior Senator from Massachusetts [Mr. HOAR] respecting the usual customs of conference committees of the two Houses. Perhaps it will be more fully explained if we add another chapter to it. The statement was prepared some months ago.

Mr. PETTIGREW. Let the statement be read, Mr. President.

Mr. CHANDLER. It is impossible to hear the statement of the Senator from Iowa [Mr. ALLISON], so as to know what the document is.

Mr. ALDRICH. Let it be read.

Mr. CHANDLER. Yes; let it be read.

The PRESIDENT pro tempore. It is impossible to have order with the galleries being occupied as they are at present.

Mr. ALLISON. Mr. President, at the last session of the Senate the senior Senator from Massachusetts [Mr. HOAR] offered a resolution asking the Committee on Appropriations to make inquiry respecting the customs of conference committees. The statement I present is in response to that resolution, and has been prepared by the clerk of the Committee on Appropriations. I only ask that it may be filed and printed as a document.

The PRESIDENT pro tempore. The statement will be printed as a document, if there be no objection.

Mr. PETTIGREW. I object, unless it is read, so that we may know what it contains.

Mr. ALLISON. Well, Mr. President, I will withdraw the statement for the present.

The PRESIDENT pro tempore. The Senator from Iowa withdraws the statement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the District of Columbia to American citizens.

The message also announced that the House had passed the bill (S. 5715) granting a charter to the General Federation of Women's Clubs.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5943) to establish Lowelltown, Me., a subport of entry;

A bill (S. 5715) granting a charter to the General Federation of Women's Clubs; and

A bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the District of Columbia to American citizens.

MEMORIAL.

Mr. KYLE presented the following joint resolution of the legislature of South Dakota; which was ordered to lie on the table, and to be printed in the RECORD:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, O. C. Berg, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of joint resolution No. 6, as passed by the seventh legislative assembly of South Dakota, as the same appears of record in this office and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 27th day of February, 1901.

[SEAL.] O. C. BERG, *Secretary of State.*

House joint resolution No. 6.—A joint resolution and memorial requesting the Congress of the United States to treat with the Indians for the cession and opening for white settlement and free homestead entry all that portion of the Rosebud Indian Reservation lying within the boundaries of Gregory County, S. Dak.

Be it resolved by the house of representatives of the legislature of South Dakota (the Senate concurring):

Whereas there is in the organized portion of Gregory County, S. Dak., about six Congressional townships, said tract being too small in area, population, and assessed valuation to successfully maintain a county government without causing such government to become unduly burdensome; and

Whereas there is also within the boundaries of said Gregory County, S. Dak., about 23 Congressional townships of agricultural land which forms a part of the Rosebud Indian Reservation, and upon which are living a few Indians who have all taken their allotments in severalty; and

Whereas it is understood that the Indians are willing for a reasonable compensation to cede all that portion of the reservation herein mentioned to the Government; and

Whereas the ceding of said portion of the reservation to the Government would still leave a sufficiently large and suitable territory to meet all the requirements of an Indian reservation, while at the same time the ceding and opening to white settlers of all that portion of said reservation above referred to would add to the productive farming land of the State, enlarge the area of Gregory County to a proper and desirable size, and greatly lessen the expense of maintaining the government of said county: Therefore, be it

Resolved, That we respectfully petition and memorialize the Congress of the United States to treat with the Indians at the earliest practicable date for the cession of all that portion of the Rosebud Indian Reservation lying within the boundaries of Gregory County, S. Dak., and that said tract be open to free homestead entry by white settlers; and be it further

Resolved, That we hereby request our Senators and Representatives in Congress to use their best efforts to effect the object prayed for in this memorial; and the secretary of state is hereby instructed to forward copies of this memorial to our Senators and Representatives in Congress.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CARTER. Mr. President, this bill, which I have proceeded to read and will finish reading if the time is sufficient, merits opposition, as I have stated, from every Senator who believes in scrutinizing with jealous care all appropriations of public money.

I regret, indeed, that through the hours of the night the voices of the Senators on the opposite side of this Chamber have not been heard to remonstrate against the passage of this bill. I listened here some time ago to a long-continued and spirited debate,

confined to a few able Senators, upon a bill which became known on that side of the Chamber as the subsidy bill. That bill was intended by those who framed it to provide for the reestablishment of the American merchant marine. The principle involved in the bill had been for a long time an elementary principle of Republican faith. The principle embodied in that bill had been favorably commented upon or ratified and reratified in the national platforms of the Republican party for a long, long time.

It was known everywhere that the Republican party intended, when placed in power, to pass a law granting a reasonable bounty upon tonnage for the purpose of developing the ocean steamships floating the American flag. The principle was not new. The people had passed upon it. Since 1889 a bill substantially the same as the bill recently presented in this body has been urged, persistently urged, by the Republican party. The well-known party position upon this question and the persistent efforts to crystallize that principle of party faith into the law were such that the opposition in the Chamber was not taken by surprise when the bill was presented.

Ample time was taken for debate. Every provision of the bill was gone over with the utmost care. Just criticism led to appropriate amendments, and finally the bill was prepared for passage. Apparently every Senator in the Chamber who desired to speak to the merits had spoken. The burden of the song of the opposition was that that bill, which would tend to uplift the American merchant marine, which would send our commerce over the seas under our flag, could not be favorably entertained by the opposition because it carried $9,000,000 per year out of the Treasury of the United States.

Mr. WELLINGTON. Will the Senator from Montana allow me a question at this point?

Mr. CARTER. I shall be glad to hear the Senator from Maryland.

Mr. WELLINGTON. Is it not true that not only was there a silent opposition to the subsidy bill in this Chamber, but that throughout the country Republican newspapers and prominent Republicans rose up against it? I hold in my hand a pamphlet which is devoted to the ship-subsidy bill. In it I find an extract from the Indianapolis Journal, a good Republican newspaper, I believe, in opposition to that bill. I find that the Dubuque (Iowa) Times, in an issue of December, is opposed to the ship-subsidy bill; I find that the Chicago Tribune, in December, 1900, was opposed to the ship-subsidy bill; I find that the Portland Oregonian was opposed to the ship-subsidy bill; I find that the New York Press was opposed to it; I find that the Chicago Times-Herald was opposed to it; I find also that the New York Evening Post was opposed to it, and in it there is an interview by Phillips, of Pennsylvania, which is in itself a complete denunciation of the bill.

Mr. CHANDLER. Will the Senator from Maryland allow me to ask him a question? Did the fact that these newspapers, Republican newspapers, if they were, were opposed to the ship-subsidy bill justify filibustering upon this floor in order to defeat it, because that is the question?

Mr. WELLINGTON. That may be the question, and I take pleasure in answering the Senator from New Hampshire. I believe there are times when anything that can legally be done under the rules is right to be done to defeat a vicious measure, and it ought to be done. I have tried to answer the question of the Senator from New Hampshire.

I desire, Mr. President, if the Senator from Montana will permit, to read some of these extracts. For instance, the Indianapolis Journal, of December, 1900, said this:

[From the Indianapolis Journal, December, 1900.]

THE PEOPLE OPPOSED TO SUBSIDIES.

Not only is there no popular demand for a subsidy measure, but there is no reason to believe that it would benefit any person outside of those engaged in building and running ships, and of these classes it would benefit only those who least need it—the large builders and ocean liners, and not small ones.

Congressmen must not mistake the atmosphere of Washington for that of the country at large, or the clamor of a few shipbuilders and owners and their lobby for the voice of the people. Let Republican members go back to the platform of 1896, which demanded the upbuilding of our merchant marine and carrying trade by other methods than a money subsidy.

I wish to read in addition to that, if the Senator from Montana will permit, from the Dubuque Times, and I do this because if there is an ultra Republican State in the Union, it is the State of Iowa, and this, I believe, is one of the leading newspapers of the State of Iowa. It is published in Dubuque, the home, I believe, of the distinguished chairman of the Committee on Appropriations. The Dubuque Times in December, 1900, said:

[From the Dubuque (Iowa) Times, December, 1900.]

SHIP SUBSIDY BILL.

The ship-subsidy proposition is less popular than the tariff, for at least two reasons. One is that nobody can be induced to believe that the foreigner pays the freight, when the bill itself expressly provides that it shall be paid out of the national Treasury in cold cash. The other is that the word "subsidy" has an unpleasant sound, suggestive of the Credit Mobilier and land grants for railroads that were never built.

The subject is one little understood by the people; and even if the subsidy principle be conceded, only those familiar with the condition of the shipbuilding industry and the condition and needs of the merchant marine can undertake to say whether the pending bill has been framed on the lines best calculated to increase this nation's importance in the carrying trade at the minimum of cost to the Treasury. There are conflicting interests in the trade, some being interested in one class of vessels and some in another, and each desiring a bill in its own interest.

If the pending measure becomes a law it will be heard from in the next campaign. No inconsiderable part of President McKinley's support in the recent election came from those to whom the subsidy idea is extremely distasteful.

[From the Chicago Tribune, December, 1900.]

SUBSIDY SCHEME NOT VOTED ON IN NOVEMBER.

Discussing President James J. Hill's intensely interesting prophecies of what the merchant marine of the nation is approaching in development, the Chicago Tribune editorially says:

"It was not understood when the spellbinders were urging the people of the Northwest to vote in favor of the reelection of President McKinley that one of the first items on the Senatorial programme when Congress met would be the passage of a 'shipping-subsidy' bill which contemplates annual expenditure for thirty years for the special benefit of a number of rich men residing in Eastern cities. There is nothing whatever in this adroit resolution (the shipping plank of the Republican national platform of 1900) about 'subsidies.' The word 'subsidies' was carefully omitted from the platform.

"Nor was anything said during the campaign in regard to the extension of our merchant marine by a scheme of public expenditure continuing for a generation. Nobody can recall an instance of a public meeting at which the shipping-subsidy bill was made the subject of fair, candid argument or any argument at all; nor were the claims to public aid of the persons interested in such legislation ever explicitly set forth. * * * The Republican party should not be in favor of one set of measures prior to November 6 and in favor of an entirely different kind of measures subsequent to November 6."

[From the Portland Oregonian, December, 1900.]

FACTS AGAINST THE SUBSIDY.

By the time Congress is again in session conditions will be much less favorable for the passage of a shipping-subsidy bill than ever before. Every shipyard of importance in the country is running to its fullest capacity, and many new ones have come into existence, with some of the old doubling and trebling their facilities for turning out vessels. Contracts for mercantile craft alone on the Atlantic and Pacific coasts amount to $30,000,000, and it is now almost a certainty that more new tonnage will go into the water under the American flag in 1901 than in any previous year in the history of the country.

The fact that America is building ships for foreign governments, which have had the world for a market in which to buy their ships, shows plainly that there is an advantage in our favor on the first cost of the ship. The fact that building and sailing American ships in competition with the fleets of the world has enabled a few Americans to pile up colossal fortunes shows that we can operate the ships as cheaply as the foreigners can operate their craft.

Of the grain ships en route to Portland at the present time 25 fly the German flag, while Great Britain, for the first time in the history of the port, has dropped back to second place, with but 23 ships.

Over two-thirds of these German ships were built and owned by the British until a short time ago. As a matter of fact, half of them have passed from the British to the German flag within the past three years. No subsidy was asked or needed when Germany decided to increase her merchant marine; but she said to her subjects: "Go forth into the markets of the world and buy ships wherever you can buy them the cheapest." If American capital could have secured the same permission from our Government, all of these ships which Great Britain supplanted with steamers would not now be flying the German flag.

[From the New York Press, December 15, 1900.]

THE SHIP-SUBSIDY JONAHS.

In justifying the distribution of this grant under the proposed law the champions of the bill can employ something more of talent and energy than they have yet displayed. They have greatly improved their law since its first introduction, when, in the language of Mr. Hill, of railroad and Pacific trade fame, it gave three-quarters of the annual $9,000,000 to "nine gentlemen, all my good friends," the owners of the International Navigation Company or American Line. But, though the bill has been bettered since then, there is too much of the "nine gentlemen" in it yet.

As a matter of fact, the subsidizing of fast mail boats, a proper object in itself—if they are really fast—does not rightly come within the purview of this measure. Its preamble states its purpose as a response to a demand made by the "profitable employment of the surplus productive power of the farms, factories, mines, forests, and fisheries of the United States for the increase of its foreign commerce." The "nine gentlemen" of the American Line are engaged in an entirely legitimate business. They are carrying American mails, and they ought to be paid so that they can carry them in American *Deutschlands* and *Oceanics*, instead of sticking to little, slow old *Parisses* and *New Yorks*.

They should not be let off again with the building of *St. Pauls* and *St. Louises*, but compelled to the construction of vessels which the Post Office would select with the sole eye which it is bound to have to celerity of service. The increase of the mail subsidy to 21 knot vessels when 23 knots is the typical speed of the fast mail boat of the day is a farce, not to call it something harsher, upon its face. But, whatever it is, let the Government deal with it separately upon its merits and not muddle it up with a measure designed to freight the surplus products of American "farms, mines, forests, and factories" which these vessels, having no cargo space for grain, coal, lumber, and locomotives, never carry.

With this separation the bill would be without logical opposition in Congress or the country, and we fail to see why it should lose the votes of the many Senators and Representatives whom the American Line has been carrying to Europe and back every summer for the last ten years in anticipation of this particular roll call. It may be true of our Government, as Hamilton said of the English, that it can not be worked without bribery, but there is no reason why the measures and men which require bribery should be mixed up with those which do not. There is no reason why a shady scheme to make some slow, old boats of a native line pay dividends which under the competition of their alert foreign rivals they can not earn even with their present grant should smirch a clean legislative project to facilitate the entrance of American capital into the ocean carriage of American products.

If it is necessary, let the leeches and their lobbyists take their $7,500,000 and go off in a corner with it. Then let the other $7,500,000 be employed in encouraging the construction of as great a number as may be of slow cargo boats—12 knots is good, but 9 is better—which shall reclaim the freightage of the 90 per cent of American exports which now floats in foreign bottoms. This, with the involved salvage of at least $100,000,000 a year, is the great purpose of the measure under discussion. It can never be served, but rather will it be thwarted, and above all will it be gravely clouded as long as it is

coupled with another and palpably suspicious proposal to increase the mail pay of a steamship line which has ceased to compete in fast mail service and wants to be rewarded for so doing. Through the very dissimilarity of their purposes and objects the "nine gentlemen" of the American line are the Jonahs of the ship-subsidy bill.

I desire to read an editorial from the Chicago Times-Herald, published in Chicago December 15, 1900:

[From the Chicago Times-Herald, December 15, 1900.]

THE WEST AGAINST THE SHIP-SUBSIDY BILL.

Senator HANNA'S speech in favor of the ship-subsidy bill Thursday was the most effective presentation of his side of the proposition that has yet been heard in the Senate. It appealed to the only consideration that renders the proposal to spend $9,000,000 a year in the attempt to build up the American merchant marine tolerable to the American people—natural pride and natural business instincts. In his own words, it was an "appeal to the American people for the reestablishment of the great shipbuilding industry."

"I want," said he, "to put it on higher grounds than mere dollars and cents. It is away and beyond that point in patriotism and pride in our national life. As to the popularity or unpopularity of this measure, I stand here to say that every line of it is in the interest of the American people. Upon that basis I make my appeal."

There is no room to question Senator HANNA'S sincerity and mastery of his subject. His own connection with the shipping industry of the Great Lakes for the past forty years has given him a familiarity with the details and development of the business that served to make his speech a revelation of accurate knowledge and experience to his fellow-Senators.

But, unfortunately for his main argument, that knowledge and experience was gained under conditions altogether different from those that prevail on the ocean. Nature has given to the United States a practical monopoly of the carrying trade of the Great Lakes. We have the coast line, the commerce, the ports, and the cash. All we have had to do was to build the ships. What competition there is has been all among ourselves. Canada has not had the ports, the incentive, nor the means to compete with us.

On the lakes the natural laws of supply and demand have been with us, on the ocean they are against us. While they favored us our shipbuilding industry flourished and our flag floated on every sea and in every port. When, with changing conditions, those same laws were against us, our ships and flag gradually vanished from the foreign carrying trade of the world.

HANNA ANSWERED BY FRYE.

It was Senator HANNA'S misfortune to follow Senator FRYE'S exhaustive two days' effort on the same side of the question, whose speech affords all the ammunition that the opponents of the ship-subsidy bill need for answer to the appeals of the Ohio Senator. For instance, Mr. HANNA asks:

"Why should we not put some of our idle capital into the building of ships and sailing them for the benefit of our producers and manufacturers?"

Senator FRYE afforded the explanation when he said: "Our ships, costing 25 per cent more than those of England and Germany, with operating charges at least 40 per cent greater by reason of higher wages and better living, unprotected, are compelled to compete with those protected."

The use of the terms "protected" and "unprotected" here is a clever avoidance of the words "subsidized" and "unsubsidized," which are obnoxious to the American ear. But by whatever term it may be described, it cuts a very insignificant figure in diverting the carrying trade of the world from channels into which it has fallen through natural causes.

According to Senator FRYE the following amounts were paid by the nations named annually to encourage their respective merchant marine:

Country.	Year.	Amount.
Great Britain	1899	$5,857,525
Germany	1899	1,894,620
France	1899	7,632,242
Italy	1899	2,185,209
Russia	1899	1,371,187
Austria	1899	1,724,249
Spain	1896	1,629,927
Netherlands	1898	250,971
Norway	1899	136,943
Sweden	1898	31,844
Denmark	1899	82,455
Japan	1899	3,492,107

NOTE.—These figures include mail subsidies and construction, navigation and fishing bounties. In 1899 the United States paid $968,211 in mail subsidies.

In order to show what an insignificant part "protection," "bounties," "subsidies," or whatever you choose to call it, plays in the building up of a merchant marine, it is instructive to glance at the following statement of the merchant navies in 1850 and 1898 of some of the nations mentioned by Senator FRYE:

Country.	1850, tonnage.	1898, tonnage.
British	4,232,962	13,988,508
German		2,453,334
French	688,153	1,242,091
Italian (1870)	1,012,164	875,851
Austro-Hungarian (1870)	329,377	380,414
Dutch	392,576	455,600
Norwegian	298,315	1,694,230
Swedish (1870)	346,862	605,991
Danish (1870)	178,646	511,958

These two tables taken together prove that the enormous subsidies paid by France have been ineffectual to retain her proportion of the carrying trade of the world, while the merchant marine of Norway, Sweden, and Denmark, with insignificant government aid, have moved up until combined it occupies a second place to that of Great Britain.

What is the explanation of this? Senator FRYE in a single sentence furnishes the only true and incontrovertible solution, to wit: "The Norwegian ships can beat the world to-day in cheapness of carrying." If the operating charges of American ships are at least 40 per cent greater than those of English and German ships, what show have they to compete with Norwegian ships, which cost 25 per cent less than ours and can be operated cheaper than those of England or Germany or any other nation?

But Senator FRYE is also authority for the statement that the effect of American competition, when subsidized, on the carrying trade of the world would be to reduce freight rates 25 per cent, and that "on the Atlantic ships are carrying, or two years ago were carrying, as low as they could profitably."

He also said "It has been utterly impossible for an American citizen under existing conditions to invest his money in American ships to engage in the foreign carrying trade." In short, investment in American ships is not profitable under natural conditions with normal freight rates, and yet Mr. FRYE would have us attempt to make it profitable by taking $9,000,000 a year out of the Treasury to foster a competition that would have the immediate effect to reduce the present unprofitable freight rates "at least 25 per cent."

If the Senator will permit me to conclude, the Times-Herald further says:

This is so preposterous a proposition that it is a conclusive reply to the strong appeal of Senator HANNA for some legislation that will restore our merchant marine on the ocean. * * *

In the matter of voting money for building a Navy the West, which has not an inch of coast to protect, has proved its national spirit by supporting every appropriation asked. It is not affrighted by the word "subsidy," but it balks over a proposition to take money from the National Treasury to render the conditions of a self-supporting merchant marine more unprofitable than ever.

If the ships of other nations, in a competition open to all, can carry our exports and imports more cheaply than we can ourselves, let them play the rôle of hod carriers at the wages of hod carriers.

If what we pay to other nations for carrying our freight enables them to buy our products and manufactures, they are welcome to it so long as we have more profitable employment for our capital, brains, and industry.

I desire to read an interview, or part of an interview, by Thomas W. Phillips, formerly a Representative in Congress from the Twenty-fifth district of Pennsylvania, a member of the Industrial Commission, and a business man of note, who has the courage of his convictions, as is shown by the comments made to the correspondent of the New York Evening Post:

[From the New York Evening Post of December 18, 1900.]

WASHINGTON, *December 18.*

Good Republican testimony to the iniquity of the ship-subsidy bill is not so scarce as one would suppose, though for reasons of party discipline it is often hard to get Republicans of high standing to repeat in public what they freely say in private conversation. Thomas W. Phillips, however, formerly a Representative in Congress from the Twenty-fifth district of Pennsylvania, member of the Industrial Commission, and a business man of note, has the courage of his convictions, as is shown by these comments made to your correspondent:

"The supporters of the ship-subsidy bill, in Senate report No. 473, explain its introduction by saying that we need more American vessels engaged in foreign trade. They cite the fact of a great decline in American shipping and give as the reason therefor, first, that the cost of construction is greater in the United States than in Great Britain or Germany; second, that the cost of operating vessels under the American flag is greater than under foreign flags; and as a third reason they cite causes based on foreign legislative encouragement.

COST OF BUILDING AND OPERATING STEAMSHIPS.

"They then propose as a remedy this bill, giving a subsidy of $9,000,000 annually for twenty years to American shipowners under very peculiar and astonishing conditions. To show that these claims are incorrect one need only remember that one of the principal items in the cost of construction of steel ships is the steel plates of which the whole ship except her machinery and rigging is built. According to the last report of the Commissioner of Navigation the price of steel ship plates in the United States in September last was $24.64 per ton and in Great Britain $38.88 per ton, so that the principal material used in the construction of a ship was over one-third cheaper in the United States than in Great Britain.

"Another great item in the cost of building a steamship is her machinery. It is a fact well known and conceded to-day that American machinery is now made better and sold cheaper in all the markets of the world than the corresponding product of other nations. Therefore, both in ship plates and in machinery, America is now able to compete with the world. The rate of wages is somewhat higher in American shipyards than in British, it is true, yet it is admitted that American workmen with American machinery turn out a much greater product per man than foreign workmen. Add to this the fact that American workmen in this industry generally work one hour per day longer than the British, and we then understand why shipbuilding experts like Mr. Cramp say that a steamship can now be built as cheap in America as in any country.

"Again, the cost of operating vessels under the American flag is practically no greater than under the British flag. Insurance is only 12 per cent higher here than in Europe, interest is the same, and there is less difference between British and American wages than between British and continental wages; yet Britain builds and sails more ships than all the rest of the world combined. Furthermore, under this bill American shipowners are specifically permitted to hire three-fourths, or even more, of their crews in foreign ports at as low wages as their foreign competitors.

SUBSIDIES ALREADY HIGH.

"The seagoing tonnage of the world in 1899 was 18,880,000 tons, and of the United States 810,000, giving 22⅓ times as much for the rest of the world as for the United States. As stated in the Senate report, American subsidy payments are $1,400,000 annually, and foreign subsidy payments $26,000,000 annually, showing that while foreign tonnage is 22⅓ times as great as American tonnage, foreign subsidies are only 18½ times as great, the United States already paying an average of about 20 per cent more than the rest of the world.

"If this bill becomes a law we shall be paying more than one-third of the world's subsidy, with less than one-twentieth of the tonnage. There is no assurance that our tonnage will be increased by this, for some of the nations which, like Norway, pay the smallest subsidies make the greatest increases in the growth of their shipping. We are now paying a greater subsidy per ton than other nations, and our shipping increases less rapidly. These facts show that shipping does not increase in proportion to subsidies, and dispose of the last of the three arguments made in behalf of the bill."

Mr. CARTER rose.

Mr. WELLINGTON. I do not want to intrude too long upon the Senator, but if he will permit me, I think it is interesting reading in connection with the ship-subsidy measure. I will continue:

STANDARD OIL STEAMSHIP TRUST IN PROSPECT.

But there is a fourth reason for the ardent support which this particular subsidy measure is receiving in certain quarters. It is a reason not set forth

in the bill itself or by its supporters, yet it is potent with the promoters of the measure, and one that should receive the careful consideration of American lawmakers before they vote. This unmentioned cause is the expectation that the bill will materially aid in the creation of a great ocean steamship trust.

One need only read the names of the men and corporations originating and advocating this bill in order to grasp the purpose which lies behind it. Here are some of them, as given in Senator FRYE's speech on December 5: C. P. Huntington, railway magnate; Charles H. Cramp, shipbuilder; C. A. Griscom, president of the International Navigation Company, which is controlled by the Standard Oil Company and the Pennsylvania Railroad Company; Aaron Vanderbilt; Harvey Goulder and Frank J. Firth, of the Lake Carriers' Association, and a number of others of like connection. The House minority committee's report throws still further light on this feature of the case. It quotes from the Chicago Tribune to give an idea of the extent to which the prime movers of this subsidy bill are concerned in and backed by other trusts:

Among the officers of this so-called American Line Company are Clement A. Griscom, president, and W. H. Barnes, Alexander J. Cassatt, and W. E. Elkins, directors. That is not the only directory, however, of which these gentlemen are members. They are also directors of the Pennsylvania Company, and Cassatt is president of that company.

RECESS.

Mr. HANSBROUGH (at 10 o'clock and 30 minutes a. m., Monday, March 4). Mr. President, I move that the Senate take a recess for thirty minutes.

The motion was agreed to; and at the expiration of the recess (at 11 o'clock a. m.) the Senate reassembled.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

S. 3283. An act for the relief of Isaac R. Dunkelberger;

S. 2933. An act authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army;

S. 4687. An act for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy;

S. 4509. An act extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise;

S. 3670. An act authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes;

S. 6048. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891;

S. 2866. An act to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands in California, Oregon, and Washington;

S. 5715. An act granting a charter to the General Federation of Women's Clubs;

S. 5573. An act to amend section 203 of title 3 of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;

S. 5943. An act to establish Lowelltown, Me., a subport of entry; and

S. 5484. An act to provide for subports of entry and delivery in the Territory of Hawaii.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13169) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WELLINGTON. Mr. President, at the time of the recess I was engaged in reading. I will proceed.

John D. Archbold * * * and Henry H. Rogers are also directors of the International Navigation Company. The first named is a prominent director, and the last named director and vice-president of the Standard Oil Company. There is a concern known as the National Transit Company, which is a part of the Standard Oil trust and controls its oil-distributing business. Its relations with the Pennsylvania Company are exceedingly intimate. Among the directors of the National Transit Company are J. D. Archbold, H. H. Rogers, and Clement A. Griscom. The latter is the connecting link between the International Navigation Company, the Pennsylvania Railroad, and the Standard Oil Company.

Will the farmers, workingmen, and legitimate business men of the United States submit to be taxed $9,000,000 a year as a gift to aid such a coterie of distinguished trust magnates in their latest scheme to secure a monopoly of ocean transportation as well as on the land and on the lakes? This scheme would leave the farmers, miners, and manufacturers at the tender mercies of the new monopoly, just as the Standard Oil trust now controls the production and distribution of petroleum, where profits are governed only by greed.

As late as December 9 James J. Hill, president of the Great Northern Railroad, in a speech at Chicago, said that he had made some inquiries concerning the building of boats in this country and on the Clyde, and found that he could have them constructed here at a much lower figure than in Scotland.

THE FOREIGN-OWNERSHIP FRAUD.

This bill, as described by its authors, is "a bill to promote commerce," etc. The title is a misnomer. It should be called "a bill to destroy competition and create a world-wide transportation trust controlled by the millionaire monopolists of America." The conclusive evidence that this is what it is intended for is contained in the measure itself, and in the facts set forth in House and Senate reports. For example, the bill provides that the $9,000,000 subsidy per year shall be distributed among vessels owned and built in the United States, and among such foreign-built steamships as were on the 1st of January, 1900, engaged in foreign commerce and owned and contracted for by American citizens or American corporations or by foreign corporations of which the majority of the stock is owned by American capitalists.

This provision is a palpable act of favoritism in the interest of those privileged individuals or corporations who for a considerable time prior to January 1, 1900, had the exclusive information that this provision was to be inserted in the law. This section, together with other features of the bill which make it necessary for a new ship to be built within five years in order to get the full benefit of the subsidy, gives those capitalists who possess "inside information" in advance an opportunity not only to make their contracts for foreign-built ships previous to January 1, 1900, but also to make contracts with American shipyards so as to monopolize the capacity of the yards during practically the full period of five years. Of both these opportunities they may have availed themselves, thus shutting out all other Americans from either having their foreign-built ships registered or getting their home-built ships constructed in time to take advantage of the benefits of the subsidy.

With this bill enacted into law, and contracts already made securing to them annually a gift of $9,000,000 of the people's money taken in taxes, they will be in a position to complete the organization of their ocean-ship trust and to use the subsidy as a weapon to exterminate all competitors. That they will do this can not be reasonably doubted, when it is known that the men behind the job are the Standard Oil officers and their associates, who have largely destroyed free competition in transportation, both in the oil trade and in other industries in the United States, through large discriminations. They also heavily dominate the transportation franchises of the great cities.

GIVES AUTOCRATIC POWERS TO SECRETARY OF TREASURY.

Another danger involved in the bill is the autocratic power which it vests in a single Government officer—the Secretary of the Treasury—to decide questions and controversies arising under its operation, thus making him judge, jury, and executioner. The far-reaching effect of this power and the other features of the proposed law is seen in the fact that the operations of the shipowners under it will be in the nature of contracts with the Government, which the bill specifically provides can not be abrogated for ten or twenty years. Its supporters say that under such a law ocean freights would be lowered, but there is nothing in the bill exacting a pledge from the shipowners that they will reduce rates. They claim that all its benefits will go to the shippers and farmers, and not to the vessel owners. If this were true the shipowners would not be spending so much time to get the bill passed.

It may be important to observe, moreover, that there is nothing in the bill to prevent American owners of stock in the corporations benefited under this law from selling their stock to foreigners. The defenders of the bill are vigorously attacking other proposed plans of legislation to aid American shipping. It is not now a question of other plans, but is this plan good or bad? The subsidy plan is not made good by the fact that some other plan is bad. The bill affords opportunity for fraud by providing that a vessel can draw subsidy if her cargo space is sold or contracted for, even if no freight is carried.

The argument that the bill would aid in the export of agricultural products to the temperate zone in Asia is absurd, since the agricultural products of the temperate zone of Asia are already in competition with us in the world's markets.

SLOW VESSELS DISCRIMINATED AGAINST.

The bill discriminates against the sailing vessels and in favor of steam vessels, against small steamers and in favor of large ones owned by great corporations. It puts the sailing vessels and smaller steamers at the mercy of the big monopoly, which will get the bulk of the subsidy because of the excessive premium paid to the fast mail and passenger ships owned exclusively by the great corporations.

It is obviously designed that existing ships and those contracted for may absorb the whole of the $9,000,000 subsidy, leaving no inducement to build new ships. Tank steamers, which are numerous, are making large profits now, and will get a great part of the subsidy. They are nearly all owned by the Standard Oil Company.

There is no provision in the bill stipulating that American labor shall get any share of the subsidy, which, it is claimed, is to be paid out for the benefit of labor. Our highest duty commercially is to protect American citizens from discriminating laws and to prohibit monopoly.

Both parties voted for the anti-trust bill in the House, and denounced trusts in their national platforms this year, yet the anti-trust bill is now relegated to the rear and a bill creating one of the greatest of all trusts is urged to the front. Was this programme designed to fool some of the people before election, or all of the people after election?

Mr. President, before I take my seat I should like to ask the Senator from Montana if he will permit me to make one suggestion to him?

Mr. CARTER. Certainly.

Mr. WELLINGTON. Before I interrupted the Senator he was devoting his attention to a description of a river, the Trinity River, in Texas, I believe, a river that is 135 miles in length, and he gave us to understand that this river was to have $4,000,000 for its improvement.

I was struck by an idea in this connection. Do you know, sir, that 135 miles of railroad could be built of the very best rails that can be obtained in this country or in England, 80-pound rails, for $2,700,000 for all that length? Then why not let the river alone and take the railroad, which is the modern style of transportation, and especially when you can get it for half the money?

Mr. CARTER. Mr. President, the question of the Senator from Maryland became more extended than I anticipated when I yielded the floor for a question. [Laughter.]

Mr. WELLINGTON. I beg the Senator's pardon for having interrupted him at such length.

Mr. CARTER. I am gratified to know through that observation made by the Senator——

Mr. HOAR. I desire to ask the Senator to yield to me for a customary resolution.

Mr. CARTER. I will yield to the Senator.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR. I offer the resolution which I send to the desk, for which I ask immediate consideration.

The PRESIDENT pro tempore. The Senator from Massachusetts offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communications to make to them.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT pro tempore. The Chair appoints, under the resolution, as the committee on the part of the Senate the Senator from Massachusetts [Mr. HOAR] and the Senator from Missouri [Mr. COCKRELL].

RIVER AND HARBOR BILL.

Mr. CARTER. Mr. President, I submit at this point a parliamentary inquiry, not wishing to transgress the rules of the Senate. Since the resolution just adopted announces that the business of this Congress has concluded, I inquire whether it is proper for me to proceed with my remarks. [Laughter.]

The PRESIDENT pro tempore. If the Senator from Montana had asked the Chair that question several hours ago, he might have given some information in regard to the subject. [Laughter.] He does not think it necessary now.

Mr. CARTER. I am very much gratified and very thankful to the Chair for permitting me to go forward, notwithstanding the pressure of business and the conclusion of business as well. [Laughter.]

I am much gratified to know, Mr. President, that the digression made by the eminent Senator from Maryland [Mr. WELLINGTON] was not in any sense calculated to divert from its proper course the line of remark I was proceeding to make upon the acts of the opposition in this Chamber during the debate on the shipping bill. I will recapitulate, to the end that the facts may be fresh before us.

A bill which had been repeatedly pressed before the American people and the Congress assembled during the last ten to fifteen years was finally perfected, passed through the House of Representatives after full and free debate, was presented in this Chamber for consideration after the most mature deliberation by a committee, which gave painstaking attention to every detail of the bill, and not within the history of legislation within my experience in this Chamber has any bill been accorded more thorough and entire attention by the country and by Congress than the shipping bill, which has been lain to rest by the action of the opposition.

That bill, Mr. President, represented one of the cardinal principles of Republican faith. For a generation the party had claimed in and out of season that the inevitable result of enacting a law along the lines that bill laid out would be the prompt revival of American shipping, and it was so insisted during the consideration of the bill on this floor. Our friends on the opposite side of the Chamber disagreed with the principle. They believed in free shipping, one of the tenets of the Democratic party, and yet, sir, during the discussion of that bill little or nothing was said of the principle of free shipping and no effort was seriously made to conduct the debate on party lines on the part of the respective parties with reference to this great question.

I submit here now that the chief object, the main point of assault, and the thought iterated and reiterated day in and day out, was that the bill carried $9,000,000 annually from the Treasury of the United States. The bill was opposed chiefly and with greatest force upon the question of public economy.

I take no issue with the Senators who repeated their speeches, and who deprived the majority in this Chamber from casting their votes in favor of the measure for which the majority stood. But I do take issue, Mr. President, with the right of Senators who invoked the privilege accorded to the minority here, of resisting to the death a measure deemed to be radically wrong or impolitic, to rise now and criticise the action of any Senator, or any number of Senators, in attempting to defeat this bill, which is charged and surcharged with indefensible items from page 1 to page 135. I say to the Senate here assembled now that no Senator can rise in his place and defend the items appearing in the aggregate on any single page of that bill.

The Senator from Maryland [Mr. WELLINGTON] has referred to Trinity River in Texas. That is only one of many cases. When we undertook to read the report during the night, members were somewhat startled by the frequency with which these items appeared. The Trinity River, a case in point, was this; and this is the engineer's report. Trinity River, a narrow, shallow stream, with 3 feet of water at its mouth, is to have $12,500 appropriated as an entering wedge to a $4,000,000 job; and for what?

The engineer says that the first work to be done is to cut the trees and logs off of the hillsides, so that they might not roll down into the river and choke it up. Then, says the engineer, after you have cut away the brush and disposed of the logs on the hillsides, you can, during the dry weather of the following summer, burn the logs that are in the bottom of the stream. [Laughter.] Still, you have not a navigable stream, because, startling as this may appear, ridiculous as it seems, the fact is that the engineer says that when you clean the logs and brush from the hillside and burn the logs in the middle of the stream in dry weather, you must make artesian wells up at the head of the stream to get water to fill it. [Laughter.]

That is the statement of the engineer—an engineer of the United States Army sent there to inspect that work—and this is not a single item standing out by itself, an item that might enter into this general aggregate by mistake or oversight. Not at all. There is a whole herd of these things. The bill is full of them.

Mr. President, a bill made up of such truck as this the Senate ought not to entertain with seriousness, but the seal of unmitigated condemnation should be put upon items like this in an appropriation bill.

Under our Constitution, sir, it is not the privilege of the President of the United States to select out these various items and veto them. If so, the weeding process might go on under the Executive hand in participating with us in the legislative function, but the bill must be accepted as a whole or vetoed entire. This, of necessity, presents to the Executive a most embarrassing alternative.

Had provision not been made in the sundry civil bill, which has recently passed, and which will ere a few minutes be a law, to provide for continuing contracts where river and harbor work is necessary, I should regard the defeat of this bill as a subject of regret; but as it is, sir, Senators will take home from this Chamber, after mature reflection, a sense of deep satisfaction in contemplating the work of this day on this river and harbor bill. Fifty million dollars will be saved to the Treasury of the United States and no injury done to any living human being anywhere.

Further still, a lesson will have been taught, which I certainly hope will not soon be forgotten. This bill, growing up on the principle of division and silence, has sprung from trifling proportions until it appeared, delivered to our table, carrying $60,000,000 for distribution in all the States, small and great, and on rivers never heard of outside of the locality until their names appeared in the river and harbor bill.

This lesson, Mr. President, if considered for what it is worth, will amply compensate the country for the little inconvenience that will follow the stoppage of work on these small streams and insignificant harbors between the 30th day of June and the time the next Congress can take this matter up.

Another proposition: With a bill containing so many items based upon such a great diversity of fact, each item having a basis of its own, subject to and requiring investigation, it is neither fair nor just that the Houses of Congress should be called upon in the last hours of a session to go through the details of this work.

Let this become the unwritten law, if you please, that river and harbor bills will hereafter be presented only at sessions of Congress not destined to be terminated by an efflux of time. Here, sir, we have a bill of 135 pages, containing many amendments, carrying, as I have said, in the neighborhood of $50,000,000, providing that those dollars shall be mixed in every little muddy creek from Maine to California and clear around the coast, not only to improve the rivers, but to dig artesian wells to supply rivers with water, to the end that the dam may have something to do. [Laughter.]

I say, sir, that there ought to be unlimited time, and there should be unsparing and relentless criticism. If, unhappily, these people have become educated to believe that the river and harbor bill is one of the things that regularly emanates from the Government biennially, and sometimes annually, they expect the coming of the river and harbor money in the neighborhood, not because it is going to improve anything, but because it is going to employ somebody in the neighborhood. Thus it is that each district, stimulated by something of self-interest in the immediate locality where the money is spent, gets up something of a sentiment in favor of the bill.

Let no Senator imagine that this sentiment is very deep seated or widespread, for such is not the fact—such can not be the fact. It would be, I believe, impossible to find a dozen men in any district in the United States who, in their sober senses, would approve of that Trinity River item as a separate proposition; not a member of the committee of conference nor a member of the Committee on Commerce would approve it as a separate proposition.

How does it find its way here, then? By the way so many items get into this bill—by a system of swapping and trading and the exercising of all such influences as follow swapping, trading, and bartering. No one intends to do wrong in this connection. Nobody feels that he is injuring the Government, because the abuse is so old that the custom has gained some degree of respectability by the passage of time.

The bill has grown steadily from a few million dollars not many years ago until now $60,000,000 passes this year without challenging an item. The next bill will come up boldly and brazenly with $75,000,000 to be taken from the public Treasury. The next bill will be $100,000,000.

The rivers are not increasing in number; the harbors are not increasing; but, Mr. President, we are starting out to make rivers where rivers do not exist. [Laughter.] Each and every piece of work that is done involves the necessity of continual maintenance. So this bill, speaking of little creeks down in the country, provides for maintenance of what? Not navigable water—nay, not so; because, as some Senator aptly said last night, the little boats that skip up and down many of these alleged rivers would pass over the country on a fresh field of dew without any river at all—would skate along.

We do need large expenditures at the chief commercial ports of the country. Those large expenditures are not made in proportion to the necessities of commerce at the central commercial places. Great harbors are neglected, to the end that votes may be procured to pass this bill through without challenge.

Think of it, Mr. President! This bill carries, as I say, $50,000,000. It is accompanied by a report of over 400 pages, passed through the Senate with a couple of dozen members present, about put as quickly as the clerks could read it. I feel quite confident it passed in less than four hours; I think in less than three hours.

I expected to say something about the bill at that time, supposing that this great measure, carrying $50,000,000 for all sorts of different and indifferent things, would naturally be debated, and the committee itself would feel constrained to offer some explanation to Senators for these weak-kneed items; but such was not the case.

I passed out to the Committee on Appropriations to attend a meeting there, and was gone a few minutes, and came back and found the river and harbor bill had passed. I am quite sure the yeas and nays were not called. Nor was there much formality about its passage. It was informally placed in conference, if I remember correctly, yesterday morning. The conference committee reported here after dark last night.

Senators were expected to read the 135 pages of the bill and the four hundred and some odd pages of the report, advise themselves of the righteousness of these various items, enlighten their judgment, and satisfy their conscience within, I suppose, about twenty minutes. The bill has led to some debate. I sincerely trust that Senators will hereafter feel it necessary to debate this bill. It is understood in the future that the bill must pass upon its merits; it will be a smaller bill; it will be a better bill, and it will more effectively subserve the public interest it is intended to accommodate.

Mr. President, I have detained the Senate longer than I expected. I regret very much that the desire of Senators to hear the truth about this bill led them to forego the privilege of taking a recess for certain hours during the night. I should have gladly yielded the floor for the purpose of allowing the Senate to stand in recess for a few hours, to the end that Senators might take much-needed rest. However, manifestly desiring to become thoroughly acquainted with the bill, the Senate remained in session.

I can not perceive that time enough now remains to dispose of it on its merits. I should like to see some member of the committee rise and explain why it is that three-fourths of these items were not stricken out in committee; why it is that the reports of the engineers were not scrutinized with some degree of care, to the end that items wholly wanting in merit, or apparently so, might be left out in consideration.

One word in closing, about the engineers of the Army. It rarely occurs that an engineer of the Army reports adversely upon any project he is directed to survey. In my humble judgment therein rests much of the difficulty connected with the preparation of this bill. From time immemorial, throughout the whole history of the Army of the United States, the Engineer Corps has justly held and has always been entitled to the entire confidence of the country.

This confidence has been abused only in very rare cases. The engineers are generally exacting, and possibly in some cases unjustly jealous of the Government's interest in enforcing stringent regulations and clauses in contracts. It so happens, however, that in the surveys of proposed improvements of rivers and harbors the feeling of good fellowship in some manner or other intervenes to such an extent that the engineer in reporting softens the truth to the very best of his ability.

So the engineer reporting on Trinity River passed by the artesian-well arrangement. He passed by the burning of logs in the middle of the stream during the dry weather in the channel, and he said that this thing could be done for about $4,000,000, and he itemized the expenditure. That report was made because the engineer in charge did not desire to hurt the feelings of the member of Congress in that district.

I imagine that that good fellowship which makes the world akin softened down that report. It seems to me, upon reading the report of the engineer, taking the plain facts as stated by him, it was his clear duty to directly and emphatically and in no uncertain terms condemn this project as not being feasible from an engineering point of view. As the Senator from Maryland suggested, a railroad could be built along the banks of this crooked little stream for half the money it would take to clear the timber from the hillsides, clean the river, burn the logs, put in dams and locks to hold the water raised from artesian wells.

Mr. President, I trust that this criticism, certainly meant in good part, may find lodgment in the mind of every engineer henceforth sent out to conduct a survey and an examination. No engineer would have tolerated a favorable report upon the Trinity River project, or a hundred other of these projects, for a private person. If he had reported to some railroad company that that was an investment that could be considered, he would have been immediately dismissed from the service as a person incompetent or lacking in strength of character to tell the truth when he saw it.

The criticism I have made of the engineers in this behalf is not intended to be unkind, nor do I wish it understood in this closing hour of the session that any remark I have felt called upon to make in connection with the consideration of this bill has been intended to reflect upon any member of either House. I have from the beginning attempted to show that this collection of matter known as the river and harbor bill emanated from a system inherently vicious and destined always to lead to an evil result.

It is the system of swapping—not in a wrongful sense—but in the sense of good fellowship in part, and through a desire to get legislation worked along and made successful. Thus it is that the larger items are diminished below the proper degree, that the smaller items may be provided with something. Where you can not do anything better for a district, throw a thousand dollars up there to try to improve a stream that never can be of any value for commerce.

This bill is just replete with items of that kind. There has not been an attempt on the floor of the Senate to defend any one of the items assailed. I feel now that since the committee thought proper to stand mute, since there is no defense offered for the items, it is fortunate indeed that they may go over to another Congress, where they can be fully and properly considered—considered as legislation carrying money from the public Treasury should be considered.

Mr. President, the appropriations at the present session of Congress are larger than ever before. I think they will reach, probably, in the neighborhood of $800,000,000; probably not so much as that—$750,000,000. Then, by laying this bill aside for future consideration we avoid reaching the $800,000,000 mark at this session of Congress. I trust that in the future this bill will be prepared with more care.

Other appropriations could not well be dispensed with. This one can be well laid aside for more deliberate consideration in the future. I have sought to lay it aside from a sense of public duty. Around about me in this Chamber I have observed Senators, whose hands are tied by the iniquitous system of construction which obtained in the bill, compelled to stand mute because cooperating, unconsciously it is true, in the execution of this scheme of legislation that carries into effect certain laws unnecessarily squandering the public money.

My part in this work, Mr. President, I am not ashamed of. I feel that in the six years I have been permitted to serve in this Chamber it has never been my privilege to perform a service which will be in the end more generally appreciated than the service performed here to day. When this bill comes in again it will come in purged and purified and reduced to a legitimate basis, unless it so happen that the constructors or framers of the bill have confidence that in the future things will be done as in the past, this case constituting only an exception. But if I am advised of the temper of the Senate, this day's work will in some measure tend to call a halt on this class of legislation, this manner of appropriating the public money for public work of any sort.

The bill, as I have said, contains 135 pages. I should like very much to incorporate all of those pages in my remarks. At an earlier hour I undertook to read the text, and intended to read the text complete, not for the consumption of time, but to the end that the facts themselves might stand forth in the RECORD to justify the statements I had made of the bill in detail. I wish to have it understood that this argument, in so far as it has treated of the details of the bill, did not unjustly select weak points here and there for special mention. I may have been unjust to some of the special appropriations. Some measures or items of merit may have been lightly mentioned, but not consciously so. It has been my purpose to deal with the bill as fairly as I could in the limited time allowed for its consideration after the conference committee reported.

Mr. President, there was not one moment allowed, practically, to consider this bill as the committee proposed to have it finally adopted. The amendments stand in disagreement there at this moment. There has been no time for examination or reflection. Such remarks as I have made have been made upon the text of the bill, and I should be glad if it could be published in the CONGRESSIONAL RECORD, in order that the people might see just what a river and harbor bill is, from start to finish; so that the people in

Wisconsin might find the number of rivers that were being appropriated for down in Alabama of which they had never heard and which no geography ever delineated on a map.

If there be no objection, I ask the unanimous consent of the Senate to insert a copy of this bill in my remarks. I believe, however, that the bill as originally reported was read, but certain amendments that then appeared were subsequently disagreed to, so that now no text of the bill appears in the RECORD except in scattered form. I will, however, forego the request in view of the fact that perchance the copy of the bill now in the RECORD is quite as complete, as showing what the bill was when finally amended and offered to us for consideration, as the copy I hold in my hand.

It would be well if in conjunction with the text of the bill we could have this report go forth. The report explains in detail each and every item of the bill. It is largely drawn from the reports of the engineers. It deals with the facts and figures. I should like to have this complete report printed in order that the wheat growers in the Mississippi Valley, the miners of the Rocky Mountains, the people who work in the steel mills in Pennsylvania, and those engaged in industry and toil all over the country might find how we may expend $50,000,000 here in less than four hours upon a river and harbor bill, largely composed of items upon rivers of which the majority of the people never heard and never will hear until they come back again for an appropriation.

It has not been my purpose, Mr. President, to detain the Senate beyond this time, as the hour of 12 o'clock is near at hand.

Mr. SCOTT. I think the Senate is perfectly willing to extend the time of the Senator from Montana.

Mr. CARTER. I am perfectly willing to occupy the remainder of the time, but if any of the ceremonies of the Senate require the attention of the body, I am willing at this moment to surrender the floor.

Mr. WELLINGTON. Perhaps the Senator from Montana, before he sits down, would like to call attention to a few more items in this bill, and will do so on account of the euphonious names. I want to call his attention to Murder Kill River, in New Jersey, and Raccoon Creek, in one of the other States, both of which are to have some three or four hundred thousand dollars expended upon them.

Mr. CARTER. Raccoon Creek is in the list. Raccoon Creek has not been overlooked. Compared with most of the items to which I have alluded, it is a very meritorious item, and that is largely due to the modesty of the Senators from New Jersey.

Mr. President, in conclusion I thank the Senate for the considerate attention given to me in the course of these observations. I have endeavored to do my plain, simple duty. I realize that certain Senators, to whom this bill is very dear, indeed, earnestly wish I had yielded the floor at an earlier hour. I think upon mature reflection, however, any semblance of ill feeling incident to the disappointment of that kind will fade away. I recall many instances of contests on this floor where Senators indulged in very earnest and long-continued discussion, the effect of which was at the time to create some feeling, but it has been the general rule that the plain path of duty dictated by each man's conscience is a safe rule to follow.

NOTIFICATION TO THE PRESIDENT.

Mr. HOAR. Mr. President, the committee who were directed by the Senate to go with the committee of the House to wait upon the President and inform him that the Congress have completed the business of the session, unless he has some further communication to make to them, have discharged their duty, and are authorized by the President to say that he has no further communication to make.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. JONES of Arkansas. Mr. President, I present a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Arkansas presents a resolution for which he asks immediate consideration. Is there objection? The Chair hears none, and the resolution will be read.

The Secretary read as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. WILLIAM P. FRYE for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The resolution was considered by unanimous consent and unanimously agreed to.

ADDRESS OF THE PRESIDENT PRO TEMPORE.

The PRESIDENT pro tempore. Senators, I thank you for the resolution just adopted and for its kind assurances. My election to the honorable office of President pro tempore of the Senate by your unanimous vote will be the pleasantest memory of my public life. Such an expression of your confidence could not be otherwise than very grateful to me. I hope that I have never betrayed it. I think I can say in this presence that I have never been conscious of yielding to any personal or political partiality.

The duties of the office, expected to be merely temporary, became practically permanent by the death of our greatly loved and lamented Vice-President, Mr. Hobart; but your cooperation and the kind consideration made their discharge easy and agreeable. Your labors in this Congress are about to close, and you are to enjoy a well-deserved rest. I sincerely hope that it may be both pleasant and profitable; that our dear Lord may not permit any great sorrow to invade your homes, and that you may each and all return to duty with renewed health and strength.

GUESTS OF THE SENATE.

At 11 o'clock and 55 minutes a. m. the members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk, and headed by the Speaker and Chaplain, entered the Senate Chamber. The Speaker was escorted to a seat at the right of the President pro tempore of the Senate, the Clerk and Chaplain at the Secretary's desk, and the members of the House were escorted to the seats on the floor provided for them.

They were soon followed by the ambassadors and ministers of foreign countries, the Chief Justice, associate justices, and officers of the Supreme Court.

The heads of the Executive Departments, the Lieutenant-General Commanding the Army and his aid, the Admiral of the Navy and his aid, the Commissioners of the District of Columbia, and other persons entitled to admission occupied the seats on the floor of the Senate that were assigned to them.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President elect (Theodore Roosevelt, of New York) entered the Chamber accompanied by members of the committee of arrangements for the inauguration, and was conducted to a seat at the right of the President pro tempore.

The PRESIDENT pro tempore administered the oath of office to the Vice-President elect.

The hour of 12 o'clock meridian having arrived,

The PRESIDENT pro tempore. The Chair declares the United States Senate adjourned sine die.

NOMINATION.

Executive nomination received by the Senate March 3, 1901.

TO BE ASSISTANT SURGEON OF VOLUNTEERS WITH THE RANK OF CAPTAIN.

W. Hoepfner Winterberg, of California (acting assistant surgeon, United States Army), March 2, 1901.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1901.

ASSISTANT SECRETARY OF THE TREASURY.

Milton E. Ailes, of Ohio, to be Assistant Secretary of the Treasury.

SURVEYOR-GENERAL OF UTAH.

Edward H. Anderson, of Weber County, Utah, to be surveyor-general of Utah.

TERRITORIAL JUDGE.

George D. Gear, of the Territory of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii.

CONSUL-GENERAL.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Hongkong, China.

CONSULS.

John H. Fesler, of Colorado, to be consul of the United States at Amoy, China.

Bradstreet S. Rairden, of Maine, to be consul of the United States at Batavia, Java.

MINERAL-LAND COMMISSIONERS.

George L. Wales, of Helena, Mont., to be a mineral-land commissioner in Montana.

Daniel Arms, of Philipsburg, Mont., to be a mineral-land commissioner in Montana.

John T. Ingram, of Bozeman, Mont., to be a mineral-land commissioner in Montana.

Jule M. Hartley, of Missoula, Mont., to be a mineral-land commissioner in Montana.

William H. Williams, of Cokedale, Mont., to be a mineral-land commissioner in Montana.

Peter T. Morris, of Bozeman, Mont., to be a mineral-land commissioner in Montana.

Edwin A. Jones, of Ottumwa, Iowa, to be a mineral-land commissioner in Montana.

Edwin S. Hathaway, of Missoula, Mont., to be a mineral-land commissioner in Montana.

George W. Garrett, of Arkadelphia, Ark., to be a mineral-land commissioner in Montana.

Charles D. Curtis, of Helena, Mont., to be a mineral-land commissioner in Montana.

Miles Cavanaugh, of Helena, Mont., to be a mineral-land commissioner in Montana.

Watson Boyle, of Washington, D. C., to be a mineral-land commissioner in Montana.

UNITED STATES ATTORNEYS.

Marshall B. Woodworth, of California, to be attorney of the United States for the northern district of California.

Reese Blizzard, of West Virginia, to be attorney of the United States for the district of West Virginia.

RECEIVER OF PUBLIC MONEYS.

August F. George, of Crookston, Minn., to be receiver of public moneys at Crookston, Minn.

REGISTERS OF THE LAND OFFICE.

Sylvester Peterson, of Ada, Minn., to be register of the land office at Crookston, Minn.

Wat Theodore Beall, of Leadville, Colo., to be register of the land office at Leadville, Colo.

COLLECTOR OF INTERNAL REVENUE.

Thomas E. Davis, of West Virginia, to be collector of internal revenue for the district of West Virginia.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FORTIETH INFANTRY.

To be second lieutenant.

First Sergt. Thomas F. London, Company F, Fortieth Infantry, United States Volunteers, February 23, 1901.

To be assistant surgeons of volunteers with the rank of captain.

George W. Daywalt, of California (acting assistant surgeon, United States Army), February 14, 1901.

Frederick C. Jackson, of Ohio (acting assistant surgeon, United States Army), February 14, 1901.

W. Hoepfner Winterberg, of California (acting assistant surgeon, United States Army), March 2, 1901.

PROFESSOR AT WEST POINT.

Capt. William Crozier, Ordnance Department, to be professor of natural and experimental philosophy at the Military Academy, February 23, 1901.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Capt. Rogers Birnie, Ordnance Department, to be major, February 7, 1901.

CORPS OF ENGINEERS.

To be captains.

First Lieut. John S. Sewell, Corps of Engineers, February 2, 1901.

First Lieut. James F. McIndoe, Corps of Engineers, February 2, 1901.

First Lieut. Jay J. Morrow, Corps of Engineers, February 2, 1901.

ORDNANCE DEPARTMENT.

To be major.

Capt. Andrew H. Russell, Ordnance Department, February 2, 1901.

To be captain.

First Lieut. Tracy C. Dickson, Ordnance Department, February 2, 1901.

SIGNAL CORPS.

To be majors.

Capt. George P. Scriven, Signal Corps, February 2, 1901 (subject to examination required by law).

Capt. William A. Glassford, Signal Corps, February 2, 1901.

Capt. Joseph E. Maxfield, Signal Corps, February 2, 1901.

CAVALRY ARM.

To be majors.

Capt. Daniel C. Pearson, Second Cavalry, February 2, 1901.

Capt. Herbert E. Tutherly, First Cavalry, February 2, 1901 (subject to examination required by law).

Capt. Luther R. Hare, Seventh Cavalry, February 2, 1901.

To be captains.

First Lieut. Jesse McI. Carter, Fifth Cavalry, February 2, 1901.

First Lieut. Harry G. Trout, Second Cavalry, February 2, 1901.

ARTILLERY CORPS.

To be majors.

Capt. Walter Howe, Artillery Corps, February 2, 1901.

Capt. Peter Leary, jr., Artillery Corps, February 2, 1901.

Capt. Ephraim T. C. Richmond, Artillery Corps, February 2, 1901.

Capt. Ramsay D. Potts, Artillery Corps, February 2, 1901.

To be captains.

First Lieut. Charles T. Menoher, Artillery Corps, February 2, 1901.

First Lieut. T. Bentley Mott, Artillery Corps, February 2, 1901.

First Lieut. Gustave W. S. Stevens, Artillery Corps, February 2, 1901.

First Lieut. Richmond P. Davis, Artillery Corps, February 2, 1901.

First Lieut. Ernest Hinds, Artillery Corps, February 2, 1901.

First Lieut. Wirt Robinson, Artillery Corps, February 2, 1901.

First Lieut. George F. Landers, Artillery Corps, February 2, 1901.

INFANTRY ARM.

To be major.

Capt. George H. Roach, Seventeenth Infantry, February 2, 1901.

To be captains.

First Lieut. John S. Switzer, Fourth Infantry, February 2, 1901.

First Lieut. Herbert O. Williams, Twenty-first Infantry, February 2, 1901.

First Lieut. George D. Guyer, Sixteenth Infantry, February 2, 1901.

First Lieut. William F. Grote, Eighteenth Infantry, February 2, 1901.

First Lieut. William H. H. Chapman, Twenty-fifth Infantry, February 2, 1901.

APPOINTMENTS IN THE NAVY.

Thomas C. Wood, formerly a lieutenant in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, September 28, 1898, and not to operate to restore him to the naval service.

George H. Norman, junior, formerly a lieutenant (junior grade) in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants (junior grade) of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 1, 1898, and not to operate to restore him to the naval service.

John T. Edson, formerly an ensign in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of ensigns of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 17, 1898, and not to operate to restore him to the naval service.

John F. Bransford, formerly an assistant surgeon in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant surgeons of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, March 23, 1899, and not to operate to restore him to the naval service.

Alexander Brown, formerly an assistant paymaster in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant paymasters of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, December 2, 1898, and not to operate to restore him to the naval service.

Frederick G. Pyne, a citizen of New Jersey; Frederick B. Colby, a citizen of New York; Edward E. Goodhue, a citizen of Massachusetts, and William R. Bowne, a citizen of Pennsylvania, to be assistant paymasters in the Navy from the 28th day of February, 1901.

Reuben E. Bakenhus, a citizen of Illinois, to be a civil engineer in the Navy from the 27th day of February, 1901.

Former P. A. Surg. John F. Bransford, United States Navy, to be a surgeon in the Navy, from the 5th day of February, 1901.

PROMOTIONS IN THE NAVY.

Naval Constructor Francis T. Bowles, United States Navy, to be chief constructor and Chief of the Bureau of Construction and Repair in the Department of the Navy, with the rank of rear-admiral, for a term of four years, from the 4th day of March, 1901.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Smedley D. Butler, to be a captain in the United States Marine Corps, from the 23d day of July, 1900.

Second Lieut. Frank E. Evans, to be a first lieutenant in the United States Marine Corps, from the 23d day of July, 1900.

PROMOTIONS IN THE MARINE CORPS.

First lieutenants to be captains.

George C. Thorpe.
Charles S. Hill.
Robert M. Gilson.
Frederic L. Bradman.
George C. Reid.
Robert H. Dunlap.
Randolph C. Berkeley.

Charles G. Andresen.
Charles S. Hatch.
Hiram I. Bearss.
Robert F. Wynne.

Second lieutenants to be first lieutenants.

Wirt McCreary.
Wade L. Jolly.
John N. Wright.

Stephen Elliott,
James McE. Huey,
Rush R. Wallace, jr.,
Samuel A. W. Patterson, and
William C. Harllee.

POSTMASTERS.

Nora H. Kelly, to be postmaster at Lockhart, Caldwell County, Tex.

George W. Humphreys, to be postmaster at Dunsmuir, Siskiyou County, Cal.

Frank H. Bangham, to be postmaster at Susanville, Lassen County, Cal.

F. O. Brewster, to be postmaster at Harvey, Wells County, N. Dak.

James W. Hughes, to be postmaster at Huntington, Cabell County, W. Va.

Watson J. Matteson, to be postmaster at Marcellus, Onondaga County, N. Y.

Albert E. Martz, to be postmaster at Arcadia, Hamilton County, Ind.

Ambrose C. Montross, to be postmaster at Larchmont, Westchester County, N. Y.

J. M. Cheney, to be postmaster at Sonoma, Sonoma County, Cal.

Robert A. Miller, to be postmaster at Ponce, P. R.

Philip Schamber, to be postmaster at Eureka, McPherson County, S. Dak.

R. C. Skinner, to be postmaster at Iuka, Tishomingo County, Miss.

Alexander T. Boothe, to be postmaster at Pierce City, Lawrence County, Mo.

T. T. Smith, to be postmaster at Fort McPherson, Fulton County, Ga.

James Barnes, to be postmaster at Barnesboro, Cambria County, Pa.

Andrew C. Bailey, to be postmaster at Ford City, Armstrong County, Pa.

Edwin R. Baldrige, to be postmaster at Hollidaysburg, in the county of Blair and State of Pennsylvania.

Hambleton P. Wilson, to be postmaster at Altoona, in the county of Blair and State of Pennsylvania.

C. G. Coad, to be postmaster at Dallas, Polk County, Oreg.

Robert F. Schofield, to be postmaster at Edina, Knox County, Mo.

Aron B. Gardenhire, to be postmaster at Rockwall, Rockwall County, Tex.

Gustave Cranz, to be postmaster at Schulenburg, Fayette County, Tex.

John M. Moody, to be postmaster at Plano, Collin County, Tex.

William S. Strain, to be postmaster at Lancaster, Dallas County, Tex.

William D. Williams, jr., to be postmaster at McDonald, Washington County, Pa.

Robert H. Robinson, to be postmaster at Arlington, Gilliam County, Oreg.

Thomas H. Danforth, to be postmaster at Goliad, Goliad County, Tex.

Sidnan J. Overton, to be postmaster at Alice, Nueces County, Tex.

Thomas A. Cleary, to be postmaster at Gulfport, Harrison County, Miss.

HOUSE OF REPRESENTATIVES.

[Continuation of proceedings of legislative day, Friday, March 1, 1901.]

The recess having expired, the House reassembled at 2 o'clock p. m. (Sunday, March 3, 1901), and was called to order by the Speaker.

The Clerk read the Journal from the last approval up to the last recess; which was approved.

RIVER AND HARBOR BILL.

Mr. GROSVENOR. Mr. Speaker, I am directed by the Committee on Rules to ask immediate action on the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order without delay or intervening motion to move to nonconcur in the Senate amendments in gross or to agree to or ask for a conference on House bill 13189, making appropriation for construction and repair and preservation of certan public works, etc.; and after ten minutes debate thereon the previous question shall be considered as ordered, and without delay or intervening motion a vote shall then be taken.

Mr. GROSVENOR. Mr. Speaker, I demand the previous question.

Mr. HEPBURN. Mr. Speaker, I desire to make a parliamentary inquiry. Has the resolution upon this subject been offered to the House and referred to the Committee on Rules?

The SPEAKER. Undoubtedly, or they would not have reported the rule.

The motion was put, and the previous question was ordered.

Mr. GROSVENOR. Mr. Speaker, when the river and harbor bill came from the Senate, upon objection being made to nonconcur in the amendments, it was sent to the Committee on Rivers and Harbors. The object of this resolution is to bring that bill from the Committee on Rivers and Harbors and submit to the House at once an opportunity to vote either for or against concurring in the Senate amendments. That is the object of the rule. It is to get forward with the business in that way. I reserve the remainder of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, does the gentleman from Iowa desire time?

Mr. HEPBURN. He does.

Mr. RICHARDSON of Tennessee. There was confusion on the floor, Mr. Speaker, and I did not catch the resolution. I would be glad if it could be reported again.

The SPEAKER. Without objection, the resolution will be reported again.

There was no objection.

The Clerk again reported the resolution.

Mr. BAILEY of Texas. Mr. Speaker, I desire to ask the gentleman from Ohio how it happened that the rule says "agree to or ask for a conference." If the Senate has asked for a conference, plainly, then, it is for the House to agree to it. If the Senate has not asked for a conference, it is the duty of the House to ask for it.

Mr. GROSVENOR. There may have been some misunderstanding or failure to understand in regard to the rule, but the same result is reached.

Mr. BAILEY of Texas. I thought the rule was unusual in form.

Mr. GROSVENOR. It is.

Mr. BAILEY of Texas. I have no objection.

Mr. GROSVENOR. Does the gentleman from Tennessee desire to occupy some time?

Mr. RICHARDSON of Tennessee. I think there is no one on this side who wishes to speak. I will yield to the gentleman from Iowa.

[Mr. HEPBURN addressed the House. See Appendix.]

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield eight minutes to my colleague from Tennessee.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CARMACK. Mr. Speaker, I shall address the House only for a very brief time before yielding my time to my friend from Nevada.

I have been greatly interested in the eloquent sermon that the gentleman from Iowa has preached to us upon this lovely Sabbath day, brimful and running over, as his sermons always are, with humanity and Christian charity. [Laughter.] I was interested also, Mr. Speaker, in the appeal which the gentleman made to the virtue existing upon this side of the Chamber, recognizing that there was none to appeal to upon his own. [Laughter on the Democratic side.]

Mr. Speaker, some gentlemen on that side of the Chamber are becoming intensely interested in the matter of economy in expenditures. The trouble with these gentlemen is that they begin at the wrong place. We are spending millions, tens of millions, hundreds of millions, upon projects upon the other side of the world, but when it comes to economy we must cut down the needful expenditures of the Government, expenditures to increase the commerce and prosperity of our own country, in order that we may have money to expend in criminal projects upon the other side of the earth. [Applause on the Democratic side.] The gentleman from Iowa [Mr. HEPBURN] is willing to spend "millions for crime, but not one cent for commerce." [Laughter on the Democratic side.]

If gentlemen want to be economical, let them take note of the fact that hundreds of millions of dollars are being expended today, and will have to be expended in the future, to violate the solemn, honorable pledges made by this Government. We have only to be honest to keep the honor of this nation unsullied; and

if we will do that, we can save money and have all that is needed to meet the peaceful expenditures of the Government.

I want to say, Mr. Speaker, that, in my judgment, there is no money more economically expended, or money that does more good for the people of the United States, than the money that is expended for the improvement of our rivers and harbors here in our own country.

But I say that not one dollar, not one single dollar, will ever come back to the people of the United States for the money which you are expending to-day in the Philippine Islands. You are willing to expend money in order that political and commercial adventurers and carpetbag thieves and scoundrels may have an opportunity to loot and plunder a people who have never done harm to you except by wishing to be free. [Applause on the Democratic side.] But when it comes to expending money for our own people you raise the cry of economy.

Let us be economical, Mr. Speaker, and let us spend our money here in our own land, among our own people, for the benefit of our own country, instead of squandering the blood and treasure of the nation upon criminal projects upon the other side of the world. [Applause on the Democratic side.]

Mr. NEWLANDS. Mr. Speaker, I wish to call the attention of the conferees that are to be appointed and of the House itself to three amendments of this river and harbor bill adopted by the Senate. One relates to the construction of three reservoirs on Piney Creek, in Wyoming, a tributary of the Missouri, another to the construction of the Great Bull River Reservoir, in that State, and another to the construction of reservoir on the Sioux River, in South Dakota. These three appropriations aggregate about $150,000 and involve a total, with the contracts which are herein authorized, of $337,000.

If the House will bear with me for a moment, I propose to show the relations of these reservoirs to the improvement of navigation upon the Missouri and Mississippi rivers, to which the rivers referred to are tributary. The total cost of these reservoirs will be $337,000.

Now, the average cost of storage water is between three and five dollars an acre-foot—that is to say, storage of water 1 foot deep and covering 1 acre costs between $3 and $5, and I assume that the cheapest storage has been selected for these experimental reservoirs. I assume, therefore, that from a total expenditure of $337,000 we will secure a storage of 100,000 acre-feet of water—that is to say, such water, if spread out, would cover a space of 100,000 acres 1 foot deep.

Now, you may say that the storage of that amount of flood water and its retention from the Missouri and the Mississippi rivers until the dry season, when those rivers are low, would have but little effect upon the Mississippi River below, for which we appropriate annually millions of dollars for protection against floods.

Let me state in this connection that this water is stored simply for emergency in the period of drought—the drought which comes in July and August. The storage of this water enables the utilization of the flood waters, which are not stored, for cultivation of land. The man who proposes to reclaim arid land finds the flood stream abundant for his uses in the early months of the irrigating season, but he fails to utilize it unless he is assured of a supply in July and August, when it is most needed for the maturing of the crops.

If he finds that the entire stream for these months is much reduced in volume and is appropriated by the people above, he knows that he can not reclaim the land and he abandons the enterprise; but if water is stored for use in the period of drought, he then utilizes the flood waters, knowing that when the floods abate the stored water can be utilized. Thus the storage of 100,000 acre-feet means the reclamation of at least 500,000 acres of land, and the floods which would otherwise go into the Missouri and Mississippi rivers and inundate adjoining lands are led out over the arid lands, and the lands themselves thus become the great artificial reservoirs which diminish inundation below.

Now, as I recollect, there are eight States and Territories tributary to the Missouri and Mississippi rivers, all having abundant streams which are fed by the snows in the mountains.

The SPEAKER. The time of the gentleman has expired.

Mr. NEWLANDS. I ask, Mr. Speaker, three minutes more.

The SPEAKER. The gentleman asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. NEWLANDS. We have eight arid and semiarid States and Territories tributary to these great rivers, and by an expenditure of $337,000 it is proposed to store about 100,000 acre-feet of water, which in itself will, when added to the flood waters not stored, facilitate the reclamation of 500,000 acres of land, worth, when reclaimed by settlers, at least $40 per acre, or $20,000,000.

So you start by this expenditure the creation of wealth aggregating $20,000,000 out of the arid lands, now worthless, and you store about 100,000 acre-feet of flood water in the reservoirs and about 900,000 acre-feet of flood water on the lands reclaimed, and you prevent this enormous mass of flood water from being precipitated on the Lower Mississippi at a time when it is bank full and when the levees are in danger and inundation is imminent.

I ask you to continue this system as to all the rivers in these arid and semiarid States—Kansas, Nebraska, Oklahoma, North and South Dakota, Montana, Wyoming, Colorado—by a comprehensive system of reservoirs intended to store the flood waters and enable their utilization in the reclamation of arid lands and the prevention of floods in the Mississippi and Missouri rivers.

There are two ways in which these floods can be guarded against. One is by dredging the channel or by erecting levees in order to protect adjoining lands; and another way is to maintain an equal and sustained flow of the rivers by the storage of the torrential waters. I submit that the mountain snows in these eight States, whence these great rivers take their source, contribute in no small degree to the torrential character of the Missouri and Mississippi rivers.

I trust that the conferees will take this matter into consideration when they go into conference, that they will not allow the narrow and provincial views, which have heretofore controlled them, to prevent them from entering upon a comprehensive plan of the storage of water which will immensely promote and develop the wealth of the country, by the creation of new land values and which will result in economy of expenditure lower down upon these great navigable rivers. I ask the chairman of the committee, if this matter goes into conference, if he will assure us that the House, in case they do not agree to the items, will have an opportunity to vote upon them?

Mr. BURTON. That will depend very much upon the course of business in the House. I think the chairman of the committee can give no assurance on that point. It depends upon the decision of the House. I will say to the gentleman, however, that the more time we occupy in this discussion on the special rule, the less time undoubtedly there will be for discussing the conference report when it comes.

[Here the hammer fell.]

Mr. GROSVENOR. I yield three minutes to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Speaker, when the river and harbor bill was being considered in the House I was unavoidably absent, being engaged at the time on other public business. Several anti-river and harbor Representatives at that time saw fit to attack, in a certain way, the proposition in this bill for the improvement of the Buttermilk Channel. I simply desire to say, in the little time assigned me by the gentleman from Ohio, that that is an improvement which has been recommended by the Secretary of the Navy and the Secretary of War of each Administration since that of Mr. President Cleveland, and I know of no proposition in this entire bill which is of more benefit to the Government itself than this same Buttermilk Channel improvement.

Let me say to the opponents of this proposition that the Buttermilk Channel is one of the two channels leading from the East River into New York Bay. There were two propositions suggested by the various Secretaries of War and the various Secretaries of the Navy—one of them the improvement of the Diamond Reef Channel and the other the improvement of the Buttermilk Channel. In consequence of the fact that the improvement of the Buttermilk Channel would cost less money, the River and Harbor Committee, looking at the interests of the Treasury of the United States, adopted the less expensive of the two projects.

I wish to say also to every opponent of this measure that at the present time our great men-of-war—our first-class battle ships—draw from 28 to 32 feet of water, and some of them, I understand, draw 33 feet. It is now almost an absolute impossibility, except at the highest tide, for all these deep-draft battle ships to come to or go from the navy-yard and sail down the East River to New York Harbor without danger of striking on the rocks at the mouth of East River.

Laying aside entirely the question of personal advantage accruing to Brooklyn from this improvement, I sincerely trust that the chairman of the River and Harbor Committee will insist on the proposition of the House in relation to the Buttermilk Channel. I believe more arguments can be made in favor of it than in favor of almost any other proposition in the bill. It is a work for the Government to do. General Wilson, of the Corps of Engineers, says repeatedly in his report that the Government should proceed to see that that harbor is dredged to a depth of 40 feet and for the width of the channel 1,000 feet. In spite of recommendations of this kind, we are told by the opponents of this bill that when an improvement of as great importance as this is proposed we are working for the personal advantage of our constituents. I say it is public advantage, not personal advantage, that we seek in the improvement of that channel from the East River to New York Bay. I ask every fair-minded man on this floor to consider carefully the following report of Major Marshall, of the Board of Army Engineers:

Buttermilk Channel is the southeasterly one of two channels connecting the East River with the main channel of New York Harbor. It extends along the Brooklyn water front southwesterly to Red Hook, where it meets

the Red Hook Channel, and continues to the main harbor channel. The extreme length of Buttermilk Channel from the 40-foot curve in East River to the 40-foot curve in the main channel is 2¼ miles. Throughout this length the channel had a natural depth of about 26 feet at mean low water, but the deep waterway was crooked, in many places narrow, and on account of the rapid current it was very difficult to follow. Improvements made under different projects adopted and completed since 1880 have resulted in making the 26-foot channel 1,000 feet wide.

The piers and landings along Buttermilk Channel are points for receiving, storing, and shipping large quantities of freight, grain, South American, Caribbean, Mediterranean, and miscellaneous goods. The freight terminal of the Ward Line, the Prince Line, the Anchor Line, and the Lamport & Holt Line are on this channel.

The commerce of Buttermilk Channel consists of widely varying classes of goods, including large amounts of sugar and coffee, cotton, and other articles received and shipped to South American, Caribbean, and Mediterranean ports.

For the calendar year 1899 a fairly accurate statement of freights received has been obtained. No records of freights shipped are procurable. In previous years the shipments have exceeded the receipts by an average of about 10 per cent, and the same ratio may be assumed for 1899.

Commercial statistics for the calendar year 1899.

	Tons.	Estimated value.
Receipts	5,857,292	$177,978,512
Shipments (estimated)	6,444,000	195,776,000
Total	12,301,292	373,754,512

Vessels arriving and departing (1899).

	No.	Draft.	Tonnage.
		Feet.	*Tons.*
Steamers	1,246	18-29	1,000-6,800
Sail	507	12-26	500-3,000
Barges, etc	31,390	(*)	(*)
Total	33,143		

*No record.

The above statement is for cargoes and vessels at the several piers and landings. There is no means of making even an approximate estimate of the amount of freight which passes through this channel without touching at the landings.

I sincerely hope Congress will accede to our just, fair, and reasonable request. [Applause.]

Mr. GROSVENOR. I yield five minutes to the gentleman from Illinois [Mr. REEVES].

Mr. REEVES. Mr. Speaker, I would not occupy a moment but for the suggestion of the gentleman from Iowa this morning charging, in effect, that the formation of a river and harbor bill is the work of a combination of interests without regard to the justice of individual claims. I have been a member of the River and Harbor Committee for six years, and I am unwilling that the gentleman's statement should go unchallenged.

This bill as passed through the House carried in round numbers $60,000,000 of appropriation—a little less than that—and the story was given currency all over the country that this was an extravagant bill, filled with projects such as are intimated by the gentleman from Iowa. Yet when this bill went to the Senate, and when the general statement was given forth that the bill must be materially reduced, the Senate, after about a month's deliberation, increased 49 of the items contained in the bill as passed by the House, the total increase of those 49 items amounting to about $1,800,000. The Senate decreased only 15 of the items in the bill, and the total amount of the decrease was about $2,600,000, of which amount more than $1,600,000 was in the one item for the improvement of the Buttermilk Channel, New York Harbor.

Mr. HEPBURN. Was there not a horizontal cut that affected many more than those propositions?

Mr. REEVES. I will answer that question in a moment. I was coming to it.

The Senate, as I have just said, increased the projects for which we made appropriations nearly $2,000,000, and decreased the projects for which we had made appropriations $2,800,000, of which $1,600,000 was in one item alone. So that of these smaller projects, of which the gentleman from Iowa especially complains, the Committee on Commerce of the Senate, after scrutinizing the bill as carefully as they could, found 15 items which, in their judgment, should be reduced, and of those 15 a majority were the larger projects. So that the judgment of the Committee on Commerce of the Senate, be it worth much or little, was a disapproval of the large projects and not of the smaller ones.

Mr. Speaker, the bill as it passed the House contained 389 different projects for which we appropriated. The Senate Committee on Commerce found but 4 which in their judgment should be thrown out, and only those 4 they rejected. They increased, as I have said, 49 of our appropriations, and decreased 15; and they added 28 new projects of their own.

Now, I want to say simply this: I am not one of those who believe that any censure is due to the gentleman from Iowa or others who may think as he does.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. REEVES. I would like just one minute more.

Mr. FITZPATRICK. We are very much interested in the speech of the gentleman, and I hope his time will be extended.

Mr. GROSVENOR. I yield the gentleman one minute more.

Mr. REEVES. Mr. Speaker, I do not think that the gentleman from Iowa and those who think with him should be censured. The policy of appropriations for this character of improvements is something about which men may honestly differ; and I agree with him upon this proposition: That the best interests of the country require that the vast amount of this appropriation should go to the larger harbors, where the greater commerce exists. I disagree with him on this point: There are a large number of smaller projects which are really valuable, and which I believe he would recognize as valuable, if time and opportunity gave him the privilege of examining them as we of the committee have to do.

Mr. GROSVENOR. Mr. Speaker, it is not the province of the Committee on Rules to judge of the value or nonvalue of an item in an appropriation bill. It would be a usurpation of authority if this committee should refuse the House the privilege of disposing of a matter of this importance in the most expeditious way, simply because they might differ about what the committee had reported on some of the items of the bill. Now, I admit that this thing of logrolling, against which the gentleman from Iowa has inveighed so eloquently, may be a very bad feature in some kinds of legislation. I notice that it runs more or less through a great many other things besides the river and harbor bill.

Now, on yesterday there came before the House a bill carrying items of appropriation for certain projects of a public character, located from the east, across the great central belt, and away out on the Pacific coast. It occurred to me that it was barely possible that there might be some community of interest between the various items of that bill, and that possibly there might be something in the nature of a little logrolling in that. I listened with great interest and great anxiety to hear my friend from Iowa get up and denounce the system of legislation that carried a combination of items like that bill. But he remained entirely and deferentially silent during the progress of debate and passage of the bill.

Mr. HEPBURN. Will the gentleman permit me to suggest that I have admitted that there was no such precipitation in my district as to make appropriations of this kind necessary?

Mr. GROSVENOR. Exactly.

Mr. HEPBURN. But there is enough rainfall to make it necessary to shield our courts from inclement weather. [Laughter.]

Mr. GROSVENOR. I listened to hear the gentleman's voice denouncing the logrolling scheme of public buildings from one end of the country to the other; and when he was silent and the bill went through practically without opposition, I turned to the bill itself to see what was the explanation——

Mr. HEPBURN. Human nature.

Mr. GROSVENOR. And if any of you want an explanation, go to the bill that passed yesterday and you will find the explanation. [Laughter and applause.]

Now, Mr. Speaker, I differ with the gentleman entirely and wholly upon another proposition. If we could regulate the size of the ships of all the world, then you might set the depth of the harbor and say, "Construct your ships to meet the water in our harbor or stay out." The trouble about it is that the shipbuilders of the old countries are unfortunately building 94 per cent of all the ships bringing foreign commerce into our harbors, and built of the depth they see fit to construct them; and we must have the depth of water or we must go without our commerce.

San Francisco asks no question of us; Seattle and Tacoma do not ask us to deepen their harbors; but there are harbors that must be deepened. If I had my way about it, for measures not only of commerce, but for measures of protection, national protection, I would put a channel not of 30 feet, but of 35 feet in the Delaware River and light that river so that it would be one great Pennsylvania avenue of commerce from Philadelphia out through the capes into the ocean. [Loud applause.] And I would invite the ships of all the world to come into our harbor.

The gentleman talked about Galveston. We did begin a project there that involved an engineering question of the material we used. When the teredo, as the vermin is named that infests the Southern waters, destroyed the mattresses put down, then we had to take another scheme. When I was a member of the River and Harbor Committee and went to Galveston, we lightered the ships that came to the harbor for 9 miles. To-day the ships laden with products of other countries coming after the products of our country go right up to the dock and discharge and receive freight, drawing the water that is necessary for the commerce of the world. So we can not measure the water with our harbor and expect to regulate the ships of the world. How are we going to compete with the manufacturers of iron and steel in the Old World if we carry only a 9-foot ship in Lake Erie, as we did twenty years ago? We must cheapen transportation by the deepening down of the

bottom of the ship that carries our products, and then we can compete with the people of the Old World.

I have no fears of this appropriation. I want to say to the gentleman from Tennessee that the people of this country have never yet criticised the amount of appropriation if they believed it was for a worthy object and if they believed it was to be economically expended. We heard the same cry made two years ago in the closing hours of the Fifty-fifth Congress. This same pitiable cry went up, and the people were told that we were to be wiped off the face of the earth. I remember the warnings, that came torrential, and with more eloquence and power than we have heard today, that we were to be obliterated as a political party.

Now, then, Mr. Speaker, I have this to say: While the Democratic party exists with the present organization; while they continue attacks upon commerce and the financial credit of this country; while it organizes itself as an organized cry against the courts and the integrity of the Government of this country, I pray we may always be wiped off the earth just as we were after the predictions of two years ago. [Loud applause on the Republican side.] I can say to gentlemen that the people of this country are intelligent, they are wise, they understand as well as Congressmen do what are the real needs of the country. Now, Mr. Speaker, this bill must pass under and by virtue of this rule or it can not be passed. I have no question about the judgment of the House. The gentleman from Tennessee said the gentleman from Iowa had turned to that side of the House because, he said, there was no hope on the part of this side of the House. I do not know what was in the heart of the gentleman from Iowa. I suggest to the gentleman from Tennessee that missionaries are generally sent where the heathen live [laughter], and that they do not preach to those who are righteous, but call the other fellow to repentance. [Renewed laughter.] So that if——

Mr. CARMACK rose.

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. GROSVENOR. Yes.

Mr. CARMACK. I just want to say the gentleman from Iowa admitted the heathen were on that side, and he did not turn to them, because he had no hope.

Mr. GROSVENOR. That is one difference I have with the gentleman from Iowa in that respect.

Mr. CARMACK. One or other of the two gentlemen is bound to be right, and it is the only time that it ever occurred.

Mr. GROSVENOR. Mr. Speaker, time is precious, and I will not occupy any more than to say that the appropriations of this Congress will be overwhelmingly indorsed by the people of the country.

The SPEAKER. Time has expired on both sides. Debate is closed. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. BURTON. Mr. Speaker, I move that the House nonconcur in the Senate amendments to House bill 13189, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and ask for a conference thereon with the Senate. I only want to say——

The SPEAKER. Let the Chair state the motion. The gentleman from Ohio moves that the House nonconcur in the amendments of the Senate, in gross, on the bill H. R. 13189 and ask for a conference thereon.

Mr. BURTON. Mr. Speaker, there seems to be some misapprehension of the purpose of this motion. It is a motion that we must pass in order that there may be a conference between the House and the Senate on this bill. Such action is rendered necessary by the fact that on Friday unanimous consent was refused, and I trust the motion will be promptly passed. I reserve the balance of my time. Does any gentleman want five minutes?

Mr. HEPBURN. Will the gentleman from Iowa permit me to ask him a question?

Mr. BURTON. Yes, sir.

Mr. HEPBURN. I want to ask if, to his knowledge, members of this House, without appointment as a committee of conference, have been in conference with any members of the Senate upon the disagreement of the two Houses as to these items within the last two days?

Mr. BURTON. I will say that there has been an informal communication between the members of the House and the members of the Senate on this subject.

Mr. HEPBURN. Attempting to perform the usual functions of a conference committee?

Mr. BURTON. My attention for the moment was diverted by a gentleman on my left. Will the gentleman kindly repeat his question?

Mr. HEPBURN. I understand they have been acting as a conference committee with all the usual powers, except those of appointment.

Mr. BURTON. Nothing has been finally determined upon, I will say to the gentleman, but it has borne a very close analogy to a conference.

The question was taken; and the motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4687. An act for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy; and

S. 4787. An act to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to amendment No. 2 of the Senate to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14309. An act for the reward of enlisted men of the Navy or Marine Corps;

H. R. 14260. An act to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901;

H. R. 1452. An act to remove the charge of desertion and grant an honorable discharge to John C. Weckler; and

H. R. 13776. An act authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

COMMISSION TO VISIT PORTO RICO, THE PHILIPPINES, AND CUBA.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Joint resolution (H. J. Res. ——) to provide for the appointment of a commission to visit Porto Rico, the Philippines, and Cuba, and report on the conditions therein.

Be it resolved, etc., That the Speaker shall appoint a commission of seven members of the Committee on Insular Affairs, who are members-elect of the next Congress, to visit Porto Rico, the Philippines, and Cuba, who shall report to the next Congress, at its first session, all such facts and conclusions as they deem material bearing upon the relations of the United States with said Porto Rico, the Philippines, and Cuba and the inhabitants thereof. Not more than four members of said commission shall be of one political party. The expenses of said commission, including not to exceed $1,200 for a stenographer, shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of that commission.

Mr. DALZELL. Mr. Speaker, the purpose of this resolution is to authorize the Speaker to appoint a commission consisting of seven members to visit Porto Rico, the Philippines, and Cuba, and report such information as they may gain to the next Congress at its first session. The commission is to consist of seven members, four Republicans and three Democrats. They are to be appointed from the members of the Committee on Insular Affairs who are members-elect of the next Congress. The resolution is in the shape of a joint resolution, inasmuch as it was the opinion of the committee that under the decisions Congress could not prolong any of its parliamentary functions beyond its adjournment. That being the case, and as this will have to receive the signature of the President, it is material that whatever action the House shall take should be taken promptly.

Mr. LIVINGSTON. May I ask the gentleman what is the necessity for including the Philippines when we have the Taft Commission there? Why not rely on that, and allow this commission to go to Porto Rico and Cuba?

Mr. DALZELL. I would say to the gentleman that it has been suggested that one of the purposes of a commission of this kind would be to satisfy Congress as to the correctness or incorrectness of the report made by the Taft Commission.

Mr. POWERS. Would it not be necessary to send a committee after this one?

Mr. DALZELL. I should think that would be a question for the next Congress. [Laughter.] I now yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Speaker, the Committee on Rules considered the resolution very carefully, and I think the reasons which exist in favor of its adoption are many, and that there is nothing to be said against it. This is not the ordinary junket. I think it is absolutely essential in order for members to legislate intelligently with respect to our insular possessions that we should get it from partisan sources. For this reason I favor this resolution. I am opposed to getting it from nonpartisan sources. I want to get it from partisan sources so as to get all the truth. Let both sides be represented by their partisans and the whole truth can be brought out.

Mr. KING. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. KING. I think the argument of my friend that we need

information is correct. [Laughter.] Does he not think it would have been better to obtain the information before the Senate and House acted upon the legislation?

Mr. RICHARDSON of Tennessee. I do, but I think we shall have to legislate with reference to these possessions in the next Congress, and should possess ourselves of all the facts.

Mr. STEELE. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. STEELE. As long as we are about to surrender Cuba, and already have a commission in the Philippines, would not the gentleman consider this a provision for a junket, pure and simple?

Mr. RICHARDSON of Tennessee. I do not.

Mr. STEELE. I do.

Mr. RICHARDSON of Tennessee. I consider it essential in order to get at the facts, because I do not think we have ever had the facts. I now yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker' I do not care to make any extended remarks. It seems to me we can get this information, if that is what we really want, in other ways. It seems to me we have obtained already information from a good many sources as to the conditions there, and will have information as to new conditions if they change. What is wanting is not information of the subject of iniquities and un-Americanism in the Philippines, but the power to arouse the moral sense of our own people. I agree with the gentleman from Indiana that this is going to result in nothing less and nothing more than one more great, big, Congressional junketing tour. I have never known one of these committees appointed by the House to go off for the purpose of "seeking information" that ever brought back any useful information to the House. They are wined and dined and junketed and made to take the views of those by whom they are surrounded, like a chameleon.

The SPEAKER. The question is on agreeing to the resolution.

Mr. STEELE. Let us have the yeas and nays on this resolution.

Mr. DALZELL. Mr. Speaker, the gentleman from Vermont desires time, and I yield to him.

Mr. POWERS. Mr. Speaker, this is the baldest, boldest, and most inexcusable proposition for a junketing trip I ever heard made on the floor of this House. [Applause.] The only excuse that is given to us comes from the gentleman from Pennsylvania [Mr. DALZELL], who says that the commission we have already sent to all these islands—and there are several—ought to be looked after by another commission. Will it not follow, necessarily, Mr. Speaker, that after this commission has made its report the next Congress will have occasion to send out another commission to look after this commission and see if it has done its duty? I hope this will be voted down by an overwhelming majority. [Applause.]

Mr. DALZELL. I now yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the commission now in the Philippines was appointed by the Executive, and as to the politics of the respective members of the commission, nobody knows. I think that if Congress is to legislate for those islands it should appoint a commission representing the respective political parties of the country to visit them and investigate and report to Congress, and in support of that position I call the attention of the committee to what Senator JOHN C. SPOONER said in the Senate. I will read:

> I should say that we will not be ready to legislate for the Philippines until we shall have sent a joint committee from both Houses over there to investigate thoroughly the situation there, the people, the form of government which would be adapted to them. That we have not done.
>
> Mr. TELLER. Are we likely to do it?
>
> Mr. SPOONER. I hope we will do it.
>
> Mr. TELLER. When?
>
> Mr. SPOONER. I hope we will provide for it before this session comes to an end.
>
> Mr. TELLER. I see no signs of it.
>
> Mr. SPOONER. I have intended to propose a resolution of that kind, and I shall endeavor to do so.
>
> Mr. HALE. It ought to be done.
>
> Mr. SPOONER. Of course it ought to be done. Congress ought to know the exact situation in the Philippines in every aspect, and it seems to me to be one of the first duties of Congress to provide itself with information upon which can be adopted a reasonable and sensible legislative policy of some kind as to government in the Philippines.

The SPEAKER. The Chair feels it to be his duty to state to the gentleman from Wisconsin that this treatment of the action of the Senate in discussion is beyond the realm of parliamentary law.

Mr. COOPER of Wisconsin. I did not suppose that reading verbatim from the report of the Senate debate was a violation of the rules.

The SPEAKER. That is exactly what is prohibited. Each House must have its own freedom of debate.

Mr. COOPER of Wisconsin. Of course, Mr. Speaker, I accept the ruling of the Chair. I know that comments are improper concerning utterances in debate in the Senate, but I made no comments.

But, Mr. Speaker, I can conceive of no greater abdication of the function of Congress than for this body, composed of members of all political parties, to leave to the Executive alone the eliciting of the information on which we base legislation for islands which have no representatives in this body.

The Senate at the last Congress passed a resolution to send a commission to Hawaii. There was nothing of a junketing trip, as I understand, on the part of the committee that went to Hawaii—composed of members of both bodies of Congress—members of the House and members of the Senate—who went to that island two years ago, and who afterwards submitted their report.

A member of that commission, the gentleman from Minnesota [Mr. TAWNEY] made on this floor a very forcible speech in which his information was given at first hand. He spoke of what he had seen and what he had heard from the natives—what he knew, not what a person appointed by another man had said.

So far as a junketing trip is concerned, I am sure there will be nothing of a junket about it; there will be nothing improper done by the committee, but every effort will be made by us as legislators to see what is going on in our insular possessions. This information will be collected by Republicans and by Democrats, and a nonpartisan commission will report to this body.

Mr. SHACKLEFORD. I would like to ask the gentleman a question. This resolution, I believe, provides that the members of this commission shall not be all of one political party. I would like to know whether the Democrats to be appointed will be Democrats who voted the Republican ticket or bona fide Democrats?

Mr. COOPER of Wisconsin. I do not know of any Democrat on this floor who has voted with the Republicans during this session upon any matter pertaining to the government of our insular possessions.

Mr. SHACKLEFORD. What I want to know is whether we are going to have appointed McKinley Democrats or Cleveland Democrats or real, "sure-enough" Democrats. [Laughter.]

Mr. COOPER of Wisconsin. In reply to the gentleman from Missouri, I will say that I introduced the original resolution on this subject, and it provided for the sending of the whole Committee on Insular Affairs to those islands.

Mr. POWERS. Why not take in the whole House? Why not let us all go?

Mr. COOPER of Wisconsin. Oh, no——

Mr. RICHARDSON of Tennessee. Will the gentleman from Wisconsin yield to me a moment?

Mr. COOPER of Wisconsin. Certainly.

Mr. RICHARDSON of Tennessee. Under this resolution the three Democrats to be appointed must be members of the Insular Committee. There are but four gentlemen in that category—Mr. JONES of Virginia, Mr. MADDOX of Georgia, Mr. HENRY of Texas, and Mr. JAMES R. WILLIAMS of Illinois.

Mr. COOPER of Wisconsin. No one will question the ultra-Democracy of those gentlemen.

Mr. SHACKLEFORD. They are all right.

Mr. COOPER of Wisconsin. I would like to inquire of the gentleman from Missouri whether the Democracy of those gentlemen is satisfactory?

Mr. SHACKLEFORD. Certainly. I was thinking of the case of a gentleman from Tennessee who was appointed on the Philippine Commission, and of other cases of gentlemen appointed on commissions, who were selected as representatives of the Democracy, but who happened universally to be gentlemen who had voted against the Democratic ticket. I was apprehensive the same thing might happen in this case. I did not want to see appointed as Democrats men who had voted for McKinley.

Mr. RICHARDSON of Tennessee. As the gentleman from Missouri [Mr. SHACKLEFORD] has referred to "a gentleman from Tennessee," will he not tell us who the gentleman was?

Mr. SHACKLEFORD. I referred to Hon. Luke Wright, of the Taft Commission.

Mr. COOPER of Wisconsin. Mr. Speaker, there is another aspect to this question to which I wish to call the attention of the House. It has been charged in the House repeatedly—it has been charged in the newspapers of the country, many of them formerly Republican newspapers, and by many Democratic newspapers—that the information we are now getting from our insular possessions is not true information. I have read within the last three or four days that the information coming from those islands is distorted, that the press reports are censored, and that we can not legislate here as we ought to do in view of our duty to ourselves and our constituents. So, in all fairness, I suggest that this trip here proposed, instead of being a junketing trip, will be, if honorable men are appointed (and I can not doubt they will be) a patriotic trip to elicit information which we ought to have at first hand—information nonpartisan in character, and the only information which Congress will get which is nonpartisan.

Mr. BURKE of Texas. I would like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Mr. Speaker, I do not desire in

anything I have said to make any insinuations as to the great ability, the perfect integrity, and the absolutely pure patriotism of the commission now in those islands. I have met those gentlemen. I know their reputation, as all of you gentlemen do. They are men of exceptional ability, some of them; and I use this adjective advisedly.

Mr. POWERS. If the members of that commission are men of such high character, why can you not trust their judgment?

Mr. COOPER of Wisconsin. I believe, as has been said repeatedly in the newspapers of the country, that we ought to have nonpartisan information on these questions from a body composed of members of all parties.

Mr. JONES of Washington. I should like to know why this commission should be confined to members of the Insular Committee?

Mr. COOPER of Wisconsin. Because under the rules that committee has exclusive charge of business pertaining to those islands.

Mr. JONES of Washington. Is that a good reason why this commission should be composed entirely of members of that committee? Could not other members of the House obtain some information which would be valuable?

Mr. COOPER of Wisconsin. I will say to the gentleman that when legislation touching these matters comes before the House it must of necessity come from that committee.

Mr. JONES of Washington. But it has to be considered by the whole House.

Mr. COOPER of Wisconsin. That is perfectly true; but under the rules of the House the debate is almost entirely carried on—at least the principal debate—by members of that committee.

Mr. GRIGGS rose.

Mr. COOPER of Wisconsin. I yield to the gentleman for a question.

Mr. GRIGGS. As I understand it, the Schurman Commission was first appointed to inquire into conditions in the Philippines. Is that true?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. GRIGGS. Then, the Taft Commission was appointed to inquire into the correctness of the report of the Schurman Commission. Is that true?

Mr. COOPER of Wisconsin. No; it was not appointed for that purpose.

Mr. GRIGGS. And now we are to appoint another commission to inquire into the correctness of the report of the Taft Commisson. Am I right? If so, I should like to ask the gentleman from Wisconsin who is to watch this new commission?

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I first desire order.

Mr. SNODGRASS. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania has charge of the floor, so that any application for time will have to be made to him.

Mr. UNDERWOOD. Mr. Speaker, I only want to say a few words in favor of this committee. We have had a number of commissions appointed to investigate and report upon the condition of our new possessions. I do not know of any report that has been made by any of these commissions that has been satisfactory to this side of the House. There is not a gentleman on this side of the House that I know of that has given full faith and credit to the report of any commission that has been appointed by the Executive to report the facts to us. I know that the information of these commissions has not given satisfaction.

Now, Mr. Speaker, it is of the utmost importance that gentlemen on this side of the House especially should be furnished with facts that they can rely upon, that they can believe in, that they are willing to take as the basis of their action when we come to legislate hereafter. Regardless of what position the Supreme Court may take on these important questions, whether they will hold the present law constitutional or unconstitutional, there is no man on the floor of this House who does not know next winter we will be called upon to legislate in some way with reference to those questions. Now, I say to the Democrats of this House it seems to be folly, when we have an opportunity of sending three Democrats from the floor of this House of high character and personal standing and integrity that can not be questioned by any man, to refuse to take that opportunity to send those gentlemen there to bring us back the facts which we can use for the purpose of legislation.

Moreover, I say that the best way for this House to obtain information that it desires to use for the purpose of legislation is to appoint its own committees and send them forth to investigate, and not create commissions appointed by the Executive and then rely on their information.

Mr. ROBINSON of Indiana. Mr. Speaker——

Mr. UNDERWOOD. If we can not trust the members of this House to furnish us correct information, which will show us what is the best character of legislation, whom can we trust? More than that, we have had it illustrated to us in the last few months that if we want to get the facts, the bottom facts, in reference to a particular subject, the best way is to authorize a committee or commission that we can send forth as a committee from this House. Look at the investigation we have had as to the affairs at West Point. The remedy was pointed out——

Mr. WILLIAMS of Mississippi. But that had no politics in it.

Mr. UNDERWOOD. Well, but here politics are cared for by three Democrats.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield one minute to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I am constrained to differ with my friend the gentleman from Tennessee. I believe this resolution should be defeated. It ought to be, in my opinion. For myself, I am opposed to Congressional junketing committees and Congressional junketing trips. If members of Congress want to visit Porto Rico, Cuba, and the Philippine Islands, let them go, and God speed them; but, sir, let them go at their own expense, and not at the expense of the taxpayers of the country. I sincerely believe the adoption of this resolution will be futile. It will establish a bad precedent, which ought not to be established. It will be a great expense, with no satisfactory results. It will give us no additional information. We have now all the information we want in regard to Cuba, Porto Rico, and the Philippine Islands to do our duty to humanity and to ourselves according to the traditions of this Republic.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield one minute to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, I am not surprised to see that the other side are becoming alarmed at the situation as it presents itself to them. The thing I am surprised at is the fact that they are willing to confess their condition before the American people, and that they need to ask further information upon this subject.

But, Mr. Speaker, in reply to the facetious reference of the gentleman from Missouri to General Wright, of Tennessee, a member of the commission, I wish to say that the Democracy of General Wright will compare very favorably with the Democracy of the gentleman from Missouri. General Wright was a gallant Confederate soldier, and is an eminent lawyer, and I will say to the gentleman that he has the unquestioned confidence and respect of all the people in his great State.

Mr. DALZELL. I yield five minutes to the gentleman from Illinois, a member of the committee.

Mr. JAMES R. WILLIAMS. Mr. Speaker, while I am a member of the Committee on Insular Affairs, I desire to say I knew nothing of the appointment or proposed appointment of this commission until a few moments ago.

I wish to say, further, that I have no desire to go on this commission, and am not a candidate for one of the places; but I desire to say with all sincerity that in my judgment the members of this House would make a great mistake if they vote down this proposition. If you vote it down, let Democrats cease to complain against the character of information which we get from commissions sent by the Administration to these various islands. I am opposed to junketing trips.

The committee appointed to investigate hazing was not a junketing committee. This Administration had appointed a committee to investigate that subject, yet its information was of but little value compared with the information received by the members appointed by this House. I say if you are not satisfied on either side with the men to be selected, then let each party meet in caucus and select its members to be appointed upon this commission.

I believe the men who are appointed as Democrats ought to be Democrats, and not Administration Democrats. Let the men appointed as Republicans be Republicans. I have served long enough on the Committee on Insular Affairs to know how important it is, if it is to recommend any legislation to this House, that we should have proper information as to the conditions existing in those islands, as to what their people want, and as to what the people need, and this, in my judgment, is the only way that we can get information that is reliable.

The majority of this House must be satisfied with the report, and the minority of this House will receive much more reliable information than it will by any commission which has been appointed. I know some men appointed by the Administration on various commissions of this character, men aspiring to be kept in office by the Administration, men who go there without any independence.

I believe in sending as the three men of this commission independent Democrats who will go there and seek for information without any color whatever, and let the Republicans do the same

thing. The little expense that attaches to it is nothing as compared with the vast importance connected with the legislation of this Congress over the affairs of the people in these islands.

Mr. Speaker, as I understand, there is no salary connected with it, and I want to say that because I am a member of that committee I do not intend to vote on this proposition. I am not a candidate for the place, I have no anxiety to make the trip, and if these men are appointed they will bring us information that is reliable; and if you do not like these men, let it be agreed that each party in caucus shall select its own men and recommend them to the Speaker and let them be appointed, for it is important that this House receive reliable information not only in regard to Porto Rico, but more especially as to the Philippine Islands. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, had agreed to the conference asked by the House on the bill and amendments, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report upon the sundry civil bill, and ask unanimous consent to dispense with the reading of the conference report and ask that the statement only be read.

The SPEAKER. The gentleman from Illinois presents a conference report upon the sundry civil bill, and asks that the statement be read and the reading of the report be omitted. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. The gentleman from Indiana reserves all points of order on the report. Is there objection? [After a pause.] The Chair hears none.

[For conference report see Senate proceedings.]

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses submit the following written statement in explanation of the effect of the action on each of said amendments recommended in the accompanying conference report, namely:

On No. 1: Strikes out the appropriation of $75,000 proposed by the Senate for public building at Butte, Mont.

On No. 2: Appropriates $28,000, as proposed by the Senate, for rental of quarters at Cleveland, Ohio.

On Nos. 3 and 4: Appropriates $175,000, as proposed by the Senate, for buildings at immigrant station on Ellis Island, and makes a verbal correction in the text.

On No. 7: Strikes out the provision proposed by the Senate extending the limit of cost of public building at Cheyenne, Wyo., to $325,000.

On No. 9: Inserts the provision proposed by the Senate authorizing the Secretary of the Treasury not to sell the old public building at St. Paul, Minn.

On No. 10: Appropriates $50,000, as proposed by the Senate, for a boarding vessel for Reedy Island quarantine station.

On No. 11: Appropriates $40,000, as proposed by the House, for a boarding vessel at Port Townsend quarantine station.

On Nos. 12, 13, 14, 15, 16, 18, and 19: Appropriates, as proposed by the Senate, for a light-house and fog signal at Point-no-Point, Maryland, $65,000; for a light-house tender for the Seventh district, $85,000; for a light-house tender for the Eighth district, $125,000 instead of $40,000 for a steamer for the Mobile ship-channel lights; extends the limit of cost of the inspector's and engineer's light-house tenders for the Ninth district to $115,000 each; appropriates for the Point Dume light-house station, California, $63,000, and for a light-house tender for the Tenth district, $125,000.

On No. 21: Appropriates $4,000, as proposed by the Senate, for maintenance of lights on channels of the Great Lakes.

On Nos. 22 and 23: Makes the appropriation for Porto Rican light-house establishment available for buoys.

On Nos. 24 and 25: Appropriates $200,000, instead of $150,000, as proposed by the House, and $100,000, as proposed by the Senate, for light-house and fog signals in Alaskan waters, and strikes out the provision proposed by the Senate authorizing contracts for said service at an additional cost of $250,000.

On No. 27: Appropriates $2,000, as proposed by the Senate, for a Lyle gun, beach apparatus, and two surfboats for use at Cape Nome, Alaska.

On No. 29: Appropriates $50,000, as proposed by the Senate, for a revenue cutter at Boston.

On Nos. 31, 32, 33, and 34: Appropriates $13,400, as proposed by the Senate, instead of $3,400, as proposed by the House, for special surveys by the Coast and Geodetic Survey.

On No. 37: Requires the Secretary of the Smithsonian Institution to report the expenditures under all appropriations made under the Astrophysical Observatory, as proposed by the Senate.

On No. 38: Appropriates $4,400, as proposed by the Senate, instead of $4,040, as proposed by the House, for rent of workshops for National Museum.

On Nos. 39, 40, and 43: Appropriates $4,000, as proposed by the Senate, for improvements at the Green Lake, Me., fish hatchery; $8,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for additional land and water rights at San Marcos, Tex., fish hatchery, and $10,000, as proposed by the Senate, for a lobster hatchery on the coast of Maine.

On Nos. 44, 45, and 46: Appropriates $223,955.48, as proposed by the Senate, instead of $192,105.48, as proposed by the House, to pay interest on the public debt of Hawaii, and makes a verbal correction in the text.

On No. 47: Appropriates $1,086,300, as proposed by the Senate, instead of $1,035,000, as proposed by the House, for assistant custodians and janitors of public buildings, and prohibits the use of any other fund for this service.

On No. 48: Appropriates $19,500, as proposed by the Senate, for food and clothing for native inhabitants of the islands of St. Paul and St. George, Alaska.

On No. 50: Reappropriates, as proposed by the Senate, the appropriation of $7,000 heretofore made for coal bin for the Pension Office building.

On Nos. 51, 52, 53, 54, 55, 56, 57, 58, and 59, relating to Capitol building: Appropriates $37,530, as proposed by the Senate, instead of $34,250, as proposed by the House, for work at the Capitol; strikes out the appropriation, proposed by the House, of $18,200 for re covering with copper the roof of the central portion of the Capitol, and appropriates $153,500, as proposed by the Senate, for reconstructing and fireproofing the roof of the central portion of the Capitol; appropriates $2,150, as proposed by the Senate, for improving the steam-heating and ventilating apparatus in the Senate wing, and $25,000 instead of $67,500, as proposed by the Senate, for fireproof shelving in the Senate document rooms; appropriates $1,550 for repairs to the elevator in the Maltby Building, and $61,000 instead of $58,000 for refurnishing the Hall of the House and certain rooms in the House wing; and inserts a provision authorizing members of the House of the Fifty-sixth Congress to purchase the old desks used by them.

On Nos. 60 and 61: Inserts the provision proposed by the Senate relative to the manner of the selection of agents and others under the appropriations to prevent depredations on public timber and for the protection of forest reservations.

On Nos. 63, 64, 65, 66, 67, 68, and 69, relating to surveying the public lands: Makes the appropriation therefor immediately available but not continuing; authorizes the survey of lines of reservations except forest reservations; strikes out the provision, proposed by the Senate, authorizing the examination of surveying returns in the General Land Office; inserts a provision authorizing per diem compensation to surveyors of examination of public surveys; appropriates $480 for a custodian for Fort Sherman abandoned military reservation in Idaho; and appropriates $3,300, as proposed by the Senate, for surveying portions of the northern and western boundaries of the Yellowstone Park.

On Nos. 72, 73, 74, 75, 76, 77, 78, 79, 80, and 83, relating to the Geological Survey: Appropriates $16,000, instead of $13,000 as proposed by the House and $20,000 as proposed by the Senate, for skilled laborers and temporary employees; $250,000, instead of $240,000 as proposed by the House and $260,000 as proposed by the Senate, for topographic surveys; $16,280, as proposed by the Senate, instead of $14,000, as proposed by the House, for illustrations for Geological Survey; requires that the report on Mineral Resources shall be published in one octavo volume and as a distinct publication; appropriates $5,000, instead of $6,000 as proposed by the House, for purchase of necessary books and payment for transmission of public documents through the Smithsonian exchange; appropriates $75,000, as proposed by the Senate, instead of $70,000, as proposed by the House, for engraving and printing geological maps; strikes out the provision, proposed by the Senate, to include Porto Rico within the provision for gauging streams; and makes an appropriation for the survey of forest reservations available for such reservations as may hereafter be designated.

On No. 85: Authorizes, as proposed by the Senate, the lease of the land known as Mesa Verde, in Colorado, to the Colorado Cliff Dwelling Association.

On No. 86: Strikes out the appropriation of $15,000, proposed by the Senate, for binding the population schedules of the Eleventh Census.

On No. 87: Inserts the provision, proposed by the Senate, authorizing the Secretary of War to care for insane patients at any State asylum in California.

On No. 90: Appropriates $130,500, as proposed by the Senate, for completion of water-power dam at Rock Island Arsenal.

On No. 92: Appropriates $2,400, as proposed by the Senate, for the employment of an engineer by the officer in charge of public buildings and grounds in Washington.

On No. 100: Authorizes the purchase of additional land, not to exceed $2,500, for Vicksburg National Military Park.

On No. 103: Appropriates $50,000, as proposed by the Senate, for a power house and nurses' home at Providence Hospital.

On No. 104: Appropriates $1,750, as proposed by the Senate, for work on the isolating ward at Garfield Memorial Hospital.

On No. 106: Appropriates $1,500, as proposed by the Senate, for expenses attending the unveiling of the statue of General Logan.

On No. 107: Appropriates $50,000, as proposed by the Senate, for a statue of General McClellan.

On No. 109: Strikes out the appropriation of $25,000 proposed by the Senate for the relief of the destitute in Alaska.

On No. 120: Strikes out the appropriation of $30,000 proposed by the Senate for one barrack at the Leavenworth Soldiers' Home.

On No. 136: Strikes out the provision for two additional members of the commission to codify the criminal and penal laws of the United States, and authorizes said commission to codify all laws of the United States of a permanent and general nature.

On No. 137: Restores to the bill the provision proposed by the House authorizing payment of district attorneys for services rendered by direction of the Attorney-General in cases before the Supreme Court.

On Nos. 138 and 139: Appropriates $7,500 for clerks to Senators who are not chairmen of committees, and $21,000 for furniture for new committee rooms for the Senate.

On No. 140: Strikes out the appropriation of $20,000 proposed by the Senate for a replica of the statue of Washington.

On No. 141: Strikes out the appropriation of $4,000 proposed by the Senate for a statue of Longfellow.

On No. 142: Appropriates $7,500, as proposed by the Senate, for a replica of a statue of Rochambeau.

On Nos. 143, 144, and 145: Appropriates $15,000, as proposed by the Senate, instead of $7,000, as proposed by the House, for illustrations for the report of the Geological Survey.

On Nos. 146 and 147: Strikes out the provisions proposed by the Senate relating to the catalogue of Government publications.

On No. 148: Authorizes, as proposed by the Senate, the publication of the proceedings in connection with the reception of the Webster statue.

On No. 153: Inserts the provision proposed by the Senate to settle certain claims relating to the Hot Springs Mountain Reservation in Arkansas.

The committee of conference have been unable to agree upon the following amendments:

No. 5, Newport, R. I., public building, $20,000;
No. 6, Newark, N. J., public building, $85,000;
No. 8, purchase of old Corcoran Art Gallery, $332,500.
No. 17, Fort Winfield Scott fog signal, California, $7,000.
No. 20, relief light-vessel for Twelfth and Thirteenth districts, Pacific coast, $90,000;
No. 26, increasing salaries of superintendents of life-savings stations;
No. 28, revenue cutter, St. Marys River, Michigan, to cost $75,000;
No. 30, revenue cutter for Hawaii, to cost $200,000;
Nos. 35 and 36, 15 additional aids, at $720 each, for the Coast Survey;
No. 41, fish hatchery in Utah, $25,000;
No. 42, fish hatchery in Idaho, $25,000;
No. 49, reducing salary of Commissioner of Immigration $1,000.

No. 62, permission to graze live stock on forest reservations.
Nos. 70 and 71, reducing salary of Director of the Geological Survey from $6,000 to $5,000.
Nos. 81, 82, and 84, increasing the appropriation for gauging streams from $100,000 to $200,000, and limiting investigation of underground currents and artesian wells to arid and semiarid regions.
No. 88, to acquire additional land for the insane hospital.
No. 89, education in Alaska, $30,000.
No. 91, Schuylkill Arsenal, Philadelphia, fireproof building, $75,000.
No. 93, site for memorial building for the National Society of Daughters of the American Revolution in Rawlins Park.
No. 94, reducing appropriation for military posts from $1,000,000 to $900,000.
No. 95, Fort D. A. Russell, Wyo., $50,000.
No. 96, Fort Meade, S. Dak., $50,000.
No. 97, Fort MacKenzie, Wyo., $50,000.
No. 98, Fort Lincoln, N. Dak., $75,000.
No. 99, enlargement of Governors Island, $280,000.
No. 101, Buffalo Harbor, N. Y., increase from $300,000 to $400,000.
No. 102, superintendent of Antietam battlefield, increase from $1,200 to $1,500.
No. 105, Memorial Bridge, Potomac River, $100,000.
No. 108, payment to the county of Custer, Mont., for construction of a bridge, $4,350.
Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, and 131, relating to soldiers' homes.
No. 132, conference for protection of industrial property, $10,000.
No. 133, payment to Mexico, $412,572.70.
No. 134, buildings for laboratories, Department of Agriculture, $200,000.
No. 135, traveling expenses, Territory of Hawaii, $1,000.
No. 149, authorizing another edition of Messages and Papers of the Presidents.
No. 150, customs appraisers.
No. 151, Pan-American Exposition, Buffalo; Louisiana Purchase Exposition; Charleston, S. C., Exposition.
No. 152, extending the time for the selection of arid lands by the States.

J. G. CANNON,
W. H. MOODY,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

Mr. KITCHIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KITCHIN. Is it in order to demand a separate vote upon any items upon which the conferees have agreed?

The SPEAKER. The report must be adopted or fall as a whole.

Mr. UNDERWOOD. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. What is it?

Mr. UNDERWOOD. I want to ask the gentleman if there will be an opportunity for debate upon these items that are not agreed to?

Mr. CANNON. If there is something that really calls for debate I would be glad to yield, as briefly as possible, to the gentleman, but I first want to adopt the conference report.

Mr. UNDERWOOD. If the gentleman does not allow debate before the report is adopted, I see no object in the debate.

Mr. CANNON. I think nobody can have any objection to the adoption of the conference report. The items are closed by the conference report and then there are probably one-third of the items not agreed to.

Mr. UNDERWOOD. I would like to ask the gentleman—I was called out during the reading of the statement, and did not get clearly all the items—if the conferees agreed on the various items of legislation, such as the St. Louis fair bill, the monument bill, and the bridge bill, that have been rejected by this House but have been put on by the Senate?

Mr. CANNON. Oh, no; the Senate receded in some instances and the House recedes in other instances by the conference report; but there is one-half or one-third of the amendments, including the fair bill, that are not agreed to. If the gentleman has any specific item in his mind I will be glad to answer.

Mr. UNDERWOOD. I understand the items such as the St. Louis fair bill, the bridge bill, are not agreed to.

Mr. CANNON. No agreement as to the exposition, bridge, or the fair bill.

Mr. McRAE rose.

Mr. CANNON. I will yield to my colleague.

Mr. McRAE. I want to say, Mr. Speaker, that I hope the report will be adopted.

Mr. NEWLANDS. May I ask the gentleman from Illinois whether an opportunity will be presented to consider the items upon which there is still a disagreement after this report is approved?

Mr. CANNON. That matter is under the direction of the House.

Mr. NEWLANDS. I would like five minutes' time on a certain item here.

Mr. CANNON. I will see in my time what can be done about it. I want to see how much time is to be had.

Mr. HOPKINS. I was called out and did not hear all the report read. I would like to know what action was taken on amendment 150 of the Senate, increasing the salary of certain appraisers in Boston and Philadelphia.

Mr. CANNON. It was disagreed to.

Mr. LACEY. I want to ask the gentleman about amendment 109, authorizing a small appropriation for the War Department to take care of the indigent sick and destitute in Alaska.

Mr. CANNON. The Senate receded from that and there was an agreement.

Mr. LACEY. Does not the gentleman think that item ought to remain in, in view of the fact that the fees for licenses that go into the Treasury are much more than enough to make provision for these sick people and there is no local government to provide for it?

Mr. CANNON. The judgment of the House conferees in making this agreement was that the indigent sick are reported to be up somewhere toward the Frozen Ocean, about Cape Nome, and over that section of the country. Many weeks would pass by before they could be relieved; and before the relief would come the fishing season would begin, and we did not believe it policy to begin to debauch and demoralize these people.

The SPEAKER. The question is on adopting the conference report.

The question was taken; and the report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Is there a separate vote demanded on any of the remaining amendments?

Mr. ROBINSON of Indiana. I desire to interrogate the chairman, Mr. Speaker.

Mr. ALEXANDER. I want a separate vote upon amendment No. 151.

Mr. CANNON. I have not yielded the floor, Mr. Speaker. I desire to move that the House further insist on its disagreement to the Senate amendments and consent to another conference.

The SPEAKER. The gentleman from Illinois moves that the House further insist on its disagreement to the other amendments of the Senate and agree to a conference.

Mr. ALEXANDER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ALEXANDER. I move that the House recede and concur——

The SPEAKER. The gentleman has already indicated the amendment upon which he wants a separate vote.

Mr. NEWLANDS. Mr. Speaker, I ask the House to recede from its disagreement—I have not the number of the amendment——

The SPEAKER. The Chair, then, will recognize the gentleman from Virginia.

Mr. RIXEY. Mr. Speaker, I desire a separate vote on amendment 105.

Mr. ROBINSON of Indiana. I would like to ask, Mr. Speaker, whether the conferees have agreed upon amendment 88, with reference to the purchase and exchange of land for the insane asylum?

Mr. CANNON. There is no agreement for two reasons. First, I desired the House to take action upon it if it wanted to do so; and second, there comes a proposition from the Secretary of the Interior and the superintendent of St. Elizabeth's Asylum in which they ask a modification of these amendments that will permit a further exchange of land so as to enable the asylum to obtain the whole 140 acres, in round numbers, for other land that the Goverment owns.

Mr. ROBINSON of Indiana. Is it the intention of the gentleman from Illinois to ask the House to pass upon the question at this time?

Mr. CANNON. I did not so intend, but I want to say that if it is the sense of the House to consider the matter now, I have no objection. I want to say, and I would have said it before if I had had the opportunity, that there is a proposition before the conference committee, or rather a request, to modify the Senate provision so as to authorize the further exchange of land, the object being to obtain for the Government and use of the asylum 140 acres south of the road.

Mr. ROBINSON of Indiana. Will the gentleman yield to me at the proper time to make a motion to concur in the Senate amendment?

Mr. CANNON. That is the gentleman's right.

The SPEAKER. What is the number of the amendment on which the gentleman from Indiana desires a separate vote?

Mr. ROBINSON of Indiana. Eighty-eight.

Mr. NEWLANDS. I ask a separate vote on amendments numbered 81 and 82.

Mr. LLOYD. I ask the gentlemen of the committee whether there was an agreement as to amendment numbered 89?

Mr. CANNON. There was a disagreement upon that amendment.

Mr. LLOYD. I simply wished to call attention to the fact that a bill was passed yesterday providing for education in Alaska for the coming year.

Mr. McCLEARY. I desire a separate vote on amendment numbered 141.

Mr. CANNON. That amendment is included in the conference report. The Senate receded.

Mr. LACEY. What was done with amendment numbered 152? There has been some work in progress there.

Mr. CANNON. There was no agreement touching that.

Mr. LACEY. Is there any objection to agreeing to the Senate amendment?

Mr. CANNON. I can not answer the gentleman.

Mr. GROSVENOR. I give notice that I desire a separate vote on amendment numbered 8, providing for the purchase of the Corcoran Art Gallery. I do not know that I shall insist upon a separate vote; but I do not wish to be barred from having such a vote if I should desire it.

Mr. HOPKINS. I ask for a separate vote on amendment numbered 150.

Mr. UNDERWOOD. Before the question is put, I wish to ask the gentleman from Illinois whether he will yield a few minutes for debate?

Mr. CANNON. I want to yield only for real debate, and as little of it as possible, because this bill is to go back to conference and there must be another report, possibly two. Various other bills will come tramping in on the heels of this, and to-morrow at 12 o'clock this Congress dies. So that I hope there will be no debate except that which is to the point, and as brief as possible.

Mr. SHAFROTH. I would like to inquire in regard to the amendment concerning the Mesaverda Reservation.

Mr. CANNON. I am going to delight my friend's heart by telling him he is more fortunate than he supposed. On that amendment the House has receded, and the amendment is concurred in.

Mr. SHAFROTH. I am glad to hear it.

The SPEAKER. The vote will now be taken on the motion of the gentleman from Illinois——

Mr. UNDERWOOD. Does the gentleman from Illinois decline to yield me any time?

Mr. CANNON. I decline to yield any now. We first want to get these amendments adopted on which separate votes are not asked.

Mr. HULL. I wish to reserve for a separate vote the amendment numbered 99.

The SPEAKER. The motion of the gentleman from Illinois will be put upon all amendments except those which have been reserved, and which the Chair will now enumerate: Amendments numbered 8, 151, 105, 88, 81, 82, 150, and 99.

Mr. UNDERWOOD. Does the gentleman from Illinois decline to yield to me?

Mr. CANNON. I decline to yield to anyone now. I want first to dispose of these amendments on which a separate vote has not been asked.

Mr. UNDERWOOD. I do not desire to debate any particular one of the amendments. I wish to address my remarks to all of them—to the bill in general. I believe this is the proper time.

Mr. CANNON. I decline to yield to the gentleman for that purpose at this time.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House further insist on its disagreement to all the amendments of the Senate except those just enumerated by the Chair, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The question will first be taken on amendment numbered 8, on which a separate vote was reserved by the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I withdraw that demand.

Mr. SHERMAN. I rise to a parliamentary inquiry—whether it is not in order to consider first amendment 151, the amendment upon which a separate vote was first asked.

The SPEAKER. The vote will be taken upon these amendments in the order in which they appear in the bill. The demand for a separate vote having been withdrawn in regard to amendment numbered 8, the question is, Will the House further insist on its disagreement to that amendment and agree to the conference?

The motion was agreed to.

Mr. SHERMAN. I wish to ask a parliamentary inquiry. Do I understand the Chair to hold that it is not in order to consider first the amendment upon which a separate vote was first asked?

The SPEAKER. The Chair has answered that question. The amendments will be voted upon in the order in which they appear in the bill.

Mr. SHERMAN. That is not the question which I asked. My question was whether it was not the proper procedure to vote first upon the amendment on which a separate vote was first asked.

The SPEAKER. That is not a right that can properly be insisted upon. The Chair announced that the amendments would be voted upon in the order in which they appear in the bill. The next amendment is amendment numbered 81.

Mr. CANNON. I ask the Clerk to read the amendment.

The Clerk read as follows:

After the word "wells," in line 5, page 70, insert "in arid and semiarid sections."

The SPEAKER. On this amendment a separate vote was reserved by the gentleman from Nevada [Mr. NEWLANDS]. What motion does he desire to submit?

Mr. NEWLANDS. I wish to move that the House recede from its disagreement to amendments numbered 81 and 82, and concur in those amendments. I would like the chairman of the committee to grant me a few moments for the discussion of this question.

The SPEAKER. If there is no objection, the question will be put as to amendments 81 and 82 at the same time. The Clerk will report 82.

The Clerk read as follows:

On page 70, line 7, strike out "one" and insert "two;" so that it will read "$200,000."

Mr. CANNON. Now, Mr. Speaker, I am under obligations to yield just a moment. How much time does the gentleman want?

Mr. UNDERWOOD. I would say to the chairman of the committee it is proposed to yield the gentleman from Nevada some time, and I will wait until he is through.

Mr. CANNON. I do not desire to yield beyond question, or an exceedingly short statement touching this matter. It has been discussed time and again; the House is familiar with it, and I want to vote as promptly as possible.

Mr. NEWLANDS. Will the gentleman permit me a few minutes for the purpose of discussing this question?

Mr. CANNON. I do not want to go into any formal discussion of the question again.

Mr. NEWLANDS. I only need five minutes.

Mr. CANNON. Twice—I think three times—has this and kindred questions been discussed.

Mr. NEWLANDS. I beg the gentleman's pardon. This question has not been discussed. I ask for only five minutes.

Mr. CANNON. My friend, I hope, can get along with two minutes.

Mr. NEWLANDS. I will compromise on four. [Laughter.]

Mr. CANNON. I yield to my friend two minutes, if it is useful to him.

Mr. NEWLANDS. I want four.

Mr. CANNON. There are matters on this bill that are going to take time. This is old straw—the House is very familiar with it. I must beg of my friend to be as brief as possible. I yield him three minutes.

Mr. NEWLANDS. Mr. Speaker, the time given by the gentleman is hardly sufficient to intelligently cover this question. This amendment relates to gauging streams, and investigations by the Geological Survey of the best method of dealing with the water resources of the arid and semiarid regions.

The House appropriated $100,000 for the purpose, and the Senate has increased it to $200,000, that amount lacking $50,000 of the amount recommended by the Geological Survey. Now, I wish to say there are four methods that have been presented to this House of dealing with this great question.

Some gentlemen in this House are in favor of simply taking one project as an experiment and ascertaining the result before proceeding further, and some, including the chairman of the Appropriations Committee [Mr. CANNON], are in favor of ceding the public lands of the West to the arid and semiarid States, so as to enable them to go on with the work of reclamation.

Others are in favor of direct appropriations from the Treasury, in a bill analogous to the river and harbor bill, for the storage and conservation of the waters of the arid and semiarid regions. Others, including myself, believe the Government should administer these as a great trust, in order that the receipts for the public lands shall go into a public fund to be called the reclamation fund; that fund to be used for the reclamation of the arid lands in those 16 States and Territories, the lands to be held for actual settlers in small tracts. It is an automatic plan for reclamation.

Now, objection is always made on this floor that no information is presented to the House as to the ultimate cost of this work. It is utterly impossible to give any estimate. This work will not be finished in fifty or a hundred years; and what would be thought of asking the first man who introduced a river and harbor bill to forecast the future and tell how much river and harbor improvements would cost the Government? This would only start the conservation of the waters. All we can say is that it is possible to reclaim from seventy-five to a hundred million acres of land, worth, when reclaimed, four or five billions of dollars.

Now, we ask whether it is not wise to put the Government in position where it can answer the question of the House intelligently upon this matter when it comes up for determination in the next session of Congress. Three committees have already acted upon the question, the Public Lands Committee of the Senate, the Public Lands Committee of the House, and the Irrigation Committee of the House, all favoring a scheme of reclamation and compensation for each project, so as to make the scheme self-supporting, and I ask, inasmuch as every effort to secure consideration of irrigation bills has failed and the whole question goes over to the next session, that at all events this small appropriation of $200,000 should be made in order that the Geological Survey may make the necessary investigation and report to Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. NEWLANDS. I wish the gentleman would yield to me further.

Mr. CANNON. I can not yield upon this for further debate. I will ask for a vote on one statement of thirty seconds. In 1891 we appropriated $12,000 for this purpose. It has grown until the current year it stands at $100,000. The amount as the House passed it after full discussion was $100,000. I ask the House to vote down the motion to concur; and now I call for a vote.

The SPEAKER. The question is on the motion to concur in the motion of the gentleman from Nevada, to recede from this disagreement and concur in the Senate amendment.

The question was taken; and the motion to concur was rejected.

The SPEAKER. The next amendment is 88, and the Clerk will report the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and had further insisted upon its amendments to the bill numbered 5, 6, 8, 17, 20, 26, 28, 30, 35, 36, 41, 42, 49, 62, 70, 71, 81, 82, 84, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 101, 102, 105, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 149, 150, 151, and 152, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14163. An act to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon; and

H. R. 11900. An act granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5084. An act granting a pension to Charles J. Clark.

SUNDRY CIVIL APPROPRIATION BILL.

The Clerk read as follows:

On page 74, line 3, after the word "available," insert:

"*Provided*, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre: *And provided further*, That a roadway 90 feet wide be reserved out of and on the south side of the land so acquired as a public highway from Nichols avenue to the river."

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to have order.

Mr. CANNON. Will my friend from Indiana allow me a moment? I yield to the gentleman from Alabama.

The SPEAKER. How much time?

Mr. UNDERWOOD. I want about three or four minutes.

Mr. CANNON. I yield three minutes.

Mr. UNDERWOOD. Mr. Speaker, I do not take this occasion to occupy the time of the House when a great measure of this kind is up to do so fruitlessly; but there are some propositions in this conference report on this sundry civil bill that I have voted for on the floor of this House when they came here as independent measures, and I now propose to vote against every one of them. I think it is reasonable to allow a gentleman to explain why he has changed his vote. It is not that I am opposed to the measures now. Investigation shows that the Senate of the United States has put almost every measure that has been defeated in the House in the last month upon this sundry civil bill, attempting to make it a "pork" bill, instead of a sundry civil bill, and ram it down the throats of the members of this House. Many of the items I do not believe in. Some few I do believe in. I say when the Senate of the United States sends it to this House in this condition, practically robbing the Treasury by force of its power to compel an extra session, or force us to pass this bill, that the House of Representatives, the men who represent the people of this country, should protest by voting down and refusing to concur in every one of these amendments, whether we believe in them as independent propositions or not. [Loud applause.]

Mr. CANNON. What is the motion of the gentleman from Indiana?

Mr. ROBINSON of Indiana. I move that the House recede and concur in the Senate amendment No. 88.

The SPEAKER. The gentleman from Indiana moves to recede and concur.

Mr. CANNON. Just a word.

Mr. ROBINSON of Indiana. Of course the gentleman will make a brief statement of the situation.

Mr. CANNON. It is only a word I want to say about it. [Cries of "Vote!"] Let the amendment be again reported.

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. CANNON. Now, Mr. Speaker, I would be glad to have the motion of the gentleman voted down or that he would assent that it should be for the following reasons: I am quite in harmony with the amendment, but the superintendent of St. Elizabeth's and the Secretary of the Interior have called my attention to the desirability of getting the balance of the tract by exchange of land that we have. I am inclined to believe that if the committee were to go back, leaving it open, that the House and Senate conferees can agree upon a provision amending this clause which will enable the Government to make a further exchange to the advantage of the asylum.

Mr. WILLIAMS of Mississippi. Without the payment of any money?

Mr. CANNON. Without the payment of any money.

Mr. ROBINSON of Indiana. The Senate amendment proposes that we shall exchange the 59-acre tract on which the almshouse was to be built, according to a proposition ingrafted on the District of Columbia appropriation bill, for a like number of acres of the 145-acre tract that the House refused to purchase when this bill was up and the asylum project was being considered. Is it proposed that 80 acres of the 145 acres should be exchanged for the farm site across Nichols avenue?

Mr. CANNON. If my friend will listen to the reading of the proposition, either that or to exchange land across the way opposite Alexandria, known as Godding Croft. I will send it to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria and known as Godding Croft, for 80 acres, more or less, lying immediately adjoining this said 59½ acres and south of the present building site of the hospital. In case such exchange is made, the Secretary is also authorized, in his discretion, to grant a roadway along the south side of said tract, from Nichols avenue to the river, 90 feet in width.

Mr. ROBINSON of Indiana. I am willing, Mr. Speaker, to say that, in view of the fact that another tract that can be drawn on for exchange, and that the Secretary will probably draw on that rather than on the agricultural land, I will make the proper motion to take the sense of the House on that.

Mr. CANNON. Then my friend moves that the House concur with the following amendment?

Mr. ROBINSON of Indiana. Yes.

Mr. MOODY of Massachusetts. I would like to call attention of the gentleman from Illinois and the gentleman from Indiana to the fact that this amendment requires further perfection.

Mr. ROBINSON of Indiana. That can be arranged in conference.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede from the disagreement of the House and concur with the amendment which has been reported.

Mr. GROUT. I would like to ask, Mr. Speaker, if the gentleman from Illinois would prefer to have the House act on this and indorse the proposed change, as a help in the conference, or would he prefer to have it left open?

Mr. CANNON. It is quite immaterial. If the motion is voted down, it would send it back to conference; but I would quite as soon have the House concur in the Senate amendment. It gives jurisdiction of the whole matter.

Mr. ROBINSON of Indiana. And gives the roadway along the line of the land.

The question was taken; and the motion was agreed to.

The SPEAKER. The next question is on the amendment numbered 99. The Clerk will report.

The Clerk read as follows:

Toward the enlargement of Governors Island, $200,000; and for the erection of storehouses and other necessary buildings, in accordance with the plan reported by a board composed of Maj. Gen. John R. Brooke, Col. George L. Gillespie, and Col. Amos S. Kimball, dated July 21, 1900, $60,000; in all, $260,000.

Mr. HULL. Mr. Speaker, in order not to embarrass the conferees on the part of the House, I withdraw my request for a separate vote.

The SPEAKER. Without objection, the House will further insist on its disagreement to that amendment.

There was no objection.

The SPEAKER. The next amendment upon which a separate vote is asked is No. 105, which the Clerk will report.

The Clerk read as follows:

Memorial bridge across Potomac River: To enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent

thereto, across the Potomac River to the most convenient point of the Arlington estate property, or property adjacent thereto, $100,000; said bridge to be constructed on a plan to be approved by the Secretary of War, and not to cost more than $5,000,000. And the Secretary of War is authorized to expend so much of the amount hereby appropriated as may be necessary for the purpose of securing and determining on a proper plan, opening the competition to all who may desire to submit plans.

Mr. BABCOCK. Mr. Speaker, I ask for time on this proposition.

The SPEAKER. There is no motion yet pending.

Mr. RIXEY. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman moves that the House recede and concur.

Mr. CANNON. Does the gentleman from Virginia want a minute?

Mr. RIXEY. Does the gentleman from Illinois only propose to yield a minute to this side?

Mr. CANNON. I want a vote at the earliest possible minute, and the gentleman from Wisconsin wants a minute.

Mr. BABCOCK. I want three minutes. [Laughter.]

Mr. RIXEY. If the gentleman from Illinois wants to say anything, very well; if not, we will take a vote.

Mr. CANNON. Well, I yield two minutes to the gentleman from Wisconsin.

Mr. BABCOCK. Mr. Speaker, at the last session of Congress I stood with the chairman of the Appropriations Committee and opposed this amendment. But I want to say, Mr. Speaker, that conditions have radically changed. Within a week the Senate District Committee has caused an investigation to be made of the Aqueduct Bridge, caused by the application to construct a street railway line over it, and I hold in my hand the report of the Secretary of War, who says it will be necessary to construct a new bridge, at an estimated cost of from eight hundred to nine hundred and sixty thousand dollars; that the piers are in such a condition that they will not carry any heavier traffic than is now being carried over it.

Mr. PAYNE. Does the gentleman suppose that appropriating $100,000 to begin a memorial bridge will remove the necessity for repairing the Aqueduct Bridge?

Mr. BABCOCK. Yes; it will remove the necessity for repairing the Aqueduct Bridge, because in its present condition the engineer reports that it will carry the present traffic, but not the traffic that must go over there if these railways are constructed. I believe, Mr. Speaker, rather than appropriate a million dollars to rebuild this Aqueduct Bridge it would be better to start the memorial bridge now.

Mr. RIXEY. I would like to ask the gentleman from Illinois, if there is to be a discussion on this proposition, if he will not yield to us such time as he proposes to consume?

Mr. CANNON. I want a vote inside of five minutes. At this stage of the session, in my judgment, it is necessary to do so, and if my friend wants time I will yield to him. [Cries of "Vote! Vote! Vote!"]

Mr. RIXEY. Is the gentleman willing to take a vote now?

Mr. CANNON. After I have used as much time as the gentleman from Wisconsin has—two minutes.

Mr. RIXEY. Well, I will let the gentleman take his two minutes, and then we will take a vote.

Mr. CANNON. Mr. Speaker, gentlemen should understand what this motion is. It is to agree to the immediate construction of a memorial bridge, the minimum cost of which is $5,000,000, and, in my judgment, it will cost nearer $10,000,000 before it is done.

Now, Mr. Speaker, there is no use for this bridge at this time. The Aqueduct Bridge is in daily use, and on the deficiency bill we have already agreed to appropriate money to repair it. And on the railroad terminal bills we provided for the construction of a wagon bridge across the Potomac, not a great way from this memorial bridge, for $560,000. That is a real bridge, and answers every purpose, minus the ornaments, minus the style. Let us be just before we are generous. I now ask a vote, and hope that the gentleman's motion to concur will be voted down.

The question was taken; and on a division (demanded by Mr. RIXEY and Mr. HAY) there were—65 yeas and 116 nays.

Mr. HAY. The yeas and nays, Mr. Speaker.

The question on ordering the yeas and nays was taken, and the yeas and nays were refused.

The SPEAKER. The next amendment to be separately voted on is amendment No. 150.

The amendment was read, as follows:

After line 20, page 135, insert the following:

"That sections Nos. 2529 and 2544 of the Revised Statutes of the United States are hereby so amended that there shall be one appraiser of merchandise at each of said ports instead of two, as now provided by law.

"The salary of said appraisers shall be $4,000 each per annum, instead of $3,000 each, as now established by law."

Mr. HOPKINS. In respect to the amendment just read I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the managers of the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill H. R. 14018 are hereby instructed not to agree to the amendment of the Senate numbered 150.

Mr. CANNON. I hope the gentleman will first let us further insist on our disagreement, and then I think his resolution will be in order.

The SPEAKER. The motion of the gentleman from Illinois [Mr. CANNON] will be considered as applying to this amendment, and the House will further insist on its disagreement to the amendment. Is there objection? The Chair hears none. The question is now on the resolution of the gentleman from Illinois [Mr. HOPKINS].

Mr. CANNON. I yield two minutes to my colleague [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, in the two minutes allowed me I desire to say that the sole and only object of the amendment is to increase the salaries of the appraisers at Boston and Philadelphia from $3,000 to $4,000 each. This question was presented in the form of a bill, which passed the Senate and was sent to the Ways and Means Committee of the House. It was fully considered by that committee, and the committee determined against increasing these salaries, and voted against reporting the bill favorably.

Mr. MCCALL. Will the gentleman state precisely what the vote in the committee was? It was a tie, was it not?

Mr. HOPKINS. I state exactly what the vote was—that the Ways and Means Committee voted against the proposition. Now, if we are going into an increase of salaries, there is an appraiser at Chicago, another at San Francisco, another at New Orleans, another at New York, and appraisers at other places, who deserve just as much to have their salaries increased as do these appraisers at Boston and Philadelphia.

I submit that the remarks of my friend from Alabama [Mr. UNDERWOOD] are very apropos here. If the Senate can override the affirmative action of the House and force us to increase salaries in this way, we might just as well abdicate all independence on the part of this House and submit quietly to the action of the Senate. I trust that the resolution will be adopted.

Mr. CANNON. I yield a few moments to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, just a word. This amendment does not relate in any way to any matter personal to myself, as the gentleman from Illinois well knows. The conferees on the part of the House have decided to disagree to the Senate amendment. It seems to me that it would be entirely proper and safe to leave the interests of the House in their hands. I shall not oppose the resolution of the gentleman from Illinois [Mr. HOPKINS], although I wish he had not presented it.

Mr. STEELE. The gentleman had better withdraw it.

Mr. HOPKINS. I ask a vote on the resolution.

The question being taken, the resolution was agreed to.

The SPEAKER. The next amendment on which a separate vote has been demanded is the amendment numbered 151. The Chair will state that this is one amendment, of 30 pages, embracing the St. Louis, the Charleston, and the Buffalo expositions.

Mr. SHERMAN. I ask unanimous consent to dispense with the reading of the amendment. Everybody here understands what it is.

Mr. TAWNEY. I suggest that the reading be confined to the proposition in relation to the Pan-American Exposition. That has not been read in the hearing of the House; the other two propositions have been.

Mr. CANNON. Everybody knows what it is.

Mr. ALEXANDER. I beg the gentleman's pardon; all gentlemen here do not understand what it is. It has never been read in the House.

The SPEAKER. The request is that the reading of so much of this amendment as relates to the St. Louis fair and the Charleston fair be omitted, and that the amendment relating to the Buffalo fair be read. Without objection, that course will be pursued.

There was no objection.

The Clerk read as follows:

151. PAN-AMERICAN EXPOSITION, BUFFALO, N. Y.

For the benefit and to the use of the Pan-American Exposition to be held at Buffalo, in the State of New York, from May 1, 1901, to November 1, 1901, $500,000, to be immediately available, said sum to be paid to and be disbursed by the Pan-American Exposition Company under rules and regulations and under conditions to be prescribed by the Secretary of the Treasury: *Provided, however*, That in the distribution of any moneys that may remain in the treasury of the said Pan-American Exposition Company after the payment of its debts the aforesaid sum so appropriated shall be repaid in full into the Treasury of the United States before any dividend, return, or distribution shall be made to the holders of the capital stock of said corporation: *And provided also*, That the United States shall not in any circumstances be liable for any debt or obligation of the said corporation or for any payment in addition to the foregoing sum. That as a condition precedent to the payment of this appropriation the Pan-American Exposition Company shall contract to close the gates to visitors on Sundays during the whole duration of the fair.

Mr. ALEXANDER. I wish to ask the gentleman from Illinois [Mr. CANNON] how much time we may have.

Mr. SPEAKER. There has been as yet no motion offered in respect to the amendment.

Mr. ALEXANDER. I move that the House recede from its disagreement to amendment numbered 151, and concur in the amendment.

Mr. CANNON. How much time does the gentleman want?

Mr. ALEXANDER. There are three distinct propositions here. I suggest fifteen minutes on each proposition.

Mr. CANNON. Unless the House runs away from me, I will not assent to forty-five minutes' debate at this stage of the session.

Mr. LIVINGSTON. I suggest ten minutes on each proposition.

Mr. CANNON. Does my friend from New York [Mr. ALEXANDER] desire to occupy the floor?

Mr. ALEXANDER. I want to yield to my colleague [Mr. SHERMAN].

Mr. POWERS. Here are three distinct propositions, with three different appropriations of money. Is not this question divisible, so that we may vote first on the Pan-American Exposition, then on the exposition at Buffalo, then on the St. Louis Exposition?

The SPEAKER. The Chair regrets to say that he does not know of any way in which that can be done. This is one amendment of the Senate.

Mr. POWERS. It is plainly a divisible proposition. Would it be in order, Mr. Speaker, to move for a separate vote on each distinct proposition?

The SPEAKER. The Chair thinks the motion would be out of order.

Mr. SHERMAN. I would like a little time. I shall not be long. I think five minutes will be all that I shall require.

Mr. CANNON. I yield the gentleman five minutes.

Mr. SHERMAN. Mr. Speaker, I shall confine my observations to the proposition making an appropriation for the Pan-American Exposition at Buffalo. This is not a proposition that Congress donate half a million dollars. We are not here asking for charity at the hands of the American Congress.

Mr. Speaker, we are here asking Congress for a loan to assist us in carrying on an exposition which is purely, clearly, and distinctly a Pan-American Exposition. It was started by the action of the American Congress in extending an invitation to the Republics of the Western Hemisphere to join with us in holding an exposition in 1902. After that action by Congress, the people of Buffalo began preparations for the exposition. They financed it at three and a half millions of dollars and procured funds to that amount.

If the exposition had not exceeded the original idea of the people of Buffalo, the three and a half million dollars which they had raised would have been ample to carry the enterprise to a conclusion. But, Mr. Speaker, responses have been made from all the Republics of South America save three, and the numerous responses from various States of the Union have necessitated enlargement of the original plans, so that it is now not possible to carry out this exposition for the amount originally contemplated.

We are therefore here asking that Congress loan, not donate, to the exposition half a million dollars and make that loan a preferred claim, to be preferred only by the two and a half million dollars of bonds that have been issued. This is not a new proposition. Congress made a loan to the Philadelphia Exposition in 1876, and received payment of every cent, as also did the private contributors. Congress has loaned its aid to other expositions—Nashville, New Orleans, and Chicago.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HOPKINS. I want to ask the gentleman if it is not a fact that when the committee from Buffalo came before the Ways and Means Committee, to get the aid of the Government, it was stated that they would not come back and ask for any extra money, and if this proposition is not in violation of the promise made the Ways and Means Committee of the House when this first authorization was made?

Mr. SHERMAN. I was not a member of the Ways and Means Committee then, and am not now; but I do not understand the gentleman has correctly stated the proposition. I think no such promise was made in the first place, and in the second place the Pan-American Exposition Company is not here asking a gratuity of Congress. It is simply asking a loan.

And, Mr. Speaker, while at Chicago 27,000,000 people were in attendance, 27,000,000 paid admission, Buffalo has a population within the same radius of 25 per cent more than had Chicago, yet if at Buffalo the attendance is only 10,000,000 people, their gross receipts will be more than sufficient to meet all the expenses of the fair, to pay the bonds issued in its aid, and return to the Government of the United States every dollar provided to be loaned to this exposition under this bill.

It will be, Mr. Speaker, a great exposition, and it will be such an exhibition as will be a credit to this Government, one which in the end will entail the expenditure of not one single dollar from the Treasury of the country.

Mr. RIDGELY. Will the gentleman yield to me for a question?

Mr. SHERMAN. Yes.

Mr. RIDGELY. Does the gentleman say that he believes this money will be returned to the Treasury?

Mr. SHERMAN. I certainly do believe that this money will be returned to the Treasury of the United States.

Mr. RIDGELY. All of it?

Mr. SHERMAN. Yes; all of it. On every possible doctrine of chances the receipts from concessions and gate entrances will meet every outlay entailed. The proposition has merit, great merit. It is not new. It has ample precedent. The appropriation ought to be, and I trust will be, made.

I yield the gentleman from New York the balance of my time.

Mr. ALEXANDER. How much time have I?

The SPEAKER. The gentleman has half a minute remaining.

Mr. ALEXANDER. How much time will the gentleman yield? There are half a dozen gentlemen who desire to speak for the half-million loan.

Mr. CANNON. Oh, well, I can not yield great time. I yield to my friend how much?

Mr. ALEXANDER. I would prefer not to have it now, but I would like to have at least five minutes.

Mr. CANNON. I think my friend had better take it now, because inside of twenty minutes I want to vote.

Mr. ALEXANDER. I would prefer to hear from those representing the other proposition. I yield to the gentleman from Minnesota [Mr. TAWNEY].

Mr. CANNON. I do not think my friend has any time to yield.

Mr. ALEXANDER. Well, I will say——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CANNON. I will first yield to my colleague, the gentleman from Georgia, three minutes.

Mr. LIVINGSTON. I undertake to say, Mr. Speaker, that from those of us who have been here in the years that have passed, voting large appropriations for Philadelphia, Chicago, for Omaha, for New Orleans, and for Atlanta, Ga., it comes with bad grace now, or from any man in this House who participated in these appropriations, to stand here to-day and oppose the Charleston appropriation. This appropriation for Charleston is simply for a Government exhibit—nothing more nor less. She is in the extreme southeastern portion of this country, and this is the first thing of the kind she has ever asked at the hands of Congress. Now, then, we have given five millions, practically, to St. Louis, and we gave in the Fifty-fifth Congress $500,000 to Buffalo, and in this bill we propose to give $500,000 more. Why not, then, if you are going to put a stop to this matter, put a stop to all of them? Why make an exception of Charleston? Now, St. Louis is given $5,000,000 and Buffalo $1,000,000, while Charleston is only asking a Government exhibit—nothing more and nothing else.

Mr. CANNON. Does the gentleman from Minnesota desire any time?

Mr. TAWNEY. I would like to ask the gentleman one question before this vote is taken: Whether, in his judgment, in the event the Senate insists upon its amendment, there will be another opportunity given to the House to consider this proposition?

Mr. CANNON. Well, I will say to my friend that the Senate of the United States has now pending in the Senate a bill appropriating $5,000,000 for the St. Louis Exposition. They amended it for Charleston, and sent it with their compliments to the House. The House refused to concur in the Senate amendment; and it is within the power of the Senate now, at any time, to move that the Senate recede from its amendment, and if they would do so it would pass the St. Louis Exposition.

Mr. TAWNEY. I will state to the gentleman that it is entirely within the power of the Senate to recede, but it is not in keeping with the compact; and for that reason they will never vote to recede.

Mr. ELLIOTT. Yield to me a minute or two.

Mr. MOODY of Massachusetts. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY of Massachusetts. In the event the motion now pending, namely, the motion to recede and concur—if the whole amendment is voted down, will it not be possible by motions to recede and concur with amendments to raise the question upon each separate exposition?

The SPEAKER. The Chair is of the opinion that that could be done after it is voted down. To whatever extent those motions would range the Chair can not determine now.

Mr. MOODY of Massachusetts. That would depend upon the gentleman making the motion. There is no necessity for combination when we can vote upon these independently.

Mr. CANNON. I yield to the gentleman from South Carolina three minutes.

[Mr. ELLIOTT addressed the House. See Appendix.]

Mr. CANNON. I yield three minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, the House is not bound hand and foot. We are not the abject slaves of gentlemen at the other end of the Capitol. We are not bound by this simple motion to concur. It is true it takes precedence; but if it is voted down, then it is in order for any gentleman to move to concur with an amendment striking out one or two of these propositions, and leave the others in which to concur; and we can send it back to the gentlemen at the other end of the Capitol, who are trying now to hold the House up by their determination that the House shall take not only one, but all three of these propositions or that this bill shall fail. [Loud applause.] For one, I say let it fail before we go into this business, to which I am opposed—forever opposed. [Applause.]

I am opposed utterly to the appropriation of $250,000, a sum equal to all that has been raised for the fair in Charleston, which will amount to no more than a State, county, or city fair. Why, we spend more money in the State of New York for a State fair than these gentlemen have raised there, and we never thought of coming to Congress and asking $250,000 for a State fair. We never will consent to it by my vote, and I would rather this bill fail and that we have an extra session of Congress, too, than to be held up in this manner. [Applause.] We sent the bill over to the Senate to redeem our promise of appropriating $5,000,000 for St. Louis.

Mr. LATIMER. What about Buffalo?

Mr. PAYNE. I will answer the gentleman in a moment. They sent back the bill and stuck the Charleston appropriation onto it. We sent it to conference and the committee is told there is a compact formed by which the two must stand or fall together. Let the people understand, then, that if we try to redeem our promise by giving $5,000,000 for this great exposition at St. Louis, the Senate holds us up with a proposition for a county fair in South Carolina. What is the argument for it? It is said that we must appropriate the $250,000 as a contribution toward the era of good feeling. If good feeling in the South is to be purchased by appropriations I say we do not want it. [Applause.] There is no good feeling in the South to be purchased; if it does not come spontaneously, from patriotic impulses, we want none of it. [Applause.]

Mr. CANNON. I now yield to the gentleman from New York two minutes, and then I want to close the debate.

Mr. SULZER. Mr. Speaker, I can not concur in what the gentleman from New York [Mr. PAYNE] has said. I dissent from his conclusions. There is nothing narrow, illiberal, or sectional about me. [Laughter and applause.] If we appropriate money for the St. Louis Exposition and for the Buffalo Pan-American Exposition, we ought to be big enough and brave enough and broad enough to appropriate $250,000 for the Charleston Exposition. I am in favor of the exposition at Buffalo, I am in favor of the exposition at St. Louis, and, sir, I am in favor of the exposition at Charleston. They are all in the interest of the people, and will help to educate us and disseminate useful and valuable information.

Mr. Speaker, the gentleman from New York, I doubt not, is in favor of the Buffalo Exposition; he wants public money for a city in his own State, and yet he is opposed to appropriating money just as necessary in the interest of education and the dissemination of information for the Charleston Exposition. He should be consistent. His position is untenable. I hope the House will vote for all of these expositions or defeat them all. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I now yield two minutes on the other side to the gentleman from Tennessee [Mr. CARMACK].

Mr. CARMACK. Mr. Speaker, I do not want that time. I will complete what I have to say in about a minute. I simply want to say that I shall vote against this entire proposition. I think we have gone as far as we ought to go in this matter of expositions, and I want to simply add, by way of emphasis to what was said by the gentleman from New York [Mr. PAYNE], that I am tired of hearing men call for appropriations in order to bring about an era of good feeling. [Applause.]

I say the people of the South do not need to be paid with money for their loyalty to the Government of the United States. [Applause.] I am tired of hearing such appeals made here, and I hope that we never shall hear it again made by any Southern man. It is a disgrace and a dishonor to the South that such an appeal should be made here upon the floor of this Congress. [Applause.] No man has a right to demand a pledge of loyalty from the South, and no man has a right, speaking in the name of the South, to demand an appropriation as a price of loyalty. If the South were not sincerely loyal to the Union there is not money enough in the world to make her so. [Applause.] The South is for the old flag, with or without an appropriation. [Applause.]

Mr. CANNON. I now yield one minute to the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. Mr. Speaker, in reply to the remarks just made by the gentleman from Tennessee [Mr. CARMACK], I want to say that what I said the other day in regard to the injustice done the South and to Charleston by those on this floor who vote against the appropriation for the Charleston Exposition was intended in no sense to put my section of this country in the attitude of begging. We are an independent people, and I stand here as their Representative in part to demand justice, and I repudiate the statement made by the gentleman from Tennessee, and especially the leader on that side of the House [Mr. PAYNE] in his attempt to arouse the feelings of this House against this appropriation for Charleston, as unjust to the people of that section of this country, and makes himself appear ridiculous when we find him voting $1,000,000 for Buffalo, in his State. I say to those now who propose to discriminate against Charleston and the South, and cut off this appropriation of $250,000, that they should either vote for it or vote against the whole thing. Treat every section—every city in this Union alike. [Applause.] It is unjust to the South to hold up Charleston and attempt to divide this amendment so as to get a separate vote and keep out the appropriation of $250,000 for the South and the city of Charleston, and to hold in the bill $5,000,000 for St. Louis and half a million for Buffalo. There can be no explanation by those who strive to defeat the Charleston amendment and vote for the St. Louis and Buffalo appropriations except upon the ground of prejudice.

I appeal to the House to do justice in this vote; and as you can not vote for it all, vote against the whole. [Applause.]

Mr. CANNON. Mr. Speaker, I do not desire to take much time in closing the debate upon this motion. I must ask the indulgence of the House, for the reason that I have contracted a cold and a sore throat and talk with difficulty. I will not take long, but I believe it is my duty to say a few words. What is this bill? The sundry civil bill, carrying $60,000,000 that goes all along the line in the Government service. It goes to the Senate, and the Senate takes this bill and writes out an amendment of 20 pages and puts upon it—what? A matter of appropriation and not legislation? No. If these matters had been offered in the House, every one of them would have gone off on a point of order; and I say it respectfully, that under the Senate rules, if they had been enforced, every one of them would have gone off on a point of order.

Now, then, do they bring three amendments—one for St. Louis, and one for Buffalo, and one for South Carolina? No. They put it all in one amendment of 20 pages and put it upon this bill and send it to us. Was it necessary? No. Under the lead of the gentleman from Minnesota [Mr. TAWNEY] the other day this House passed a bill keeping the pledge made by law for St. Louis. It went to the Senate four days ago. The Senate amended it and added South Carolina. It came back to the House. The House voted down the amendment by a two-thirds vote—two to one—and what was the result? It went back to the Senate, and there it is to-day. It is in the power of the majority of the Senate any minute to call up that St. Louis bill and, by moving to recede from the Senate amendment, adopt it and pass the St. Louis bill. Did they do it? No. There it lies, but they proceeded to put the St. Louis bill here that the House has refused, when untrammeled, to have amended.

Then they bring two propositions that never passed Congress, one for Buffalo and one for Charleston, S. C. Three separate amendments? No; one amendment that you can not divide, so that when the preferential motion comes, it must come to recede and concur with the Senate. What for? For the purpose of placing it or claiming to place it in the hands of one Senator so that he can under the Senate rules hold it up.

Mr. KLUTTZ. Mr. Speaker, a point of order. It is not in order for a member of the House to reflect on the conduct of a Senator.

Mr. CANNON. I am not speaking of any Senator; I am speaking of the parliamentary situation of this bill and the action of the Senate.

The SPEAKER. The Chair is of the opinion that the gentleman ought not to allude to the proceedings and votes of the other body.

Mr. KLUTTZ. Does the Chair sustain the point of order?

The SPEAKER. The Chair sustains the point of order.

Mr. CANNON. I will try and keep within the rules. I thought I was. But, gentlemen, here it is. [Laughter.] And it stands in conference, and it is proper and parliamentary for me to say that the Senate conferees refuse up to this time to recede. Therefore comes this disagreement. With pale faces and trembling voices by some and with hot flushes of indignation by others, the question is put, What effect will it have if this bill fails? But the question comes by fives and tens whether the House is to be held

up by these amendments. [Applause.] My reply has been to them individually for the last three hours as it has to this House. These amendments are not under the rules of the Senate. It is here as a leech, presuming that this House will take it and concur in it before it will jeopardize the passage of the $60,000,000 bill with many hundred items. Now, then, there are other legislative bodies than the House. One of them has no previous question. [Laughter.]

And the result is, in that legislative body any member of it, as long as he has lungs and strength can, if he is inclined, check the proceedings. And only by reason of such a proceeding as that can I account for these pages of amendments. This is a coordinate branch of Congress. I want to say of this amendment that it is not fair; it is unfair; it is unpatriotic; it is not legislatively honorable. [Applause.] And for one I look the situation fairly in the face. There are worse things than the failure of this bill. There are worse things than a special session of Congress. And I will not purchase exemption from a special session of Congress by such parliamentary proceedings. [Applause.]

Mr. FLEMING rose.

Mr. CANNON. I will yield to the gentleman in a moment. Let me complete what I am saying.

In my judgment, when the House of Representatives asserts its rights, and insists on correct parliamentary practices, I believe that the Senate of the United States will perform its function and we can go on and complete this bill. I am now ready, so far as I am concerned, for a vote.

Mr. FLEMING. The gentleman will allow me to say that I approve entirely of his position. I have always voted that way. But were not the resolutions known as the "Spooner resolutions" on the Philippines question put as a "rider" on the Army appropriation bill in the Senate, in the same way as these amendments; and did we hear from the gentleman on that question? [Applause on the Democratic side.] Was that "honorable" legislative action?

Mr. CANNON. If that was wrong, "two wrongs do not make a right."

Mr. FLEMING. Did not the gentleman vote for that other wrong? I voted against both.

Mr. CANNON. I did not have charge of the Army bill.

Mr. FLEMING. You voted for it.

Mr. CANNON. My committee did not have charge of it. I believed in those provisions. My friend from Georgia can not say that he believes in these.

Mr. FLEMING. I voted against both of them.

Mr. CANNON. Now I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. SHERMAN], that the House recede in its disagreement to the Senate amendment and concur.

The question being taken, there were on a division (called by Mr. SHERMAN)—ayes 76, noes 139.

So the motion of Mr. SHERMAN to recede and concur was rejected.

Mr. SHERMAN. Mr. Speaker, I desire to move that the House recede from its disagreement and concur in the Senate amendment with an amendment striking out all of the Senate amendment after line 10, page 174; and on that motion I demand the previous question.

The SPEAKER. The Chair will state that he regards the motion of the gentleman from New York [Mr. SHERMAN] as in order; but he declines to entertain from the gentleman from New York a demand for the previous question, as the gentleman from Illinois [Mr. CANNON], who has charge of this bill, can not be taken from the floor in that way.

Mr. SHERMAN. Very well, Mr. Speaker.

The SPEAKER. The Clerk will report the proposed amendment of the gentleman from New York.

The Clerk read as follows:

Strike out that portion of the amendment of the Senate beginning on line 10, page 174, down to and including line 17, page 182.

Mr. CANNON. This amendment strikes out, as I understand, the provision for the exposition at Charleston, S. C.

The SPEAKER. The motion is in order.

Mr. CANNON. I hope the motion will not be agreed to.

The SPEAKER. The Clerk will report the portion of the Senate amendment proposed to be eliminated.

Mr. CANNON. It is quite lengthy.

Mr. LIVINGSTON. I ask that the reading be omitted. Everybody understands what it is.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] may state the effect of the amendment.

Mr. SHERMAN. The motion as I offer it eliminates from the amendment of the Senate the South Carolina Exposition and leaves the other two.

Mr. WILLIAMS of Mississippi. Does it eliminate the Buffalo Exposition?

Mr. SHERMAN. It leaves in Buffalo and St. Louis.

Mr. BAILEY of Texas. I rise to a parliamentary inquiry. Is it in order to move to amend the motion of the gentleman from New York [Mr. SHERMAN]?

The SPEAKER. The Chair thinks it is.

Mr. BAILEY of Texas. I move to amend that motion by striking out all that part of the Senate amendment beginning on line 6, page 160, down to the part proposed to be stricken out by the gentleman from New York. The effect of my motion is to make Buffalo share the fate of Charleston.

The SPEAKER. The Chair desires to say to the gentleman from Texas that, as just stated in reply to his parliamentary inquiry, the motion of the gentleman from New York is subject to amendment. Still, the amendment must be germane to that motion; and as the amendment of the gentleman from Texas affects an entirely separate matter, it would seem to the Chair that it must be in the form of a separate motion and can not be offered as an amendment to the motion of the gentleman from New York. The proposition of the gentleman from Texas will be in order after the disposition of the motion now before the House.

Mr. BAILEY of Texas. I have no disposition to consume the time of the House in argument on the point of order. I merely suggest that it would be a singular circumstance if two parts of one amendment were not germane to each other. This whole proposition from the Senate embraces three expositions; and if it be permissible to strike out one, it would seem that a proposition to strike out another could scarcely be ruled out on the ground that it is not germane.

The SPEAKER. The Chair dislikes to entertain a discussion of this kind after making a decision; but the gentleman from Texas will readily realize that a motion to strike out one part of a bill would not properly be subject to amendment by a motion to strike out an entirely different part, which was not germane.

Mr. BAILEY of Texas. But, Mr. Speaker——

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. SHERMAN].

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry.

Mr. BAILEY of Texas. Will the gentleman from Mississippi yield just a moment? I was not through.

Mr. WILLIAMS of Mississippi. I yield to the gentleman.

Mr. BAILEY of Texas. Mr. Speaker, I shall not appeal from the decision of the Chair; and I will say the question is not entirely plain in my own mind. I simply desire to suggest, by way of reply to the Chair, that we have before us not two different parts of the same bill, but a single part of the bill. As I am anxious, however, to save the time of the House in view of the early adjournment, I waive any appeal on the matter.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry. Would it be in order for me to move as an amendment, or as a substitute for the motion made by the gentleman from New York [Mr. SHERMAN], to strike out that part of Senate amendment 151? If so, I desire to make that motion.

The SPEAKER. The Chair thinks that would be equivalent to a nonconcurrence. The question is on the amendment of the gentleman from New York.

The question was taken, and the motion was lost.

Mr. CANNON. Are there other amendments?

The SPEAKER. There are two other amendments.

Mr. CANNON. I move that the House further insist upon its disagreement and assent to a conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to call up the conference report on the general deficiency bill.

The SPEAKER. Does the gentleman desire to have the report and the statement read?

Mr. CANNON. I ask that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the statement only may be read, and that the report be not read.

Mr. RICHARDSON of Tennessee. What bill is this on?

The SPEAKER. The general deficiency bill. Without objection, that course will be pursued.

The report of the committee of conference was read.

[For conference report see Senate proceedings.]

The statement of the House conferees was read, as follows:

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies, submit the following written statement in explanation of the accompanying conference report:

The Senate, by its amendments, added to the bill $1,659,780.53, said sum being made up chiefly of additional estimates for deficiencies ascertained since the passage of the bill by the House and for judgments of courts and accounts audited by the accounting officers of the Treasury.

The bill as finally agreed upon in conference appropriates $14,147,074.04, being $23,143.38 less than as it passed the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CANNON. I move the adoption of the conference report.
The motion was put, and the conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12291. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 13776. An act authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns;

H. R. 1452. An act to remove the charge of desertion and grant an honorable discharge to John C. Weckler;

H. R. 14260. An act to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk of said court, and for other purposes," approved February 19, 1901;

H. R. 14309. An act for the reward of enlisted men of the Navy or Marine Corps;

H. R. 12901. An act to supplement existing laws relating to the disposition of lands, etc.;

H. R. 11900. An act granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota; and

H. R. 14163. An act to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2866. An act to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington;

S. 5484. An act to provide for subports of entry and delivery in the Territory of Hawaii;

S. 4956. An act to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.;

S. 4509. An act extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise; and

S. 4687. An act for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MAHON obtained leave to withdraw from the files of the House the papers in the case of Henry Wolfe, there being no adverse report.

Mr. DALZELL. Mr. Speaker, I move that the House take a recess until 8 o'clock.

The motion was agreed to.

And accordingly (at 5 o'clock and 47 minutes p. m.) the House was declared in recess.

The recess having expired, the House was called to order at 8 o'clock p. m. by the Speaker.

COMMISSION TO VISIT ISLAND POSSESSIONS.

The SPEAKER. The unfinished business is the special order reported from the Committee on Rules by the gentleman from Pennsylvania. The gentleman is recognized.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. Mr. Speaker, I have heard many men complain, and I have more than once complained myself, that all the information which we possess respecting the possessions which we have wrested from the Kingdom of Spain comes to us from Administration channels. It has been charged by some, and it is suspected by many, that this information has been prepared with a view of strengthening and supporting the Administration's policy. This may or it may not be true.

If it is not true, I should like to know it; if it is true, I should like for the country at large to know it. The only way to remove or confirm these suspicions is for this House, through one of its own committees, to supply itself with the information. It might happen that this information, coming at an opportune time, may save us from entering upon a policy of mistaken and fatal consequences, or it may happen that if our friends across the aisle are to continue administering this Government that both they and we will need the information as a basis upon which to frame our law.

It does not signify that those of us who favor the appointment of this committee and the obtaining of this information are prepared now or hereafter to sustain any portion of the present policy pursued toward those people. Speaking for myself, I would rejoice to-night at an opportunity to end the unfortunate connection. I would vote to-morrow, and I can not conceive of circumstances which could arise that would prevent me voting at any time, to relieve my country from the indefensible position of asserting the fundamental truth that all men are entitled to govern themselves, and yet deny the application of that sacred truth to a struggling and helpless people.

Mr. Speaker, if we must legislate for the unfortunate races who have been brought under our subjection, not, as you claim, by the providence of God, but, as we believe, by the improvidence of those in power, let us inform ourselves. The best we can do will never enable us to legislate wisely for that unhappy people. But it would be another crime committed, both against them and against ourselves, if we enter upon any system of legislation until we have possessed ourselves of all the information obtainable. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. The gentleman from Ohio has a conference report and I yield.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The gentleman from Ohio calls up a conference report. Does the gentleman desire the report and the statement both read?

Mr. BURTON. I would say, Mr. Speaker, that I asked unanimous consent that the reading of the report be dispensed with, as it is quite lengthy. I have not been able to prepare and obtain the signature of our conferees to any statement, but I can make a brief statement which will make the subject clear to the House.

Mr. HEPBURN. I desire to interpose the point of order that we must have a written statement.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from Ohio if the conferees have agreed?

Mr. BURTON. We have agreed upon all but four items.

Mr. HEPBURN. I make the point of order that the rules require that reports shall be accompanied by a written statement.

The SPEAKER. Will the gentlemen indicate what rule requires it to be signed by all the conferees? The Clerk will read Rule XXIX.

Mr. BURTON. One other point. I now have information which makes it necessary to withdraw the report. I was under the misapprehension that the report had been messaged from the Senate. I understand that such is not the case. The messenger was in my committee room some time ago, and I thought the message had been presented here.

The SPEAKER. It can not be acted upon under that statement of facts. The Chair, however, will have this rule read to the House, if there is no objection.

The Clerk read as follows:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition; and there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

The SPEAKER. The House will observe that the rule does not say that the statement shall be signed. The statement that there was a statement would seem to be sufficient. The Chair is advised, and, in his own recollection, presented reports himself in which the statement was not signed, although it is usually the case that the statement is signed. But as the papers are not before the House, the matter can not be considered at this time.

COMMISSION TO VISIT ISLAND POSSESSIONS.

Mr. DALZELL. I now yield five minutes to the gentlemen from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have been very much moved to find so many Democrats in favor of the legislation now pending before the House. I have been especially disappointed at the close of eight years' service with the gentleman from Texas [Mr. BAILEY] to come to the very first point of divergence.

There will be to me in the future no more gratifying recollection than that of the fact of having served with him eight years and of never having differed with him, as far as I remember, upon a single political question. I have been accustomed myself to varying from cardinal doctrines now and then, but I am satisfied in my own mind that when the time comes for him to vary the very earth is shaking beneath my feet. [Laughter.]

Mr. Speaker, as a Democrat I am opposed to commissions and to junketing committees. I know from my experience in this House, as every member of this body does, that whether you call this a commission or a committee, when it goes to collecting information for political purposes and in connection with a political question that it becomes two things; first, a junketing committee, and in the second place a committee which will come back to this House after a while with two results, and two results only—a majority report, unfair, partisan, and untrue; a minority report, unfair, partisan, and untrue.

Gentlemen have told us of the West Point hazing commission, but that was not about a political question; and when the House wants to get information about matters in which politics are not concerned a committee of the House does always obtain it, and obtain it fairly. I will cite gentlemen to another committee, however—the committee for the investigation of the Cœur d'Alene affair; that was a political question.

I want to warn Democrats that what was done there can be done here. The power of the majority in exercising the right to protect men who are examined from answering questions can be exerted in such a way as to make up a record to suit himself.

And this will be all the easier in the Philippine Islands, because whenever a question is asked that will look to the Republican majority of that committee as if the answer might possibly damage them, they will object to its being answered and will rule it out upon the ground of some fancied public or military policy in the island. The vote of the majority of the committee will be: "That question will not do to answer, because it might disclose information that would interfere with the military arrangements and plans in the island that would be valuable to the enemy."

They have gone so far as to say that Democratic arguments against Philippine retention were "treasonable" because "valuable to the enemy."

You will find, my friends, that if you go into this you will come back with a great long book of investigation, answers, queries, and inquiries, but you will find that it is a Republican book, made up to suit the Republican majority.

What will that committee be? Why, my friends, the Insular Committee is in one respect like the Scriptural definition of man—it is "fearfully and wonderfully made." [Laughter.] There were selected for that Insular Committee all of the chairmen of all the important committees in this House. Who are they? You will go there first with the gentleman from Illinois, the Hon. JOSEPH CANNON, and what is he? Adroit, expert, the man of all men to prepare a party brief.

You say that the present information is not "satisfactory." Satisfactory to whom? Why, it ought to be satisfactory to that side of the Chamber, because it has come to them from Republican sources, colored by Republican intent and by Republican words. Satisfactory to this side? It is satisfactory to me, my fellow-Democrats, for all purposes of legislation in this House.

Although the Philippine situation has been reported as seen through Republican spectacles and as censored in the island, yet so much as has come to us is satisfactory to me. It is sufficient, in my opinion, to damn the entire Philippine scheme, to damn the entire history of the transactions through which it has gone in order to arrive at its results.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield to the gentleman three minutes more.

Mr. WILLIAMS of Mississippi. I know, my friends, how tender are the personal relations of the men in this House. I have no better friends and there are no men who deserve the friendship of any man or body of men more than the men on the Democratic side of this Committee on Insular Affairs.

Each and every one of them is my personal and warm friend and I am the friend of his. But the idea that they are to be parties to go on this junketing tour does not change my mind in the slightest degree as to the position which I shall take upon this question. My friends, I do not see for the life of me how any good can come from this matter.

Mr. BAILEY of Texas. Will the gentleman allow me? I am sure that the gentleman from Mississippi does not know exactly how that sounds or how it will appear in print. That is a suggestion that gentlemen on this side are influenced by their position on the committee.

Mr. WILLIAMS of Mississippi. No, it is not; I did not have that idea in my mind. I had this idea in my mind: That if there was one thing that could make me vote for this, it was the fact that these gentlemen—personal friends of mine—would be on the committee, but that fact itself would not make me vote for it.

Mr. BAILEY of Texas. It is a friendly suggestion to the gentleman, and if he chooses to say that he did not intend it that way, that is sufficient.

Mr. WILLIAMS of Mississippi. I did not have the idea of criticising a man in the Chamber because he was a member of the Committee on Insular Affairs. I merely had the idea of criticising my knowlege of ordinary human thought and human action. I know that the fact that a friend is to go upon the committee or something of that sort does have its influence upon all—upon me, and upon other people; and it was with a view of pushing that out of our minds that I mentioned this.

Mr. Speaker, who are the other Republicans on this committee? The Hon. ROBERT HITT, of Illinois, tactful, diplomatic, and able—expert in dividing a hair "betwixt the nor' and nor'west side." The Hon. SERENO PAYNE, the Hon. WILLIAM P. HEPBURN, who wields a sledge hammer with a perseverance equaled by no other man on this floor. [Laughter.] When that committee goes to represent the Republican party to the Philippines, Democrats need not expect any peculiar unpartisan majority report from that quarter. [Laughter.]

One more thing. When that commission arrives there, what will be its environment? The committee when it gets there—both Democrats and Republicans—will be associated with army and naval officers, and all that they will come into contact with will be either the Army or the Navy on one side, or else something un-American in the island on the other. For Filipino sources of information, they will be thrown always with officers of the Army and Navy whose highest ambition is to continue war in order to make room for promotion. The committee can not associate with the natives, first and chiefly because the committee can not speak their language.

I tell you, as far even as Democrats are concerned, they will find it a hard thing to be impartial, cool and collected, just and right in that sort of environment. They are the pleasantest fellows in the world—these Army and Navy officers—and it is mighty hard not to see through their spectacles when you have nobody else to run with except men who are warring against the United States or men who are playing amigos and ready to carry arms. Almost anybody would take his color from that environment. [Applause.]

RIVER AND HARBOR BILL.

Mr. BURTON. I submit the report of the committee of conference on the river and harbor bill. I ask unanimous consent that the statement of the House conferees be read instead of the report.

Mr. HEPBURN. Mr. Speaker, is it in order at this time to reserve points of order against this report?

The SPEAKER. It is.

Mr. HEPBURN. I desire to do so.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] reserves all points of order on this report. The Chair hears no objection to the request of the gentleman from Ohio [Mr. BURTON], that the reading of the conference report be dispensed with.

[For conference report see Senate proceedings.]

The statement of the House conferees was read, as follows:

The conferees appointed by the House of Representatives upon House bill 13189, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, report that after full conference with the Senate conferees on said bill they have reached a partial agreement, including all amendments of the Senate except four, to wit, Nos. 168, 219, 220, and 221. A list of amendments agreed to or disagreed to are more specifically set forth in the accompanying statement filed herewith.

The bill as it passed the House appropriated for the fiscal year ending June 30, 1902, $22,792,711.30. It authorized for later appropriations, after June 30, 1902, $37,142,704.02; total, $59,935,415.32. The total was diminished by the Senate. This reduction was accomplished by the striking out of two items, a uniform reduction of one-fourth in cash appropriations of over $50,000, and a uniform reduction of one-third in amounts authorized for continuing contracts after the next fiscal year. Some items were increased in the Senate before being reduced. The items in dispute, referred to as amendments Nos. 168, 219, 220, and 221, respectively, are the following:

No. 168: On page 75 of the bill as it passed the Senate an appropriation of $400,000 for the Brazos River Channel and Dock Company. This company, organized under an act passed in 1888, proceeded to build certain works for the improvement of the harbor at the mouth of the Brazos River under a license contained in the act authorizing them to take control of this harbor, located at the mouth of the Brazos River, and collect from boats entering the port tolls, the reasonableness of which was to be determined by the Secretary of War.

The company also acquired 26,000 acres of land surrounding the mouth of the river and in the points nearest the improvement effected. After prosecuting the construction of these works for some years the company decided to abandon them, and came to Congress asking that an investigation be made by a board of engineers as to their value. This investigation was concluded

and the report made by the board stating that the value of the works constructed by them, capitalized at 5 per cent, would be somewhat less than $400,000, and that the cost of them, if adopted and constructed anew by the Government, would be $600,000. The board, however, reported against paying any compensation to the company.

After this report was filed at the third session of the Fifty-fifth Congress the agents of this company appeared before committees of Congress, and it was agreed that in case the Government should pursue the improvement at the mouth of the river and take charge of the works constructed by the company, the company would by sufficient deed convey all their rights and interests in the works constructed to the United States.

In pursuance of this agreement, embodied as a provision in the river and harbor act of March 3, 1899, Congress has appropriated $85,000 for these improvements, has prosecuted the work, and the company executed a deed to the United States, approved by the Attorney-General. Your conferees under the circumstances detailed are unwilling to recommend the payment of the amount added by this amendment, to wit, $400,000.

The House conferees also are unable to agree with the conferees of the Senate on amendments Nos. 219, 220, and 221, providing, respectively, for reservoirs in Piney Creek and Gray Bull River, both in the State of Wyoming, and the Sioux River in South Dakota. The subject of building dams or reservoirs clearly intended for purposes of irrigation has been frequently discussed by the House, and we adhered to the opinion maintained by the House conferees on the act of March 3, 1899, that these do not properly belong in a river and harbor bill. Special mention is made of amendment 221, which is in the following language:

"For building dams and constructing reservoirs on the Sioux River in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, $52,500."

A report has been made upon this project by the engineer officers of the War Department, in which it is known as Document No. 93, Fifty-sixth Congress, second session. There is an adverse report upon this project. It clearly would confer no material benefit either upon irrigation or navigation.

The provision also assumes by dams and reservoirs in the Sioux River to impound the flood waters so as to secure a permanent stage of water in the Missouri River. The conferees do not think the promise made by this phraseology in the bill can be accomplished by the construction of this dam, and especially recommend that this amendment be rejected.

The amounts thus in dispute between the House and Senate conferees are as follows:

Brazos River, amendment 168, $400,000.
Reservoirs along Piney Creek, head waters of the Missouri, $215,000.
Gray Bull River, Wyoming, $75,000.
Sioux River, South Dakota, $52,500; in all, $732,500.

Numerous amendments made by the Senate are merely in the phraseology of the bill as it passed the House, often in the change of a single word, and do not materially affect the provisions of the bill as sent from the House to the Senate.

The above report is respectfully submitted.

T. E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the report.

Mr. McCLELLAN. I would like to ask the gentleman from Ohio what the conferees have done on amendment No. 23, in reference to Buttermilk Channel.

Mr. BURTON. The House appropriated $300,000 cash and $1,500,000 to be expended under contract. This was cut down by the Senate to $112,500 cash. The amount has been raised by the conference committee to $250,000.

Mr. FITZGERALD of New York. Does the provision as agreed on provide for a continuing improvement?

Mr. BURTON. No, sir; there is simply an appropriation of $250,000 cash. The appropriation is for a continuing improvement in the sense in which I think the gentleman uses the term.

Mr. FITZGERALD of New York. Is the present language the same as the language of the Senate amendment—"continuing improvement?"

Mr. BURTON. That language, as ordinarily used in the bill, means the authorization of a continuing contract, to be paid from appropriations subsequently made. The appropriation here is for a certain amount of cash immediately available for continuing the improvement in the sense in which, as I understand, the gentleman uses the language.

Mr. BROMWELL. I would like to inquire with regard to amendments numbered 185, 186, 187, and 188, in regard to the construction of the dam at Cullums Ripple. Has there been any change in the amount as appropriated by the House? What is the amount authorized now as a cash payment?

Mr. REEVES. Replying to the gentleman from Ohio, at the request of the chairman of the committee, I would simply say that the conference committee has restored the provision of the House bill.

Mr. BROMWELL. Then the appropriation is $100,000?

Mr. REEVES. Yes, sir.

Mr. BROMWELL. And the continuing contract, as I understand, is left as it is in the Senate bill. I wish to ask the chairman of the committee whether he thinks that the cutting down of the total amount fixed in the House bill, $950,000, to $633,334 will jeopardize in any way the continuation of this improvement?

Mr. BURTON. I would have preferred that the change should not have been made, but I think there is ample provision for the vigorous prosecution of the work.

Mr. BROMWELL. The Senate amendment, I observe, changes the word from "completing" to "prosecuting." Does this change of language jeopardize the completion of the dam by additional appropriations to be authorized hereafter?

Mr. BURTON. There will be no embarrassment in that respect.

Mr. JONES of Washington. I wish to inquire in regard to amendment 103, relative to the Puget Sound waterway.

Mr. BURTON. That was stricken out.

Mr. JONES of Washington. I wish to inquire further in regard to amendments 104 and 105, relating to Tacoma Harbor.

Mr. BURTON. We concurred with the Senate in respect to those amendments.

Mr. JONES of Washington. There was an entire concurrence?

Mr. BURTON. Yes, sir.

Mr. JONES of Washington. How about amendment 107, for the improvement of Grays Harbor and Chehalis River, Washington?

Mr. BURTON. We concurred in the appropriation of $50,000, which, I believe, is $17,000 more than the gentleman asked for in the House. It was claimed that that amount was needed.

Mr. JONES of Washington. What has been done in regard to the amendment No. 234, making an appropriation of $10,000 for the improvement of the Columbia River between the mouth of the Willamette River and Vancouver?

Mr. BURTON. That has been put in for the purpose of getting rid of the bar a few miles below Vancouver.

Mr. JONES of Washington. What did the conference committee do in regard to amendments Nos. 238 and 239, relative to the improvement of the Nooksack River?

Mr. BURTON. On that amendment we concurred with the Senate.

Mr. JONES of Washington. May I ask what was done in regard to amendment 241, for improving the Lewis River, Washington?

Mr. BURTON. That is concurred in.

Mr. DALZELL. I would like to ask the gentleman what has become of the provision for the improvement of the Monongahela River?

Mr. BURTON. The House provision has been restored, the Senate having receded, as they did also in regard to the provision for a dam in the Allegheny.

Mr. BELLAMY. What has been done with amendments numbered 138, 139, and 140?

Mr. BURTON. I do not recognize the amendments by their numbers.

Mr. BELLAMY. I refer to the Senate amendments appropriating $250,000 for the improvement of the Cape Fear River, North Carolina.

Mr. BURTON. The House concurred in the Senate provision, with an amendment. The amount agreed upon diminishes the Senate appropriation from $250,000 to $150,000. There was another Senate amendment of minor importance providing for 8 feet of water. The specification for 8 feet was stricken out and the words "suitable depth," or equivalent words, were inserted.

Mr. BELLAMY. What was done with amendment 139, striking out $140,000 and inserting $112,000 for the Cape Fear River.

Mr. BURTON. We concurred in the Senate amendment.

Mr. BELLAMY. Was amendment numbered 140 also concurred in?

Mr. BURTON. I believe that was an amendment in the same direction in regard to a place near the mouth of the river?

Mr. BELLAMY. Yes, sir.

Mr. BURTON. That is concurred in.

Mr. BREAZEALE. What was the action of the conference committee upon the amendment in regard to the Red River?

Mr. BURTON. In that case the amount was raised from $75,000 to $100,000.

Mr. OTEY. What has become of amendment 132, for the improvement of the New River?

Mr. BURTON. The committee of conference very reluctantly left that out. [Laughter.]

Mr. BUTLER. What was done with amendments Nos. 120 and 121, in regard to the improvement of the Delaware River?

Mr. BURTON. They were concurred in. It was thought that the amount remaining unexpended would be sufficient for the prosecution of the work for three or four years.

Mr. SMALL. May I ask what has been done in regard to the Senate amendment No. 141, providing for the appointment of a board of engineers to investigate the subject of an inland waterway from Norfolk Harbor to Beaufort Inlet?

Mr. BURTON. That provision, as I recollect, has been struck out. The committee of conference thought it too expensive a proposition to be taken up at this time.

Mr. SMALL. What was the action of the conference committee in regard to amendment No. 42, appropriating $3,000 for the improvement of Beaufort Harbor?

Mr. BURTON. That has been included in the bill. We concurred in the Senate amendment.

Mr. SMALL. Amendments 284, 285, and 286 provided for surveys of the Perquimans River, Shallowbag Bay, and Carrot Island Slough.

Mr. BURTON. I think they have all been included.

Mr. SNODGRASS. May I inquire what has been done with amendment 175, relating to the Cumberland River, Tennessee, below Nashville?

Mr. BURTON. The Senate provision for the river above Nashville was nonconcurred in; but as to the portion below Nashville, it was concurred in.

Mr. SNODGRASS. Does the gentleman remember that the committee of the House gave what it was thought would be sufficient to complete Lock No. 1, above Nashville—$105,000?

Mr. BURTON. It is thought a sufficient amount is appropriated for that purpose.

Mr. SNODGRASS. I want to call the attention of the gentleman to the fact that the local engineer recommends that an increase of 15 per cent be made in order to be able to complete that lock.

Mr. BURTON. I can not yield to any argument at this time, within fourteen hours of adjournment. It will be utterly without avail to endeavor to get that changed.

Mr. SNODGRASS. And he recommended, owing to the variation in price, that perhaps 15 per cent should be added to the original estimate made in 1892. What I want to call the gentleman's attention to is, does he expect to complete that lock for $105,000, and does that include the 15 per cent added in his recommendation?

Mr. BURTON. I would state that it includes the latest recommendation we have from the Board of Engineers.

Mr. JONES of Washington. I desire to ask the gentleman about amendment No. 106, where the change was made from fifteen to forty thousand dollars.

Mr. BURTON. The Senate provision is concurred in, changing it from fifteen to forty thousand dollars.

Mr. PAYNE. I would like to inquire what became of amendment No. 269, as to the Chesapeake and Delaware Canal and Choptank route?

Mr. BURTON. It was omitted. It was nonconcurred in by the committee of conference. We thought that a proposition too large to undertake at this time.

Mr. DENNY. May I ask the gentleman what was done with Senate amendment 38, Curtis Bay?

Mr. BURTON. The Senate amendment was concurred in. If there are no other questions, I move that the report be adopted.

Mr. HAMILTON. I would like to ask the gentleman what was done with amendment No. 84, Saugatuck Harbor?

Mr. BURTON. That provision was struck out after a full and free conference. I reserve the balance of my time.

Mr. HEPBURN. Mr. Speaker——

Mr. BURTON. I yield to the gentleman from Illinois [Mr. REEVES].

The SPEAKER. The gentleman from Iowa addressed the Chair. The Chair asks the gentleman if he yields for a question?

Mr. BURTON. Certainly.

Mr. HEPBURN. I did not ask to yield to a question. I rose for the purpose of asking for a separate vote on these amendments.

The SPEAKER. That can not be done under the report. It must be done on the other items, but not on the items contained in the report.

Mr. BURTON. I reserve the balance of my time.

Mr. REEVES. I merely wanted to make an inquiry of the gentleman from Iowa; and I did not hear the Speaker's ruling.

The SPEAKER. The gentleman from Iowa has not submitted anything at present.

Mr. REEVES. I want a separate vote on one of these items.

The SPEAKER. That is not in order at present. The question is on the motion of the gentleman from Ohio, to agree to the report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HEPBURN. I ask for a division, Mr. Speaker.

The House divided.

Mr. FITZPATRICK. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays. [After counting.] Ten gentlemen have arisen—not a sufficient number. The yeas and nays are refused; and the motion is carried.

Mr. HEPBURN. I raise the point that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point that no quorum is present. The Chair will count. (After counting.) Two hundred and fifteen present; a quorum is present; the ayes are 126; the noes 25; the ayes have it; and the motion is carried. Is a separate vote demanded on any of the remaining amendments?

Mr. REEVES. I demand a separate vote upon that item for the appropriation for the mouth of Brazos River.

The SPEAKER. That is amendment 168.

Mr. HEPBURN. I demand a separate vote on the other three.

Mr. OTEY. I demand a vote on amendment 132.

The SPEAKER. The gentleman from Iowa demands a separate vote upon the remaining amendments.

Mr. BURTON. I want to raise the point of order on the request of the gentleman from Virginia.

The SPEAKER. That was not recognized, as a separate vote was demanded on the four remaining amendments.

Mr. BURTON. I would like to ask the gentleman from Illinois how much time he would desire relating to the mouth of Brazos River?

Mr. REEVES. Not to exceed five minutes.

The SPEAKER. The Clerk will report amendment 168.

The Clerk read as follows:

The sum of $400,000 is hereby appropriated to the Brazos River Channel and Dock Company in payment to said company for the jetties built by said company at the mouth of the Brazos River, Texas, and heretofore transferred to the Government by said company: *Provided*, That of said amount the sum of $20,000 shall be retained by the Secretary of the Treasury and not paid to said company until the said company shall have conveyed to the United States, by proper and sufficient warranty deed, to be approved by the Attorney-General of the United States, the absolute title to a strip of land 1 mile in length and 300 feet in width upon the water front on the east side of Brazos River within 6 miles of the shore end of the east jetty, said strip of land to be selected by the Secretary of War and the limits thereof fixed by him.

Mr. BURTON. I desire to yield five minutes to the gentleman from Illinois, reserving the balance of my time. There is no motion made to recede and concur in this case.

Mr. REEVES. I will make it. Mr. Speaker, on this item just read I move that the House recede and concur. That is the point on which I shall address the House.

The SPEAKER. The gentleman from Illinois moves that the House recede and concur upon the amendment just read, and the gentleman from Ohio yields five minutes to the gentleman from Illinois.

Mr. REEVES. Mr. Speaker, I would like if the members will listen to me for a moment in order to state the facts in this case for your judgment, as you will be called upon to pass upon it almost at once. Very briefly, the facts are these: Some years ago certain gentlemen obtained a license or permit to improve the harbor, or to make a harbor at the mouth of the Brazos River in Texas.

They expended a sum ranging from $1,200,000 to $1,500,000 upon this project, at the end of which time they failed absolutely, and were obliged to surrender the license which they had to the General Government. At the time of the surrender of this license Mr. Mills was a Senator from Texas, and some correspondence was had with him, and in so far as he could, he stated that there was no doubt in his mind that the Government, or Congress, would pay these men the value of this property.

There was no bargain for its payment. These gentlemen surrendered what they had done and their license back to the Government, after which the Government, through its engineers, made an estimate of what would be the value of this improvement to the General Government, and they reported that the work that had been done was worth to the Government $600,000, whereupon these men came to Congress and have asked payment.

I want to say to the House that, in my judgment, there is absolutely no legal right of any character or kind, but, on the contrary, there is an equitable right. That fact is established by the fact that the General Government has seen fit to go on and improve this harbor, and has utilized and used this work, which the engineers say is of value to the Government in the improvement, of $600,000.

Upon that state of affairs the Senate has made an amendment to pay these men $400,000. It is to that amendment that the conferees have disagreed, and this is the item before you. I want to say to the House that neither directly nor indirectly have I the slightest interest in it.

It is a mere matter of good conscience whether we shall pay to these men, who have spent all that they have, or at least some of them have, in this improvement; and the Government having taken it, it is a question whether or not we will concur in the Senate amendment and pay these men $400,000.

I think it is a matter for each gentleman to decide for himself. The objection to it is that these men own a large area of land near by, and that the improvement the Government will make will add value to it. I think that is true.

Mr. CRUMPACKER. Is this to be in full payment for the entire demand?

Mr. REEVES. I intend to offer a proposition to make it in full payment of all demands, to make its acceptance full payment of claims of all kinds and character.

Mr. PAYNE. Has the gentleman offered any such amendment?

Mr. REEVES. I have not made it, but I propose to offer it in conference.

Mr. PAYNE. But the gentleman's proposition is to concur in the Senate amendment, and that will take it out of conference.

Mr. REEVES. That is true. Mr. Speaker, I desire to modify my motion to this effect: That in the acceptance of the payment of this money, if it shall be paid, that it be in full payment of

every kind and character of claim, in full of all demands, and I move that the House recede and concur with that amendment.

Mr. BURTON. If the gentleman has concluded, I will yield to the gentleman from Texas [Mr. BALL].

Mr. BALL. Mr. Speaker, in opposing this amendment which has been tacked onto the Texas appropriation I desire to say to this House that it ought to be voted down with practical unanimity. In 1887 there was no deep-water port on the Texas coast. A lot of very estimable gentlemen decided that it would be a profitable investment to get deep water at the mouth of the Brazos River, not believing that deep water could be had at Galveston, Tex. They secured, in 1888, a charter from the State of Texas authorizing them to develop a port at the mouth of the Brazos. At the same time a land company, owned by the same parties, was formed, which bought up 26,000 acres of land adjacent thereto, including water front for 10 miles, as a real-estate speculation.

Then deep water was secured by the Government at Galveston, and these gentlemen realized that no more money could be spent in developing the mouth of the Brazos, because under their charter they were allowed to charge tolls and tax the commerce of the country, which could not be done with a free port at Galveston, only 40 miles away.

It was found then that their investment, or their hope for large profits, had been a disappointment. I regret that these gentlemen should have made so unfortunate an investment, but the Congress ought not to pay their losses in the face of the report of our engineering board, consisting of one member of the Geodetic Survey, one member of the Army engineers, and a civil engineer, who reported that "no payment should be made to the company by whom the works had been constructed, any more than to the many municipal corporations by whom large sums have been expended in harbor construction without repayment." The speculation having proven disastrous, they then came to Congress and proposed that if the Government would take up the work they would convey the jetties and surrender their right to charge tolls, no doubt relying upon the hope of realizing from their real estate and at the same time avoiding the spending of more money in construction of jetties and maintenance of their works.

Mr. HAWLEY. I beg to differ with my colleague——

The SPEAKER. Does the gentleman yield?

Mr. BALL. No; I have only five minutes. The gentleman knows that so far as the Commerce Committee and the Committee on Rivers and Harbors are concerned the understanding was that they were to surrender their rights and to reserve their land. The board of engineers appointed by the Government reported that the Government ought not to undertake the work unless upon condition that they surrender their jetties, together with a mile of the river front. In my judgment this work would never have been entered upon if there had been any expectation that these gentlemen would claim reimbursement. But whether Congress ever reimburses them or not, one fact remains that ought to bar them from receiving any appropriation here, and that is the Committee on Commerce of the Senate and the River and Harbor Committee have both refused to make any appropriation to continue the work, and there is very little commerce at the mouth of the Brazos today. So that if any equity should ever arise by which these gentlemen are entitled to equitable reimbursement, they ought at least to wait until the Government's plan has developed and until it is shown that their works are of some value to the commerce of the country.

It is an absurdity, Mr. Speaker, to appropriate $400,000 here to reimburse a syndicate without appropriating a dollar to continue the work of the Government for the purposes of commerce. If you do this, the Aransas Pass Harbor Company is in the same boat, and they will demand relief. Galveston has spent a hundred thousand dollars on Government work, and they will ask relief. I have uniformly refused to support any attempt to recoup those who have made unprofitable investments, at the expense of the Government. There is at least $75,000,000 which has been spent by counties, municipalities, and States in these projects. And they will all be here clamoring for relief if you open the door.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10698. An act to amend an act amending an act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars;" and

H. R. 2619. An act for the relief of Agnes and Maria De Leon.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 13189. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had further insisted upon its amendments to the bill, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY as the conferees on the part of the Senate; and

H. R. 13729. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

The message also announced that the Senate had passed with amendments bills of the following titles:

H. R. 9835. An act to establish a code of laws for the District of Columbia;

H. R. 10302. An act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893; and

H. R. 13436. An act to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BROMWELL. Mr. Speaker, I now yield to the gentleman from Texas [Mr. HAWLEY].

Mr. HAWLEY. I want to ask my colleague if he will not recall the statement he made that not a dollar had been appropriated for improvements at the mouth of the Brazos? Is not there an appropriation in this very bill for that purpose?

Mr. BALL. There is $30,000, but nothing to complete the jetties; it is merely for the purpose of dredging.

Mr. HAWLEY. Probably the engineers thought that was the best means of obtaining deep water; it was left to their judgment. Now, Mr. Speaker, in the very short time I have I wish to say that this is not only an equity in my judgment, but an absolute right. When this work was undertaken there was not a harbor west of the Mississippi River, and commerce was pressing in the South on the Gulf of Mexico, where the syndicate, as it is called, put their money and their reputation into this work.

It seems to me the attitude of the Government should be to restore at least in part money which was expended there in the interest of commerce. It was for the purpose of accommodating the territory lying west and north of Texas that the improvement of this harbor was undertaken. In accepting the deed for this property the Government certainly did not undertake to say to its citizens that it intended to take the property without some compensation. Is it possible that the Government would expect to receive property from citizens without compensation any more than it would expect citizens to receive property from the Government on the same terms?

The whole question is, Shall the Government accept without any compensation this work that cost $1,000,000? That was the amount spent there in the interest of developing the harbor for the benefit of commerce. Should a claim of this kind be denied, when citizens come here asking that relief to which every citizen is entitled when he comes to his Government for justice? I leave the matter to the judgment of the House.

Mr. BROMWELL. Let me ask the gentleman a question before he takes his seat. As I understand, this was an enterprise undertaken by private parties, with the privilege of collecting tolls for the navigation of that river, the profits from which were to go into their own treasury.

Mr. HAWLEY. But the Government reserved the right at any time it pleased to take over that property on its own account.

Mr. BROMWELL. But it did not do so.

Mr. HAWLEY. It did take over the property.

Mr. BROMWELL. The parties surrendered their rights.

Mr. HAWLEY. They ceded the property back to the Government.

Mr. BROMWELL. Then let them stand the loss.

Mr. BURTON. Does the gentleman from Iowa intend to oppose the Senate amendment?

Mr. HEPBURN. I am opposed to concurring in the amendment.

Mr. BURTON. I will yield to the gentleman. Will five minutes be sufficient?

Mr. HEPBURN. I think so.

Mr. BURTON. I yield to the gentleman five minutes.

[Mr. HEPBURN addressed the House. See Appendix.]

Mr. BURTON. Mr. Speaker, I should hardly say a word upon this amendment if there did not seem to be a certain degree of vitality in the support which it receives in this House. As it appears to me, it has not a particle of solid foundation. What is it? In 1888 Congress passed an act by which the privilege was given to the Brazos River Channel and Dock Company to improve the mouth of the Brazos. They went ahead and expended a considerable sum of money. They purchased 26,000 acres of land.

Two or three years ago it appeared to them that they would

not succeed in their enterprise. They then came to Congress and asked us to appropriate for the improvement of the mouth of that river. Bear in mind the improvement made since by the Government is not necessarily an extension or amplification of what they did at all.

They admitted that they had not succeeded. They were told, "The Government will undertake that work for the improvement at the mouth of that river where you have failed; but you must make a deed to the Government surrendering all right, title, interests, and franchises at that place."

It was provided even further at one time, as the bill passed the House, that they must deed to the Government of the United States a strip of land. That provision was stricken out in conference, because it was thought to be a little severe. We appropriated $85,000 for improvements at the mouth of the Brazos. Our action gave them a quid pro quo. The present application of that company for compensation is just the same as if a member of this House, having deeded to me a piece of property for a consideration, should come around two years afterwards and ask further pay for it.

And is there any different rule between the individual or a corporation on the one hand and the United States on the other from that which should prevail between two individuals? There is one little side light, besides, I want to throw on this claim. I never heard that it was to be introduced or to be included in this bill until last Thursday.

Suppose I were a judge on the bench and a claim of $400,000 were presented to me on Friday morning and I were told, "You must decide by midnight Sunday night upon that claim, and you must decide in favor of it." I would be very likely to conclude that it was not a claim of any great merit. If there is merit in it, they can wait; and I hope the House will vote this amendment down by an overwhelming majority. I ask for a vote on the motion.

The SPEAKER. The amendment will be reported to the House—the portion offered by the gentleman from Illinois.

The Clerk read as follows:

Mr. REEVES moved that the House recede from its disagreement to the Senate amendment No. 168 and concur therein with the following amendment:

"Insert after the word 'him,' in line 10, on page 33, the following: 'That this appropriation and its acceptance shall be in full of all claims against the United States in all matters pertaining thereto.'"

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and the amendment was lost.

Mr. BURTON. Mr. Speaker, I call up the next amendment. I understand several gentlemen desire to be heard on these two arid-land amendments in Wyoming. [Cries of "Vote!"]

The SPEAKER. There is a motion to be submitted to the House that the House further insist on its disagreement on the other Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The next amendment is amendment 219, which the Clerk will report.

The Clerk read as follows:

On page 75, after line 19, insert:

"Reservoirs at the head waters of the Missouri River: For construction along Piney Creek, Wyoming, of three reservoirs for the purpose of holding back the flood waters of said stream, with the view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season, in accordance with the recommendations submitted in House Document No. 141, Fifty-fifth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoirs, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate $165,000, exclusive of the amount herein appropriated."

Mr. BURTON. Mr. Speaker, I move to nonconcur, unless the gentleman wishes to move to concur.

The SPEAKER. The gentleman from Ohio moves that the House further insist on its disagreement to the amendment of the Senate.

Mr. MONDELL. Mr. Speaker, I move to amend that motion by moving that the House recede and concur in the Senate amendment.

The SPEAKER. That is the preferential motion—the motion to concur.

Mr. BURTON. I yielded merely for that purpose, that the gentleman might make the motion. I understood the gentleman wanted to make the motion to concur. The House has on very recent occasions had a discussion on the matter of the arid lands, and we have voted on it several times; and I do hope that as we are within twenty-four hours of the end of the session, no longer discussion will occur on this question. [Cries of "Vote!"]

The SPEAKER. How much time does the gentleman yield?

Mr. BURTON. I yield five minutes to the gentleman from Wyoming.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, and had receded from its amendment No. 89.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14269. An act confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians;

H. R. 14228. An act to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city;

H. R. 14138. An act to authorize the Pigeon River Improvement, Slide and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River in said State at what is known as the Cascades of said river;

H. R. 14093. An act to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River in the State of Texas;

H. R. 13530. An act to provide an American register for the foreign-built ship *Balclutha;*

H. R. 13396. An act to amend section 5546 of the Revised Statutes;

H. R. 11350. An act to establish the national bureau of standards;

H. R. 7603. An act to correct the military record of James A. Somerville;

H. R. 3003. An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools; and

H. R. 523. An act for the relief of Arba N. Waterman.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. MONDELL. Mr. Speaker, I appreciate that the gentlemen interested in this bill are exceedingly anxious to have a vote upon it, and I shall detain the House but a moment in discussing the amendment. At the time the river and harbor bill was before the House I offered an amendment similar to that now before us.

This amendment provides for the construction of three storage reservoirs on one of the head waters of the Missouri River. This is a worthy project. It is a project that has been reported on favorably by an Army engineer. It is a project which will aid navigation more, in proportion to its size, than $9,000,000 or $10,000,000 appropriations carried in this bill for the improvement of the Mississippi River. [Cries of "Vote!"]

While so aiding navigation, it will at the same time make possible, without any additional expenditure on the part of the Government, the development of a very considerable region now barren, uninhabited, and unproductive. The gentlemen in charge of this bill have found fault that we have insisted on placing this amendment on the bill.

As one of those who favor this class of legislation, I regret, Mr. Speaker, that we could not place this item on a bill more defendable than the bill upon which this item is placed; but I will say that of all the items in the bill this is an item which can best be defended not only from the standpoint of aiding irrigation, but because in addition to that it will aid in the development of a vast amount of Government land and aid in the settlement of a great region. [Applause.]

Mr. HEPBURN. I ask the gentleman to yield to me for thirty seconds. I want to make a correction.

Mr. SHAFROTH. I wish the gentleman would yield to me.

Mr. HEPBURN. I simply want to say that the description that I read was of a different river than the one I named, but it served my purpose to illustrate the subject. [Laughter.]

Mr. BURTON. I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Wyoming, to recede and concur.

The question was taken; and the motion was lost.

The SPEAKER. The question now is on the motion of the gentleman from Ohio, that the House further insist upon its disagreement to the amendment of the Senate.

The question was taken; and the motion was carried.

The SPEAKER. The next amendment is amendment 220.

Mr. BURTON. There is one other amendment—221, as I recollect it.

Mr. NEWLANDS. Certainly we can have a motion for concurrence in amendment 220.

The SPEAKER. If there be no objection, a vote will be taken on amendments 220 and 221. What is the motion of the gentleman?

Mr. BURTON. To further insist on the disagreement.

The SPEAKER. The gentleman from Ohio moves to further insist on the disagreement to amendments 220 and 221.

Mr. NEWLANDS. Mr. Speaker, I move that the House recede from its disagreement to these amendments, and concur.

The question was taken; and the motion was lost.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio.

The question was taken; and the motion was carried.

Mr. BURTON. Mr. Speaker, I move that the House comply with the request of the Senate for a conference.

The SPEAKER. The question is on the motion that the House agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair appoints the following managers on the part of the House: Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12331. An act to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898;

H. R. 13068. An act to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized;

H. R. 13195. An act to amend section 5153 of the Revised Statutes of the United States;

H. R. 14028. An act for the relief of Aquilla J. Daugherty;

H. R. 2294. An act for the relief of J. V. Davis, of Alexandria, Va.;

H. R. 2472. An act to correct the military record of John H. Finfrock;

H. R. 2659. An act for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;

H. R. 3696. An act for the relief of the administrator of Mary R. Frost, deceased;

H. R. 4204. An act to correct the military record of George A. Winslow;

H. R. 4853. An act for the relief of the heirs at law of Edward N. Oldmixon;

H. R. 8032. An act to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;

H. R. 8270. An act for the relief of Herman von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry;

H. R. 8946. An act to pay J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina;

H. R. 10001. An act for the relief of the heirs of Joseph T. Stout;

H. R. 10701. An act to amend section 6, chapter 119, United States Statutes at Large No. 24;

H. R. 11828. An act to remove charge of desertion from military record of Charles F. Kramer;

H. R. 364. An act granting an increase of pension to Lewis Black;

H. R. 427. An act for the relief of heirs of Mrs. Tellisse W. Wilson;

H. R. 568. An act for the relief of W. T. Fitzpatrick, Bedford City, Va.;

H. R. 573. An act for the relief of Arthur Connell;

H. R. 628. An act for the relief of Hamilton M. Sailors;

H. R. 1215. An act granting a pension to Charles M. Neet;

H. R. 1730. An act granting an increase of pension to Alfred H. Jones;

H. R. 1769. An act granting an increase of pension to Isaac H. Duvall;

H. R. 1959. An act for the relief of the heirs of George W. Saulpaw;

H. R. 7055. An act granting a pension to John G. Barr;

H. R. 3491. An act granting a pension to Melvina Greenwalt;

H. R. 3648. An act granting an increase of pension to Charles W. Little;

H. R. 4132. An act granting an increase of pension to Elijah Baxter;

H. R. 4193. An act granting a pension to Levi C. Mann;

H. R. 4588. An act granting an increase of pension to Peter M. Hill;

H. R. 5645. An act granting an increase of pension to William H. H. Bonslough;

H. R. 6409. An act granting a pension to Maria E. Hamill;

H. R. 6776. An act granting a pension to Annie Chamberlain;

H. R. 7072. An act granting a pension to Mary Barron;

H. R. 7321. An act granting a pension to Armilda J. Luttrell;

H. R. 7354. An act granting an increase of pension to Milbre V. Douglass;

H. R. 7544. An act granting an increase of pension to Florence L. Stuart;

H. R. 7688. An act granting a pension to Katy Kurth;

H. R. 7995. An act granting a pension to Jane Hunter;

H. R. 9539. An act granting an increase of pension to Ella V. Coston;

H. R. 9843. An act granting an increase of pension to John A. Hardy;

H. R. 10758. An act granting a pension to Sallie B. Wilson;

H. R. 11197. An act granting an increase of pension to Eugene Leahy;

H. R. 11303. An act granting a pension to Elizabeth M. Killen;

H. R. 11453. An act granting a pension to Charles E. Binns;

H. R. 11795. An act granting a pension to Columbus S. Whitaker;

H. R. 11998. An act granting an increase of pension to John W. Horner;

H. R. 12004. An act granting an increase of pension to George B. Smith;

H. R. 12204. An act granting an increase of pension to Mary A. Tunis;

H. R. 12232. An act granting a pension to Hannah Martha Dusenberry;

H. R. 12386. An act granting an increase of pension to William N. Hall;

H. R. 12392. An act granting a pension to Henry Smith;

H. R. 12507. An act granting an increase of pension to Ezekiel Dawson;

H. R. 12732. An act granting an increase of pension to Elizabeth Reynolds;

H. R. 12747. An act granting a pension to Arline E. McNutt;

H. R. 12801. An act granting a pension to Willis Brady;

H. R. 12816. An act granting an increase of pension to Samuel A. Needham;

H. R. 12939. An act granting an increase of pension to Thomas J. Kerstetter;

H. R. 13173. An act granting an increase of pension to Ellen Pratt;

H. R. 13186. An act granting an increase of pension to Francis M. Thompson;

H. R. 13520. An act granting an increase of pension to Cornelia Hays;

H. R. 13568. An act granting an increase of pension to James Hickey;

H. R. 13699. An act granting an increase of pension to Samuel C. F. Seabury;

H. R. 13725. An act granting a pension to Emily B. Knight;

H. R. 13794. An act granting a pension to Hix Patterson;

H. R. 13998. An act granting an increase of pension to Margaret L. B. Parsons; and

H. R. 6591. An act for the relief of Austin A. Yates.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 13609. An act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia;

H. R. 13080. An act granting an increase of pension to John F. Carbee;

H. R. 7202. An act granting a pension to Wiley Causey;

H. R. 9503. An act granting an increase of pension to Samuel Baughman;

H. R. 10334. An act granting an increase of pension to Nellie T. P. Kochler;

H. R. 2617. An act for the relief of the legal representatives of Edwin De Leon;

H. R. 2163. An act granting an increase of pension to Mary L. Cramer;

H. R. 9886. An act to restore certain widows to the pension roll; and

H. R. 13329. An act granting a pension to Grotius N. Udell.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I present the conference report on the Post-Office appropriation bill.

The SPEAKER. Does the gentleman desire the report and statement both read?

Mr. LOUD. I will ask that the statement be read only.

The SPEAKER. The gentleman from California asks that the statement only be read. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

Your conferees have been unable to agree upon amendments numbered 2 and 3.

E. F. LOUD.
GEO. W. SMITH,
CLAUDE A. SWANSON,
Conferees on the part of the House.

The SPEAKER. What is the motion of the gentleman from California?

Mr. LOUD. I move that the House further insist upon its disagreement, and agree to the conference.

The SPEAKER. Is there any conference report to be agreed to first?

Mr. LOUD. There is a disagreement, Mr. Speaker.

The SPEAKER. The gentleman from California moves that the House further insist on its disagreement to the amendments of the Senate, and agree to the conference asked by that body.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair appoints the following managers on the part of the House: Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

Mr. LOUD. Mr. Speaker, I thought it was but fair to the House that the House should have some verbal statement of the condition existing between the Senate and the House on the Post-Office appropriation bill.

On Thursday last the conferees made their second report to the House, recommending an agreement in the shape of a modification of two amendments in the shape of legislation, which had been put upon the appropriation bill in the Senate. We modified the amendments in the conference as far as it was possible for any modification to be had.

The House by a very decided vote rejected the report of the conferees. On Friday morning the conferees again met. As is the custom in the House, we are notified from the Senate by messenger or telephone, and I was able to get one of the conferees to attend that meeting, not being able to find the third conferee.

We went to the Senate, assuming that we had received the instructions of the House, and the Senate conferees refused to meet the conferees of the House on the ground that there were but two of the House conferees present. We argued that question with the Senate conferees for some few moments; and I might mention, in passing, that there had been but two conferees present but a very little of the time on their side during the conference that had taken place.

The House conferees, after this refusal to meet was made, withdrew from the conference. Again, this afternoon, after two days had elapsed, the Senate again suggested a conference, and the conferees have been unable to agree. What may be the ultimate result I can not say. I believe the House conferees have been treated with such discourtesy, at least, as never before has been my lot to witness. This is legislation upon an appropriatian bill, and in accordance with the universal custom the Senate must recede. I thought that statement was due to the House.

Mr. RICHARDSON of Tennessee. Will the gentleman state how many amendments are in this agreement?

Mr. LOUD. Two—Nos. 2 and 3. One is the delivery in cities and towns and villages not now having delivery, under a box system, and the other is the postal telegraph.

Mr. HAY. Mr. Speaker, I demand the regular order.

DISTRICT OF COLUMBIA CODE.

The SPEAKER. The gentleman from Virginia demands the regular order. The Chair lays before the House the bill H. R. 9835 with Senate amendments, and the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9835) entitled "An act to establish a code of laws for the District of Columbia."

The Clerk proceeded to read the Senate amendments.

During the reading the following occurred:

Mr. WHEELER. Mr. Speaker, is it in order to move to dispense with the further reading of the amendments?

The SPEAKER. It is, by unanimous consent.

Mr. WHEELER. I ask, then, Mr. Speaker, unanimous consent that the further reading of the Senate amendments be dispensed with.

Mr. UNDERWOOD. I do not like to object, Mr. Speaker, but——

Mr. WHEELER. Why, nobody can understand them. The gentleman can not understand the amendments himself, detached as they are.

Mr. UNDERWOOD. I came down to the front to try to understand them. I object, Mr. Speaker.

The Clerk proceeded and completed the reading of the Senate amendments.

Mr. BABCOCK. Mr. Speaker, I move to concur in the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from Wisconsin a question.

Mr. GRAHAM. Mr. Speaker, I ask for order. It is impossible to hear what is going on.

The SPEAKER. The Chair desires to state that it has been for some time manifest that the disturbance comes from the galleries, and unless order is observed, and conversation ceases, it will become the duty of the Chair, in order to promote the public business, to order the Sergeant-at-Arms to clear the galleries of the House. The gentleman will proceed.

Mr. UNDERWOOD. I would like to ask the gentleman from Wisconsin if he does not propose to give some explanation to the House as to the effect of the amendments carried in this bill. I notice that some of them change the criminal laws of the District, and I do not think the House ought to be called upon to vote on a proposition of this kind without knowing what it is voting upon.

Mr. BABCOCK. I want to say to the House, Mr. Speaker, that the most of the amendments, outside of one relating to the divorce laws, are immaterial. In many cases they are simply to correct the phraseology of the bill as it left the House. At this late hour it would be impossible for me to go into the details and explain fully to the House, and the House would not care to listen to it.

I want to say further that the amendments that are offered here have been approved by the bar of the District, and are entirely satisfactory.

I want to say further that it has been necessary to use haste, as it will take from now until 12 o'clock to-morrow to enroll this bill of 600 pages, and it has been impossible to take it up in detail and give it any more time. Another thing: For twenty years the people of the District of Columbia have been endeavoring to secure a framework for a code of law. Time and time again it has been before Congress, but disagreements arose here in the city of Washington, but not with Congress.

For the first time in twenty years the bar, including the supreme judges, the organization of the bar in Washington, together with one member of our committee [Mr. JENKINS], who spent three weeks working continuously on this code, have brought it to a condition where it is acceptable to the citizens and the people as a whole in the District, especially the supreme court of the District.

Mr. UNDERWOOD. I will say to the gentleman that the fact that the time is limited is no excuse for passing legislation of importance that we know nothing about. That is the reason I asked him for an explanation. I understand there is an amendment here providing for a new law in reference to making it a misdemeanor for a man to live at a boarding house and not pay his bills.

Mr. BABCOCK. I believe so. That is simply an amendment to the House provision on that subject.

Mr. UNDERWOOD. Is there a law in existence in the District of Columbia now upon that subject?

Mr. BABCOCK. I can not inform the gentleman what the law is here. I want to say to him that the member of the committee who has charge of this bill is sick to-night.

Mr. RAY of New York. If the gentleman will pardon me, I want to say that I hardly think he is correct in saying that this makes it a misdemeanor.

Mr. UNDERWOOD. That is what I am trying to find out.

Mr. RAY of New York. I do not want to interfere with what belongs to another committee, but I want to say to both gentlemen that I am deeply interested in the matter myself. I have given it a great deal of careful thought, and I have looked at the amendments from time to time, and it is a vast improvement over what the law has been in this District. It would be in the nature of a great calamity to the people to have this bill fail after all this work has been expended upon it.

I want to say to the gentleman that it is not a misdemeanor to live in a boarding house and fail to pay your bill, but it is a misdemeanor under the law of most of the States to run up a bill at a boarding house with the preconceived intent of defrauding the boarding-house keeper and then leave without paying. That is the law almost everywhere.

Mr. UNDERWOOD. That is exactly the point I want to find out. I want to ascertain how far this code makes it a crime for a man to live in a boarding house without paying his bill.

Mr. BABCOCK. As the gentleman from New York [Mr. RAY] has just stated, it is a misdemeanor for a person intentionally and purposely to undertake to defraud a boarding-house keeper.

A MEMBER. The law is the same in that respect in nearly all the States.

Mr. BAILEY of Texas. I wish to ask the gentleman from Wisconsin whether this purports to be a revision and codification of the laws of the District of Columbia?

Mr. BABCOCK. Yes, sir. It is a code of law which this District has never had before.

Mr. BAILEY of Texas. As I understand, it makes no change in the existing law, but simply collects and codifies the laws heretofore passed.

Mr. BABCOCK. I do not think that statement is quite correct. I believe this codification does make some changes. This code has been drafted and submitted by judges of the supreme court of the District of Columbia after years of preparation.

Mr. BAILEY of Texas. I was about to ask, Is this the work of a committee of Congress, or is it the work of a board appointed to codify and revise the laws?

Mr. BABCOCK. It is not the work of a special committee of

Congress. The original draft of the code was prepared by the supreme court of this District. One of the judges of that court was appointed for this work and was engaged upon it for several years. It was then submitted to the Bar Association of this District and approved by them. Then it was submitted to the House and Senate for their action.

Mr. BAILEY of Texas. And the supreme court of this District consists simply of trial judges, who sit in banc.

Mr. Speaker, I think it is an exceedingly dangerous proceeding for this House to adopt a code without knowing what is in it. But as this affects only the District of Columbia, and as the supreme court of the District has practically completed the work itself, I suppose we can afford to accept it. But I do not want to take any responsibility for a code adopted without my knowing what is between the lids.

Mr. BABCOCK. This is a House bill which was considered and passed at the last session of Congress. We have now before us a few Senate amendments which are being considered.

Mr. BAILEY of Texas. I generally take very little interest in the proceedings of Congress when it resolves itself into a common council, and therefore did not know of that proceeding. I do not object if this matter has been considered and passed by the House. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to concur in the amendments of the Senate.

The question being taken, the amendments were concurred in.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. I ask that a reprint of this bill be made.

The SPEAKER. Without objection, that order will be made.

There was no objection.

CHARLEROI AND MONESSEN BRIDGE COMPANY.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

The amendments were read.

Mr. DALZELL. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

LEAVE TO PRINT.

Mr. GROUT, by unanimous consent, obtained leave to print with his remarks in the RECORD on the St. Louis Exposition bill certain telegrams.

NAVAL APPROPRIATION BILL.

Mr. DAYTON. I call up the conference report on the naval appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with and that only the statement of the managers on the part of the House be read.

There was no objection.

Mr. RICHARDSON of Tennessee. Is this a final report?

Mr. DAYTON. This is, as I understand the parliamentary situation, a final report. The conferees have agreed upon every item save one, upon which they report a disagreement. But since that time the Senate has receded from that amendment, so that it is no longer in controversy. This is, therefore, a final report.

The conference report was as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 81, and 82.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 25, 39, 40, 42, 65, 79, 80, 84, 85, and 86, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "four hundred" and insert in lieu thereof the following: "three hundred and fifty;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 5 of said amendment, strike out the word "two" and insert in lieu thereof the word "one;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,775,010;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "President," insert the words "by and with the advice and consent of the Senate;" and in line 38 of said amendment, after the word "be," insert the words "until further legislation by Congress;" and the Senate agree to the same.

On the amendment numbered 89 the committee of conference have been unble to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
AMOS J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
W. E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of Representatives make the following statement of the resolution of the third conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on the Senate amendments to H. R. 13705, making appropriations for the naval establishment:

The Senate receded from its amendment No. 3, increasing the pay of first and second clerks to commandants.

No. 9, providing for an inspector of accounts.

No. 10, providing for assistant chiefs of bureaus.

No. 81, authorizing the President to appoint to the Naval Academy not exceeding three of the acting cadets temporarily appointed during the war with Spain.

No. 82, providing that the President appoint to the Naval Academy 10 naval cadets in addition to the 10 now allowed to him.

The House receded from its disagreement to the following amendments of the Senate:

No. 8, making $50,000 of the emergency fund immediately available.

No. 25, enabling the Secretary of the Navy to acquire land for a naval station, harbor, and channel defense at Pearl Harbor, Hawaii.

No. 39, striking out the House provision for fire protection system at navy-yard, Portsmouth, N. H., and inserting "extension of office building for construction and repair, fireproof construction."

No. 40, providing office for steam engineering and $15,000 at navy-yard, Portsmouth, N. H.

No. 42, involving a clerical computation.

No. 65, increasing the appropriation for the Naval Observatory for grounds and roads from $5,000 to $10,000.

No. 79, commissioning certain cadets at sea and in the Academy as ensigns.

No. 80, giving the President power to appoint as ensigns, boatswains, gunners, or warrant machinists not exceeding six in any one calendar year upon competitive examination.

Nos. 84, 85, and 86, providing for the construction of marine barracks, commanding officers' and junior officers' quarters for the Marine Corps at Annapolis.

The House receded from its disagreement to the amendment of the Senate No. 7, providing for an emergency fund, and agreed to the same with an amendment as follows: In lieu of the sum proposed ($300,000) insert "$250,000;" and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate No. 24, providing depots for coal and agreed to the same with an amendment as follows: In lieu of the sum proposed ($700,000) insert "$600,000;" and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate No. 26, providing for the maintenance of colliers, and agreed to the same with an amendment as follows: In line 5 of said amendment strike out the words "four hundred thousand dollars" and insert in lieu thereof the following: "$350,000," decreasing the appropriation $50,000; and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate No. 60, providing for a dry dock at Charleston, S. C., and agreed to the same with an amendment as follows: In line 5 of said amendment strike out the word "two" and insert in lieu thereof the word "one," thereby reducing the appropriation for dry dock $100,000; and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate No. 61, involving a clerical computation, and agreed to the same with an amendment as follows: In lieu of the sum proposed insert "$6,775,010;" and the Senate agreed to the same.

The House receded from its disagreement to the amendment of the Senate No. 67, providing expenses for a board of visitors to the Naval Observatory, and agreed to the same with an amendment as follows: In line 3 of the said amendment, after the word "President," insert the words "by and with the advice and consent of the Senate;" and in line 38 of said amendment, after the word "be," insert the words "until further legislation by Congress;" and the Senate agreed to the same.

The committee of conference have been unable to agree on amendment numbered 89 providing for the construction of three submarine boats of the *Holland* type.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
AMOS J. CUMMINGS,
Managers on the part of the House.

The question being taken, the conference report was agreed to.

On motion of Mr. DAYTON, a motion to reconsider the last vote was laid on the table.

OPENING OF INDIAN LANDS FOR SETTLEMENT.

Mr. HEATWOLE. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That 5,000 additional copies of House bill No. 12901 be printed when the same shall become a law; the copies to be placed in the document room of the House.

Mr. BAILEY of Texas. I would like to know what this bill is. The resolution simply gives the number, but does not indicate the subject.

Mr. HEATWOLE. It relates to the Kiowa and Comanche Reservation, to be opened for settlement.

Mr. BAILEY of Texas. When did the bill pass?

Mr. HEATWOLE. Yesterday. There is a great demand from a number of people for copies of this bill. The reprint is asked for by the Committee on Public Lands.

Mr. BAILEY of Texas. I would like to know a little more about this bill. Is it the bill providing for the allotment of the Kiowa and Comanche lands?

Mr. LACEY. It is the bill agreed to in conference last night in

regard to the final opening of the Kiowa, Comanche, and Apache Reservation.

Mr. BAILEY of Texas. If the bill has passed, I have no objection to printing extra copies.

Mr. LACEY. There should be some extra copies printed.

There being no objection, the House proceeded to the consideration of the resolution, and it was adopted.

SAFETY OF EMPLOYEES OF COMMON CARRIERS.

The SPEAKER laid before the House the bill (H. R. 10302) to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, with Senate amendments.

The Senate amendments were read.

Mr. CORLISS. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

CHAPTER 559 OF THE REVISED STATUTES.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 6048, now on the Speaker's table.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of the Senate bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891.

Be it enacted, etc., That the provisions of chapter 559 of the Revised Statutes of the United States, approved March 3, 1891, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have the gentleman state whether this bill has been reported by any Committee of the House. I understand it is a Senate bill.

Mr. MONDELL. This is a Senate bill. A similar bill has been unanimously reported by the Committee on Public Lands of the House. I will say to the gentleman that the act which is modified is an act which allows settlers upon public lands to take timber for firewood and for fencing, and it is provided that they shall only take timber from lands within the State in which they reside.

On the tract which will be affected by this bill there is no timber obtainable in Wyoming; and this is simply a provision that they can go into the State of Montana and have the same privilege that the citizens of Montana have. Similar bills have been passed with respect to other States.

Mr. RICHARDSON of Tennessee. Has this bill been considered by the Commissioner of Public Lands?

Mr. MONDELL. Yes, sir.

Mr. RICHARDSON of Tennessee. Has he recommended its passage?

Mr. MONDELL. I saw the Commissioner personally in regard to it. I do not think it a matter of enough importance to ask for a report from the Commissioner. It only affects 6 townships of land, and it allows the settlers in the prairie region of Wyoming to go over into Montana and to cut timber for firewood and fencing.

Mr. STEELE. Will the gentleman allow me to ask him a question?

Mr. MONDELL. Certainly.

Mr. STEELE. We have throughout the country men employed for the preservation of our forests. Now, would not this have a tendency to encourage men to fire the forests so as to have an opportunity to go and get dead and down timber—so that they could go in and get it after it was dead and down?

Mr. MONDELL. This bill has nothing to do with dead and down timber.

Mr. STEELE. If they are going to fire our woods and cause the timber to be down and kill the timber, it would be dead timber then, and they could go in and get it.

Mr. MONDELL. I will say to the gentleman that this preserves the dead and down timber. Under this law they have the right to take any kind of timber.

Mr. STEELE. They can take any kind of timber?

Mr. MONDELL. Yes, sir.

Mr. SHAFROTH. If the gentleman will yield to me, I will state in regard to this bill, the Committee on Public Lands had a bill of a similar character, and if the gentleman says it is exactly the same I am confident that it is.

Mr. MONDELL. It is.

Mr. SHAFROTH. It relates to taking timber by settlers for domestic purposes, and inasmuch as there is no timber in the State of Wyoming on that side of the boundary, it permits the same provision to the citizens of the State of Wyoming that the citizens of Montana have, and it is a right which would exist if this same land were included in the State of Wyoming, without any legislation whatever. It is a very proper measure.

People living out in the plains, upon the arid lands, can not get timber without going a great distance, and inasmuch as this also made a limit of the taking of timber within the State, these people who live near the boundary are placed at a disadvantage unless some of the timber is within the State. I see no objection to it whatever.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HOUSE PENSION BILLS WITH SENATE AMENDMENTS.

The SPEAKER laid before the House the following House bills relating to pensions, with Senate amendments. The bills and Senate amendments were severally read, and, on motion of Mr. SULLOWAY, the Senate amendments were concurred in:

A bill (H. R. 7202) granting a pension to Wiley Causey;

A bill (H. R. 2163) granting an increase of pension of Mary L. Cramer;

A bill (H. R. 9503) granting an increase of pension to Samuel Baughman;

A bill (H. R. 13080) granting an increase of pension to John F. Carbee;

A bill (H. R. 10334) granting an increase of pension to Nellie T. P. Koehler; and

A bill (H. R. 13329) granting an increase of pension to Grotius N. Udell.

EDWIN DE LEON.

The SPEAKER also laid before the House the bill (H. R. 2617) for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services; with Senate amendment to the title.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it was impossible to hear. I would be glad to know something of that bill.

Mr. SULLOWAY. I do not think that is a pension bill, Mr. Speaker.

Mr. RICHARDSON of Tennessee. I would be very glad if it could be reported again. I did not hear it.

The bill was again reported with the amendment to the title.

Mr. RICHARDSON of Tennessee. That is simply an amendment to the title, I understand.

The SPEAKER. The attention of the gentleman from Pennsylvania is invited by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I ask if it is simply an amendment to the title; if that is all there is in the Senate amendment?

Mr. MAHON. That is all. I move that the House concur in the Senate amendment.

Mr. BAILEY of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MAHON. Certainly.

Mr. BAILEY of Texas. Will the gentleman from Pennsylvania be good enough to tell the House what these legal services were?

Mr. MAHON. I do not propose to go into that now. It passed the House and the Senate. This is an amendment to the title alone.

Mr. BAILEY of Texas. When did this bill pass the House?

Mr. MAHON. I can not tell the date.

The SPEAKER. February 23.

Mr. BAILEY of Texas. Mr. Speaker, I suppose the merits have been adjudicated, if it passed the House. I have no recollection of it myself.

The SPEAKER. The Chair will state to the gentleman there is nothing in issue except the amendment of the title.

Mr. BAILEY of Texas. I understand that.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the motion was agreed to.

SOCIETY OF AMERICAN FLORISTS.

The SPEAKER also laid before the House the bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists in the District of Columbia with Senate amendments.

The Senate amendments were read at length.

Mr. COWHERD. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

RESTORATION OF CERTAIN WIDOWS TO THE PENSION ROLL.

The SPEAKER also laid before the House the bill (H. R. 9886) to restore certain widows to the pension roll with Senate amendments.

The Senate amendments were read.

Mr. MIERS of Indiana. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. GIBSON, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, I desire to present another conference report on the river and harbor bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 168, 219, 220, 221, and 222, to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same.

As to amendments numbered 168, 219, 220, and 221 the conferees have been unable to agree.

T. E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

KNUTE NELSON,
JAMES McMILLAN,
JAMES H. BERRY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

The conferees on the part of the House, after full and free conference, report that the Senate conferees insist on their disagreement to amendments numbered 168, 219, 220, and 221. The conferees on the part of the House recommend that the House still further insist upon its disagreement and ask for a further conference.

They also recommend that amendment numbered 222, heretofore by clerical error reported as disagreed to when in fact agreed to, be concurred in.

T. E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Conferees on the part of the House of Representatives.

Mr. BURTON. Mr. Speaker, it will be noticed that this report contains the same disagreements as before, but by a clerical error amendment No. 222 was reported as disagreed to, when in fact it was agreed to, and the conferees recommend that that be agreed to. I make the motion, first, that the report upon amendment No. 222, heretofore in fact agreed to, be adopted.

The SPEAKER. Is that the recommendation of the report?

Mr. BURTON. It is.

The SPEAKER. Then, the adoption of the report will serve the same purpose.

Mr. NEWLANDS. I would like to ask what is the nature of the report?

Mr. BURTON. It is to correct the clerical error as to the Upper Missouri River.

Mr. SHERMAN. Mr. Speaker, I would like to ask the gentleman from Ohio if this has anything to do with Grass River?

Mr. BURTON. No.

The question was taken, and the report was agreed to.

Mr. BURTON. I now move, Mr. Speaker, that the House still further insist upon its disagreement to the amendments 168, 219, 220, and 221, and ask for a further conference, and upon that I hope the vote of the House may be prompt and emphatic.

The SPEAKER. Are those the only remaining amendments?

Mr. BURTON. They are, that are disagreed to.

Mr. NEWLANDS. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Nevada?

Mr. BURTON. No; I can not. We have discussed this matter fully.

Mr. NEWLANDS. I want to ask, Mr. Speaker, if it is not in order for me to move that the House recede from its disagreement and concur?

Mr. BURTON. I will yield for that purpose.

The SPEAKER. That is the privilege of the gentleman.

Mr. NEWLANDS. Then I move, Mr. Speaker, that the House recede and concur in amendments 219, 220, and 221.

The SPEAKER. As these amendments have been reported before, without objection they will not be again reported to the House. [After a pause.] The Chair hears no objection. The first amendment is 168, and on that amendment the gentleman from Ohio moves that the House further insist on its disagreement and ask for a conference.

The motion was agreed to.

The SPEAKER. Now, the gentleman from Nevada moves to recede and concur in amendments 219, 220, and 221. Without objection these will be taken in gross. [After a pause.] The Chair hears no objection.

Mr. NEWLANDS. I desire to address the House, Mr. Speaker, on this motion.

Mr. BURTON. I can not yield the floor for discussion.

Mr. NEWLANDS. Does not the gentleman permit any time for discussion? [Cries of "Vote!" "Vote!"]

Mr. Speaker, I ask whether the gentleman from Ohio controls the time?

The SPEAKER. The gentleman from Ohio is entitled to the floor, but the motion of the gentleman from Nevada is a preferential motion.

Mr. NEWLANDS. Upon my motion am I not entitled to the floor?

The SPEAKER. No; the gentleman from Nevada can not take the gentleman from Ohio, who is in charge of the bill, from the floor.

Mr. SHAFROTH. Will not the gentleman from Ohio allow us five or ten minutes' debate on this?

Mr. BURTON. No; I can not. I ask for the previous question.

The previous question was ordered.

The question was then taken on the motion of Mr. NEWLANDS, and the motion was lost.

The SPEAKER. The gentleman from Ohio asks that the House further insist on its disagreement to the Senate amendments, and asks for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS.

HEIRS OF TAWAMNOHA, OR MARTHA CRAYON.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3670) authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, upon due proof of the death of one Tawamnoha, or Martha Crayon, an Indian woman, late of the Devils Lake Sioux Indian Reservation, and due proof of heirship, to issue a patent to her heir or heirs conveying to them the following-described premises, situated in the county of Benson, State of North Dakota, to wit:

The lots numbered 2 and 3 of section 15, the lot numbered 1 of section 22, and the southwest quarter of the southwest quarter of section 14, in township 153 north, of range 67 west of the fifth principal meridian, in the State of North Dakota, containing 159.08 acres; the said premises being land allotted to her in severalty by trust allotment patent of date November 2, 1892; such patent so to be issued to convey to said heir or heirs the said premises in fee, discharged of any trust or incumbrance whatsoever.

SEC. 2. That a certain deed, of date October 23, 1898, executed, acknowledged, and delivered by Matochatka and Mahpiyatokahewin, the father and mother of said Tawamnoha, or Martha Crayon, and parties entitled to succeed to her estate by the laws of the State of North Dakota, she having died without issue, which said deed was duly filed for record in the office of the register of deeds in and for Benson County, State of North Dakota, and recorded in Book E of Deeds, on page 600, and which purported to convey the said premises to Thomas Crayon, the surviving husband of said Tawamnoha, or Martha Crayon, be, and the same is hereby, legalized and in all things confirmed and ratified.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I should like to know what this matter is.

Mr. SPALDING. Mr. Speaker, this is a Senate bill. It has for its object the issuance of a patent to the husband of an Indian woman who died, leaving no children. The widower is a white man. The woman died in 1893, leaving a will under which the husband took all her property. That will has been probated.

The husband sold this piece of land, but the title is incumbered by the fact that the Government holds the land for a term of years in trust for the heirs of the deceased woman. A portion of the trust period has elapsed, but not all of it. This land lies on the border of the reservation and near the site of a small village.

It was desired to secure it for the purpose of building a courthouse and schoolhouse upon it, for the reason that the physical characteristics of the land in the other parts of the town are such that there is no other place suitable for erecting those buildings. This man desires to dispose of his interest. The evidence shows that $600 is a fair price.

Mr. RICHARDSON of Tennessee. Has there been any similar bill reported from any other committee of this House?

Mr. SPALDING. This bill is reported unanimously by the Committee on Indian Affairs.

Mr. RICHARDSON of Tennessee. I have no objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a parliamentary inquiry. I wish to know whether the regular order is not the resolution of the gentleman from Pennsylvania [Mr. DALZELL] for the appointment of a committee to visit during the recess Porto Rico, the Philippines, etc.

The SPEAKER. That is the regular order.

Mr. RICHARDSON of Tennessee. I call for the regular order.

Mr. PAYNE. I move that the House take a recess until 12 o'clock—midnight.

Mr. RICHARDSON of Tennessee. The effect of that will be to kill this resolution. I hope the motion will be voted down.

The question being taken on the motion for a recess, there were on a division (called for by Mr. SHATTUC and others)—ayes 106, noes 67.

Mr. RICHARDSON and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 86, answered "present" 6, not voting 124; as follows:

YEAS—137.

Acheson,	De Graffenreid,	Kerr, Ohio	Reeves,
Alexander,	Dick,	Kleberg,	Robinson, Ind.
Babcock,	Dovener,	Knox,	Rodenberg,
Bailey, Kans.	Driscoll,	Lacey,	Russell,
Baker,	Eddy,	Landis,	Sherman,
Barham,	Faris,	Lane,	Showalter,
Barney,	Fordney,	Lanham,	Slayden,
Bartholdt,	Foss,	Latimer,	Smith, Ill.
Bell,	Fowler,	Littlefield,	Smith, Iowa
Benton,	Gamble,	Long,	Smith, Samuel W.
Bishop,	Gardner, Mich.	Loudenslager,	Southard,
Boutell, Ill.	Gardner, N. J.	McCall,	Spalding,
Bowersock,	Gill,	McDowell,	Sperry,
Bromwell,	Gillett, Mass.	Mahon,	Steele,
Brosius,	Graff,	Mann,	Stevens, Minn.
Burke, Tex.	Greene, Mass.	Marsh,	Stewart, N. J.
Burkett,	Grosvenor,	Mercer,	Stewart, N. Y.
Burleigh,	Hall,	Mesick,	Stewart, Wis.
Burleson,	Hamilton,	Metcalf,	Sulloway,
Butler,	Haugen,	Meyer, La.	Tayler, Ohio
Calderhead,	Hay,	Miller,	Thomas, Iowa
Capron,	Heatwole,	Mondell,	Tompkins,
Cochrane, N. Y.	Hedge,	Moody, Oreg.	Van Voorhis,
Conner,	Henry, Conn.	Morgan,	Wanger,
Corliss,	Henry, Miss.	Morris,	Warner,
Cousins,	Hepburn,	Naphen,	Watson,
Cromer,	Hill,	Needham,	Weaver,
Crumpacker,	Hoffecker,	Olmsted,	Weeks,
Curtis,	Hopkins,	Otjen,	Weymouth,
Cushman,	Howell,	Overstreet,	Wright,
Dahle,	Hull,	Packer, Pa.	Young,
Dalzell,	Jack,	Parker, N. J.	Zenor.
Davenport, S. A.	Jones, Wash.	Payne,	
Davidson,	Joy,	Phillips,	
Davis,	Kahn,	Ray, N. Y.	

NAYS—86.

Adamson,	Davenport, S. W.	McCulloch,	Salmon,
Allen, Ky.	De Armond,	McDermott,	Shackleford,
Atwater,	Dougherty,	McLain,	Shafroth,
Bailey, Tex.	Driggs,	Maddox,	Sheppard,
Ball,	Elliott,	Meekison,	Snodgrass,
Bankhead,	Fitzgerald, Mass.	Moon,	Spight,
Barber,	Fitzgerald, N. Y.	Newlands,	Stallings,
Berry,	Fitzpatrick,	Norton, S. C.	Stark,
Brantley,	Fleming,	Polk,	Stephens, Tex.
Breazeale,	Foster,	Quarles,	Sulzer,
Brenner,	Gaines,	Ransdell,	Sutherland,
Brundidge,	Green, Pa.	Rhea, Ky.	Swanson,
Burnett,	Griggs,	Rhea, Va.	Tate,
Caldwell,	Jett,	Richardson, Ala.	Thayer,
Carmack,	Jones, Va.	Richardson, Tenn.	Thomas, N. C.
Clark,	Kitchin,	Ridgely,	Underwood,
Clayton, Ala.	Kluttz,	Riordan,	Vandiver,
Clayton, N. Y.	Lamb,	Rixey,	Williams, J. R.
Cowherd,	Lentz,	Robb,	Williams, W. E.
Crowley,	Lewis,	Ruppert,	Wilson, N. Y.
Cummings,	Lloyd,	Ryan, N. Y.	
Cusack,	McClellan,	Ryan, Pa.	

ANSWERED "PRESENT"—6.

Bellamy,	May,	Small,	Williams, Miss.
Lybrand,	Scudder,		

NOT VOTING—124.

Adams,	Dinsmore,	Levy,	Robertson, La.
Aldrich,	Emerson,	Linney,	Robinson, Nebr.
Allen, Me.	Esch,	Littauer,	Rucker,
Allen, Miss.	Finley,	Little,	Shattuc,
Bartlett,	Fletcher,	Livingston,	Shelden,
Bingham,	Fox,	Lorimer,	Sibley,
Boreing,	Freer,	Loud,	Sims,
Boutelle, Me.	Gaston,	Lovering,	Smith, Ky.
Bradley,	Gayle,	McAleer,	Smith, H. C.
Brewer,	Gibson,	McCleary,	Smith, Wm. Alden
Brick,	Gilbert,	McRae,	Sparkman,
Broussard,	Gillet, N. Y.	Miers, Ind.	Sprague,
Brown,	Glynn,	Minor,	Stokes,
Brownlow,	Gordon,	Moody, Mass.	Talbert,
Bull,	Graham,	Morrell,	Tawney,
Burke, S. Dak.	Griffith,	Mudd,	Taylor, Ala.
Burton,	Grout,	Muller,	Terry,
Campbell,	Grow,	Neville,	Thropp,
Cannon,	Hawley,	Noonan,	Tongue,
Catchings,	Hemenway,	Norton, Ohio	Turner,
Chanler,	Henry, Tex.	O'Grady,	Underhill,
Cochran, Mo.	Hitt,	Otey,	Vreeland,
Connell,	Howard,	Pearce, Mo.	Wachter,
Cooney,	Jenkins,	Pearson,	Wadsworth,
Cooper, Tex.	Johnston,	Pearre,	Waters,
Cooper, Wis.	Kerr, Md.	Pierce, Tenn.	Wheeler,
Cox,	Ketcham,	Powers,	White,
Crump,	King,	Prince,	Wilson, Idaho
Davey,	Lassiter,	Pugh,	Wilson, S. C.
Dayton,	Lawrence,	Reeder,	Woods,
Denny,	Lester,	Roberts,	Ziegler.

So the motion was agreed to.

The following pairs were announced:

For this day:

Mr. EMERSON with Mr. MAY.

Mr. MORRELL with Mr. SIMS.

On this vote:

Mr. BULL with Mr. JOHNSTON.

Mr. LYBRAND with Mr. NORTON of Ohio.

Until further notice:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. SHELDEN with Mr. FINLEY.

Mr. PEARCE of Missouri with Mr. RUCKER.

Mr. CANNON with Mr. MCRAE.

Mr. BINGHAM with Mr. TALBERT.

Mr. MUDD with Mr. LITTLE.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. LOVERING with Mr. PIERCE of Tennessee.

Mr. GROW with Mr. GASTON.

Mr. BARNEY with Mr. BRUNDIDGE.

Mr. BROWNLOW with Mr. BROUSSARD.

Mr. BOREING with Mr. GILBERT.

Mr. WACHTER with Mr. SMALL.

Mr. KETCHAM with Mr. MULLER.

Mr. ADAMS with Mr. SCUDDER.

Mr. SIBLEY with Mr. HALL.

Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.

Mr. ROBERTS with Mr. BELLAMY.

Mr. WANGER with Mr. ADAMSON

Mr. BURTON with Mr. SPARKMAN.

Mr. JENKINS with Mr. LESTER.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BARTHOLDT). The gentleman will state it.

Mr. RICHARDSON of Tennessee. If this vote shall be in the affirmative and the House takes a recess, is not the result to defeat the resolution proposed by the gentleman from Pennsylvania [Mr. DALZELL], and is it not a vote of want of confidence in the administration, and ought not the administration now in control of affairs in the House to resign?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GAINES. Whether it is or not, you are evidently running from your own resolution.

The result of the vote was then announced as above recorded; and accordingly (at 10 o'clock and 55 minutes p. m.) the House was declared in recess until 12 o'clock midnight.

The recess having expired, the House resumed its session.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. I call up the conference report on the Post-Office appropriation bill. I ask that the reading of the report be dispensed with, and that the statement of the House conferees be read.

There was no objection.

Mr. LOUD. But I think the report ought to be printed in the RECORD.

The SPEAKER. It will be so ordered.

The report was as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 2; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out said amendment and insert the following in lieu thereof:

"The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress the probable cost of connecting a telegraph and telephone system with the postal service by some feasible plan."

And the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

E. O. WOLCOTT,
WM. E. CHANDLER,
MARION BUTLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate receded on amendment numbered 2, which relates to free delivery of mail through repositories or compartment boxes in cities, towns, and villages not now entitled to free delivery under existing law.

The House receded on amendment numbered 3, with the following amendment: Strike out said amendment and insert the following in lieu thereof:

The Postmaster-General is directed, if he has sufficient available informa-

tion to enable him to do so, to report to Congress the probable cost of connecting a telegraph and telephone system with the postal service by some feasible plan.

The SPEAKER. The question is on agreeing to the report.
The report was agreed to.

PENSIONS.

Mr. GIBSON. I call up the conference report upon the bill (H. R. 9886) to restore certain widows to the pension roll. I ask unanimous consent that the reading of the report be dispensed with.

Mr. STEELE. I think we ought to have the report read. It is short.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9886) to restore certain widows to the pension roll, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments, and concur in the same.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the agreement is to generalize the House bill so as to make it refer to all wars, the House bill confining its benefits exclusively to the widows of soldiers in the war of the rebellion. The agreement also protects the interests of helpless children, and provides that no fee shall be paid any person for services in prosecuting claims under the act.

HENRY R. GIBSON,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the vote by which the report was agreed to was laid on the table.

HEARINGS ON THE OLEOMARGARINE BILL.

Mr. HEATWOLE. I desire to call up from the Speaker's table Senate concurrent resolution 115 for present consideration, with the amendments which I send to the Clerk's desk.

The SPEAKER. Is this privileged?

Mr. HEATWOLE. I think so.

The SPEAKER. The gentleman from Minnesota [Mr. HEATWOLE] calls up the resolution which will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings, including the majority report and views of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted, relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House of Representatives and 10,000 copies for the use of the Senate. The usual number shall not be printed.

The amendments were read, as follows:

In line 8 strike out "twenty" and insert "four."
In line 10 strike out "ten" and insert "two."

Mr. RICHARDSON of Tennessee. I do not think this is a privileged resolution.

Mr. HEATWOLE. This printing is for the House and Senate.

Mr. RICHARDSON of Tennessee. Not for the Departments, but altogether for the House?

Mr. HEATWOLE. For the House and Senate.

Mr. RICHARDSON of Tennessee. Will the gentleman state what this document is which the resolution proposes to have printed?

Mr. HEATWOLE. The hearings on the oleomargarine bill.

The SPEAKER. The opinion of the Chair is that the resolution is not privileged. It is not reported from the committee.

Mr. HEATWOLE. I consulted the members of the committee in regard to the resolution.

Mr. RICHARDSON of Tennessee. I have no doubt it is all right.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The amendments proposed by Mr. HEATWOLE were agreed to, and the resolution as amended was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 9886) to restore certain widows to the pension roll, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. KENNEY as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2619. An act for the relief of Agnes and Maria De Leon;
H. R. 10698. An act to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars;"
H. R. 13436. An act to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River;
H. R. 6591. An act for the relief of Austin A. Yates;
H. R. 11350. An act to establish the National Bureau of Standards;
H. R. 14093. An act to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas;
H. R. 14236. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes;
H. R. 8270. An act for the relief of Herman von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry;
H. R. 7072. An act granting a pension to Mary Barron;
H. R. 10701. An act to amend section 6, chapter 119, United States Statutes at Large, No. 24;
H. R. 11828. An act to remove charge of desertion from military record of Charles F. Kramer;
H. R. 8946. An act to pay to J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina;
H. R. 12204. An act granting an increase of pension to Mary A. Tunis;
H. R. 12004. An act granting an increase of pension to George B. Smith;
H. R. 13329. An act granting an increase of pension to Grotius N. Udell;
H. R. 3491. An act granting a pension to Melvina Greenawalt;
H. R. 9539. An act granting an increase of pension to Ella V. Coston;
H. R. 14138. An act to authorize the Pigeon River Improvement, Slide and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River in said State at what is known as the cascades of said river;
H. R. 5645. An act granting an increase of pension to William H. H. Bouslough;
H. R. 12392. An act granting a pension to Henry Smith;
H. R. 523. An act for the relief of Arba N. Waterman;
H. R. 1959. An act for the relief of the heirs of George W. Saulpaw;
H. R. 7202. An act granting an increase of pension to Elizabeth Causey;
H. R. 13195. An act to amend section 5153 of the Revised Statutes of the United States;
H. R. 12386. An act granting an increase of pension to William N. Hall;
H. R. 11795. An act granting a pension to Columbus S. Whitaker;
H. R. 7055. An act granting a pension to John G. Barr;
H. R. 427. An act for the relief of heirs of Mrs. Tellisse W. Wilson;
H. R. 13794. An act granting a pension to Hix Patterson;
H. R. 13068. An act to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized;
H. R. 9843. An act granting an increase of pension to John A. Hardy;
H. R. 568. An act for the relief of W. T. Fitzpatrick, Bedford City, Va.;
H. R. 7995. An act granting a pension to Jane Hunter;
H. R. 12331. An act to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes;"
H. R. 11453. An act granting a pension to Charles E. Binns;
H. R. 10758. An act granting a pension to Sallie B. Wilson;
H. R. 11303. An act granting a pension to Elizabeth M. Killen;
H. R. 11998. An act granting an increase of pension to John H. Horner;
H. R. 13520. An act granting an increase of pension to Cornelia Hays;
H. R. 13530. An act to provide an American register for the foreign-built ship *Balclutha;*
H. R. 364. An act granting an increase of pension to Lewis Black;
H. R. 10001. An act for the relief of the heirs of Joseph T. Stout;
H. R. 8032. An act to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;

H. R. 4853. An act for the relief of the heirs at law of Edward N. Oldmixon;
H. R. 11197. An act granting an increase of pension to Eugene Leahy;
H. R. 12801. An act granting a pension to Willis Brady;
H. R. 628. An act for the relief of Hamilton M. Sailors;
H. R. 12816. An act granting an increase of pension to Samuel A. Needham;
H. R. 1769. An act granting an increase of pension to Isaac H. Duval;
H. R. 12939. An act granting an increase of pension to Thomas J. Kerstetter;
H. R. 12507. An act granting an increase of pension to Ezekiel Dawson;
H. R. 7544. An act granting an increase of pension to Florence L. Stewart;
H. R. 7354. An act granting an increase of pension to Milbre V. Douglass;
H. R. 3696. An act for the relief of the administrator of Mary R. Frost, deceased;
H. R. 573. An act for the relief of Arthur Connell;
H. R. 7321. An act granting a pension to Armilda J. Luttrell;
H. R. 6409. An act granting a pension to Maria E. Hamill;
H. R. 13568. An act granting an increase of pension to James Hickey;
H. R. 13173. An act granting an increase of pension to Ellen Pratt;
H. R. 2472. An act to correct the military record of John H. Finfrock;
H. R. 2659. An act for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;
H. R. 13725. An act granting a pension to Emily S. Knight;
H. R. 13699. An act granting an increase of pension to Samuel S. F. Seabury;
H. R. 2294. An act for the relief of J. Z. Davis, of Alexandria, Va.;
H. R. 14028. An act for the relief of Aquilla J. Daugherty;
H. R. 4588. An act granting an increase of pension to Peter M. Hill;
H. R. 1215. An act granting a pension to Charles M. Neet;
H. R. 4193. An act granting a pension to Levi C. Mann;
H. R. 12747. An act granting a pension to Arline E. McNutt;
H. R. 13998. An act granting an increase of pension to Margaret L. B. Parsons;
H. R. 6776. An act granting a pension to Annie Chamberlain;
H. R. 4132. An act granting an increase of pension to Elijah Baxter;
H. R. 12732. An act granting an increase of pension to Elizabeth Reynolds;
H. R. 7603. An act to correct the military record of James A. Somerville;
H. R. 10334. An act granting an increase of pension to Nellie F. P. Koehler;
H. R. 2163. An act granting an increase of pension to Mary L. Cramer;
H. R. 1730. An act granting an increase of pension to Alfred H. Jones;
H. R. 3648. An act granting an increase of pension to Charles W. Little;
H. R. 7688. An act granting a pension to Katy Kurth;
H. R. 13080. An act granting an increase of pension to John F. Carbee;
H. R. 14269. An act confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians; and
H. R. 10302. An act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5573. An act to amend section 203 of Title III of the act entitled, "An act making further provisions for a civil government for Alaska, and for other purposes."

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President of the United States had approved and signed bills of the following titles:

On March 2, 1901:

H. R. 4345. An act to create a new Federal judicial district in Pennsylvania, to be called the middle district;
H. R. 13907. An act to revive and amend an act entitled "An act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.;"
H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902;
H. R. 13850. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902;
H. R. 13801. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902;
H. R. 12846. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 12394. An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder;
H. R. 13803. An act to amend section 1900 of chapter 252, 29 Statutes at Large, approved May 28, 1896;
H. R. 13707. An act authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River;
H. R. 10899. An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona;
H. R. 13865. An act relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats;
H. R. 12396. An act to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act;
H. R. 13992. An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;
H. R. 7760. An act for the relief of James Kelly;
H. R. 5220. An act for the relief of Charles M. Kennerly;
H. R. 1889. An act for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;
H. R. 3819. An act for the relief of the widows and children of William Ryan and John S. Taylor, deceased;
H. R. 11161. An act to refund excessive postage paid on certain newspapers;
H. R. 14144. An act to authorize the construction of a bridge across Pearl River at Monticello, Miss.; and
H. R. 7571. An act to prevent the failure of military justice, and for other purposes.

The following joint resolutions, approved March 2, 1901:

H. J. Res. 249. Joint resolution providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition;
H. J. Res. 259. Joint resolution to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange; and
H. J. Res. 306. Joint resolution concerning printing of additional copies of the Annual Report of the Geological Survey.

On March 3, 1901:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases;
H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes;
H. R. 12291. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 12904. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 11881. An act to amend the acts for the protection of birds, game, and fish in the District of Columbia;
H. R. 8068. An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county;
H. R. 13776. An act authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns;
H. R. 12901. An act to supplement existing laws relating to the disposition of lands, etc.;
H. R. 14309. An act for the reward of enlisted men of the Navy or Marine Corps;
H. R. 11598. An act for the relief of Frank B. Case; and
H. R. 14236. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9886) to restore certain widows to the pension roll.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of

the two Houses on the amendments of the Senate to the bill (H. R. 13929) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 11830. An act for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

COMMISSION TO VISIT ISLAND POSSESSIONS.

Mr. RICHARDSON of Tennessee. I now desire to call up the report from the Committee on Rules.

The SPEAKER. The gentleman from Tennessee calls up the regular order.

Mr. PAYNE. I move that the House take a recess until half past 12.

Mr. RICHARDSON of Tennessee. I make the point that that motion is dilatory and in obstruction of public business.

Mr. PAYNE. I do so in the interest of public business, so that the House can transact public business. The sundry civil bill will be here by half past 12.

Mr. RICHARDSON of Tennessee. We will get through this other matter by that time.

Mr. PAYNE. This will be in the way of the sundry civil bill.

Mr. RICHARDSON of Tennessee. I make the point of order that it is dilatory.

The SPEAKER. It is a pretty strained ruling, but the Chair will sustain the point. [Laughter.] The gentleman from Pennsylvania will proceed.

Mr. DALZELL. I yield five minutes to the gentleman from Georgia.

Mr. MAHON. I move to lay the resolution on the table.

Mr. HEPBURN. A parliamentary inquiry, Mr. Speaker. What is the regular order?

The SPEAKER. The Speaker can not entertain the motion of the gentleman from Pennsylvania, because the gentleman has not the floor.

Mr. SULZER. The revenue-cutter bill is the regular order.

Mr. DALZELL. I have already yielded to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, if I can have order for just a few minutes I would be very much obliged.

The SPEAKER. The House will be in order.

Mr. MADDOX. I want to say on yesterday a resolution was introduced into this House by the gentleman from Wisconsin to appoint a committee or a commission from the Committee on Insular Affairs of this House to visit Porto Rico and the Philippine Islands and to make a report back to the next Congress. That resolution was referred to the Committee on Rules of this House, composed of the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Ohio [Mr. GROSVENOR], the Speaker himself, the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Texas [Mr. BAILEY]. I mention these gentlemen for this purpose: That a gentleman on that side of the House, the gentleman from Vermont, to-day arose in his place and denounced this measure—that is, this resolution—that was unanimously reported by these gentlemen of the House for the purpose of appointing this commission as a "pure and simple junket." That is the way he denounced it. Now, let me say this: Has it come to this—that these gentlemen, who are leaders of this House upon that side and upon this, and even the Speaker, have lent themselves for this purpose; that is, to establish a junket for the benefit of members? That is exactly what the gentleman from Vermont did, and it did not only reach over that side, but the gentleman from Mississippi, on this side, also designated it in other words——

Mr. STEELE. Why, what do you think about it?

Mr. MADDOX. If you will sit down, I will tell you about it. [Laughter and applause.] That is exactly what I am going to do. Now, I want to say this: I say that the assertions of both gentlemen are a reflection upon the Committee on Rules of this House, and not only upon the Committee on Rules, but a reflection on the Committee on Insular Affairs, when they make that assertion. What does it mean? A "junket pure and simple"—going over the country at the expense of the Government, taking a mere pleasure trip. I want to say, as one member of that committee, that if that is the purpose, even if I were appointed, I would not under any circumstances go upon any such trip. I would not think of it.

Mr. HAMILTON. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Michigan?

Mr. MADDOX. I do not care to yield. I want to tell the gentleman from Indiana what I think about it, and then I will tell what I expect the gentleman, too, thinks about it. I think, Mr. Speaker, that we ought to have a committee appointed by this House to go to the Philippines and Porto Rico and be able to report the conditions there, and be represented by both sides of this House. But now what do we have? As General Grant said upon one occasion many years ago, "You can always depend upon the Democrats acting the fool at the proper time." [Laughter.] Now, we have got an opportunity to give our side a chance to have Representatives go down to these islands—to the Philippines and Porto Rico—we have gentlemen to rise on this side and say this is a mere junket, and they have gentlemen upon that side to say it is a mere junket. I desire to say it is already whispered upon that side of the House that this is a bad proposition. "Don't you let these Democrats go down there and find out the facts in this case. Let us give it to them censored, as it is now. Let us give them the information we want them to have and no more."

Mr. HAMILTON. Will the gentleman yield to me now?

The SPEAKER. The gentleman has already declined to yield.

Mr. MADDOX. I will yield if it is a question.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDOX. I will ask five minutes more.

Mr. DALZELL. I have no more time to give. I have promised it all. [Cries of "Vote!"]

The SPEAKER. The gentleman from Georgia asks an extension of time for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDOX. I want to say to the gentleman on this side of the House who said he was opposed because he thought the distinguished gentlemen on the other side would be abler—in other words, that the distinguished gentlemen on the other side of the House were so able, and so much more so than the minority members of the Committee on Insular Affairs, that we would practically have but one report—that I take it for granted that the mistake gentlemen made in reporting this was in not selecting those able men when they presented the report to us.

Mr. GAINES. I would like to ask the gentleman a question. Do you not think it is necessary to have this report inasmuch as it presents an opportunity of getting the truth of the matter as to these islands?

Mr. MADDOX. I understand the situation. I have not got time to yield.

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. MADDOX. I do not. The truth of the matter is this: I can see it; I can understand it. So far as I am individually concerned, I want to say that I do not want to go to the Philippines; but I will say, furthermore, that my colleague from Virginia and myself have already determined to go to Porto Rico at our own expense and see for ourselves what is going on down there. [Loud applause.] I have no desire to and I have never entered into a junket, either at the expense of the United States or anybody else, and I never intend to. I may not be as able as the gentleman from Mississippi, but I claim to be as honest and patriotic as he. And if this House shall think it wise that we ought to have a report, and this side of the House ought to be represented in the legislation to take place upon these islands, I suggest that you appoint the able gentleman from Mississippi to represent the Democrats on this side, and I think the opposition that we had from one or two will be withdrawn. [Applause.] I thank you for your attention. [Cries of "Vote!"]

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption of a few moments, or for about ten seconds?

Mr. HOPKINS. I ask unanimous consent that the gentleman from Mississippi be permitted to address the House for five minutes.

Mr. SHATTUC and others. I object.

Mr. WILLIAMS of Mississippi. I desire merely to reply in one minute.

The SPEAKER. No one rose in his place, and therefore——

Mr. CARMACK (rising). I object.

Mr. WILLIAMS of Mississippi. Do I understand, after a personal attack was made upon me, that the gentleman from Tennessee objects to my having one minute?

Mr. CARMACK. I object.

Mr. DALZELL. I yield one minute to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, nothing has distressed me more than what I have just heard. If there is a gentleman upon the floor of this House for whom I have personal affection, great respect, and a high regard, it is the gentleman from Georgia who has just taken his seat. I have known him for many years. I know him to be perfectly honest; I know him to be perfectly earnest in all he undertakes; I know him to be patriotic in all his intents. Therefore I can not attribute the uncalled for and unprovoked mention of my name in that connection by the gentleman from Georgia to anything except a suspicion on his part that when I spoke of the ability of the Republican members of this committee he thought that I was reflecting upon his own lack of ability.

Mr. MADDOX. That is exactly what I understand, and I think the House understood the same thing.

Mr. WILLIAMS of Mississippi. If the gentleman gathered that I thought he was not equal in mental ability or strategic ability to some other men whom I have mentioned, he gathered it from his own inner consciousness of the fact, and not from anything I said. [Applause.]

Mr. MADDOX. Now, Mr. Speaker, can I have just a word—just a minute?

The SPEAKER. The gentleman from Georgia asks unanimous consent that he may speak for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDOX. Mr. Speaker, I call gentlemen's attention to the remarks which the gentleman from Mississippi made; you all heard them. You all heard what he said in regard to what this committee would do.

Mr. WILLIAMS of Mississippi. I understood the gentleman from Georiga said he would not go to the Philippines, and therefore he ought to understand I could not have been talking about him.

Mr. MADDOX. I am not attempting to defend myself, but I am attempting to defend my colleagues. There is no man that heard the gentleman's remarks on this floor that could have understood it in any other direction than a reflection upon the ability of these men upon that committee. That is my answer.

Mr. DALZELL. Mr. Speaker, I now yield three minutes to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, I think this committee ought to be appointed. I think the investigation ought to be made. I believe the country wants to know the truth. I do not think we have yet got the truth. I think this commission would throw more light on this subject. I do think the resolution ought to be amended, however, and with the consent of the gentleman from Pennsylvania, I will offer the following amendment.

Mr. DALZELL. I can not consent to that.

Mr. FLEMING. Well, I will read it as a part of my remarks.

1. Amend by striking out the words "Porto Rico" and the words "and Cuba" in line 5 of the resolution, and also out of the title.

2. Amend by adding at the end of the resolution the following: "*Provided*, That no evidence or testimony shall be rejected by said commission, nor excluded from the printed proceedings when the reception and printing of said evidence or testimony shall be requested by any three members of said commission."

Now, Mr. Speaker, I seek to put that qualification upon this resolution in order that the truth may not be suppressed. I do not believe the committee will suppress it, but I have heard it intimated upon this side of the House that such action might be taken by the majority of four against the minority of three. I simply want to guarantee that whenever the minority of that committee desires certain testimony to be taken by that commission that the majority of four shall not be allowed to suppress it. I understand that such action was taken before one of the committees of this House. Witnesses were offered by the minority and the majority refused to allow them to testify. I do not know that that is true.

Mr. HULL. The gentleman refers to the Cœur d'Alene testimony. Was not the matter submitted to the House?

Mr. HAY. The gentleman from Iowa is mistaken upon that.

Mr. FLEMING. I am speaking of the abuse that was practiced in one instance, and I hope the House will accept this amendment and allow it to go on the resolution. With that amendment I am heartily in favor of this commission, and I hope every member on the Democratic side of this House will vote to let us get at a part of the truth, if we can not get at all of it.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania whether he yielded to the gentleman from Georgia for the purpose of offering an amendment?

Mr. DALZELL. I did not; I can not yield for that purpose. I now yield three minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am opposed to the committee which is proposed for three reasons. First, as a Democrat, I am opposed to all commissions, and I regard this as nothing but a commission under the name of a committee. Second, I do not think it practicable for this committee to visit Porto Rico, Cuba, and the Philippines and to bring back to this House on the 1st day of next December, or when it meets in December, any evidence that will be of any use to anybody.

In the third place, I am opposed to it from a political standpoint, because I never yet have been able to see that the Democratic party has gained anything from a committee a majority of whom are Republicans. I am opposed to it for another reason—that no matter what the evidence may be that these gentlemen bring back here, it will not change the attitude of the gentlemen on either side of the Chamber. We will have one report which one side will rely upon, and another report which the other side will rely upon. If this was a commission, or if it was a committee, to investigate the scandals in the Philippine Islands, then I should vote for it. But when they talk about investigating the facts as to the civilization and conditions there, I do not believe there is anything feasible in it or that anything practicable can come out of it. [Applause.]

Mr. DALZELL. I now yield three minutes to the gentleman from Alabama [Mr. CLAYTON], and then I shall ask the previous question.

Mr. MORRIS. Is it in order, Mr. Speaker, to move a recess?

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has the floor and he can not be taken from the floor.

Mr. CLAYTON of Alabama. Mr. Speaker, at the beginning of this Congress I had the honor to serve for some months on the Committee on Insular Affairs. This committee spent many days in the investigation of the condition of affairs in "our new acquisitions," to use a phrase that has been applied to them.

The answer always was, when the evidence adduced before that committee was quoted to sustain any proposition on any side of any contention, that the testimony was ex parte, that it was the testimony of witnesses sent out by the Administration from Washington to ascertain certain things and to report in accordance with previous instructions. I have never heard a Democrat give any credence to the testimony of any commissioner sent out by Mr. McKinley to Porto Rico or anywhere else unless it suited his side of the argument. And so likewise with our Republican brethren; unless the testimony of that witness suited their side of the contention it was discredited by them.

Now, Mr. Speaker, it seems to me that in the interest of the whole truth—for, as I take it, the Republican party is committed to the retention of the Philippine Islands—if you propose to retain these islands for an indefinite period, to have a Territorial form of government there in perpetuity, why not let this House, Democrats as well as Republicans—because we on this side do not concede to you a monopoly in patriotism and we do not want you to have a monopoly of information—let us send this committee there at a mere nominal sum.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. CLAYTON of Alabama. Mr. Speaker, I would like three minutes more.

The SPEAKER. The gentleman from Alabama requests that his time be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON of Alabama. Mr. Speaker, in the legislation that will concern the members of the Fifty-seventh Congress, and perhaps many more Congresses, one of the main questions will be, What shall we do with the Philippine Islands and Porto Rico? Then the testimony of this committee will be taken in preference to the testimony of the ex parte commission sent out by the Administration. Why not let the members of the minority and the majority go to these islands and investigate for themselves and report?

Mr. Speaker, I do not care for the amendment offered by the gentleman from Georgia. I know these members of the Committee on Insular Affairs, and in point of honesty, patriotism, and ability they rank second to no committee in this House. As to the distinguished chairman of that committee, I have every confidence in his fairness, in his honesty, and pardon me for saying it, his fairness, his impartiality, so well known to every member of this House, is one of the deterring causes why some members on that side of the Chamber do not vote for this resolution. [Applause.]

It is known to you and every member in this Chamber that the distinguished chairman and other Republicans in this Congress to whom I might refer are in favor of a full and fair investigation. I believe that these members will bring back to us such information that we can legislate here intelligently, whatever may be the policy of the majority party. Therefore, Mr. Speaker, as one of the minority I hope this resolution will be adopted. I have no fear as to what this commission or committee will do. The Republican members of it are honest and fair. The Democratic members are experienced, able, honest, patriotic, and fair. I hope the resolution will be adopted. [Applause.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I am not willing that there shall be any misunderstanding with respect to this proposition and the relation of the Committee on Rules thereto. This is not the proposition of any member of the Committee on Rules. It is not the proposition of the Committee on Rules. It came to that committee in the ordinary course. A resolution offered by the chairman of the Committee on Insular Affairs was referred to the Committee on Rules; and the matter was seriously considered by all the members of that committee. That resolution provided that the entire Committee on Insular Affairs, consisting of 17 members, should go on this visit to these various islands. I say, without disclosing any secrets of the committee room, that almost every member of the committee had serious scruples as to the reporting of this rule.

It was urged upon us, however, that this House must eventually deal with all these great questions, and that all the information which had come to this House, or was likely to come to it, had

come and would come through Executive channels; and it was therefore proper that the House, through its own members, should possess itself of this information. The Committee on Rules, by its report of this resolution, is not committed in favor of the resolution or against it. I say it was represented to them that the House ought, by means of its own members, to possess itself of this information, and it was thought by the committee that this was a question which the House was entitled to pass upon. That is the question now to be submitted to the House; to be determined as each gentleman, voting according to his conscience, may see fit to decide. I ask for the previous question.

Mr. COOPER of Wisconsin. After what the gentleman has said about this resolution having come from me, will he yield to me a few minutes for a reply?

Mr. DALZELL. I say it came from the Committee on Insular Affairs.

Mr. COOPER of Wisconsin. I want one minute to reply to that statement.

Mr. DALZELL. Well, I yield the gentleman one minute.

Mr. COOPER of Wisconsin. Mr. Speaker, the learned gentleman from Pennsylvania, of the Committee on Rules, has stated that the resolution now before the House came to the Committee on Rules in regular order, and that they are not responsible for it. The resolution which I drew and presented omitted Cuba. I told members of the Committee on Rules that I omitted Cuba deliberately; that I thought it ought not to be in the resolution. The Committee on Rules inserted it, and when I heard that it had been inserted I was under the impression that it was for the purpose of solidifying the Republican vote against the resolution. [Applause on the Democratic side.]

I want the gentleman from Pennsylvania to know that I understand at least a little of the game of politics; that it is perfectly apparent to me that Cuba was put in the resolution for the purpose of defeating it. I am not complaining. I am simply letting people understand that I know what is going on; that is all. [Applause.]

Mr. DALZELL. Mr. Speaker, the gentleman's statement is wholly without justification. It is utterly preposterous. No such idea was in the mind of any member of the Committee on Rules.

Mr. COOPER of Wisconsin. Will the gentleman permit me to reply to that?

Mr. DALZELL. I ask for the previous question.

Mr. COOPER of Wisconsin. Will the gentleman permit me to reply to the statement he has just made?

Mr. DALZELL. No; I will not.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

The previous question was ordered.

The SPEAKER. The question is now on ordering the joint resolution to be engrossed and read a third time.

The question having been put,

The SPEAKER. The noes appear to have it.

Mr. CLAYTON of Alabama. Let us have the yeas and nays.

The yeas and nays were ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to submit a privileged report, the report of a conference committee.

The SPEAKER. The gentleman from Illinois calls up a privileged report.

Mr. RICHARDSON of Tennessee. I make the point of order that the report of the Committee on Rules has precedence.

Mr. CANNON. This is a matter of the highest privilege. I think it will not take more than five minutes.

Mr. RICHARDSON of Tennessee. The yeas and nays have been ordered.

The SPEAKER. The Chair reminds the gentleman from Tennessee that a conference report has often been called up when a special order was under consideration.

Mr. SHAFROTH. Can such a report be called up after the yeas and nays are ordered on another question?

The SPEAKER. It can. The Clerk had not been directed to call the roll.

Mr. CANNON. I ask that the report which I send to the desk be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have been unable to agree.

J. G. CANNON,
W. H. MOODY,
THOS. C. McRAE,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. CANNON. I move that the House further insist on its disagreement to the Senate amendments and ask a further conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. McRAE as conferees on the part of the House.

COMMISSION TO VISIT ISLAND POSSESSIONS.

The SPEAKER. The yeas and nays have been ordered.

The question was taken; and there were—yeas 83, nays 139, marked "present" 11, not voting 120; as follows:

YEAS—83.

Adamson,	Denny,	McLain,	Shackleford,
Atwater,	Dougherty,	McRae,	Shafroth,
Bailey, Tex.	Elliott,	Maddox,	Sheppard,
Ball,	Fitzgerald, N. Y.	Miers, Ind.	Smith, Ky.
Bankhead,	Fleming,	Minor,	Snodgrass,
Bell,	Foster,	Mondell,	Spight,
Boutell, Ill.	Gaines,	Newlands,	Stallings,
Broussard,	Glynn,	Otey,	Stark,
Brundidge,	Green, Pa.	Otjen,	Sutherland,
Burnett,	Henry, Tex.	Polk,	Swanson,
Carmack,	Jett,	Quarles,	Tawney,
Clark,	King,	Ransdell,	Thayer,
Clayton, Ala.	Kluttz,	Rhea, Ky.	Thomas, N. C.
Clayton, N. Y.	Lamb,	Richardson, Ala.	Turner,
Cochran, Mo.	Lentz,	Richardson, Tenn.	Underhill,
Cowherd,	Lloyd,	Riordan,	Underwood,
Crowley,	Lovering,	Rixey,	Vandiver,
Dalzell,	McAleer,	Robb,	Wanger,
Davenport, S. W.	McClellan,	Ruppert,	Williams, W. E.
Davey,	McCulloch,	Ryan, N. Y.	Zenor.
De Armond,	McDowell,	Salmon,	

NAYS—139.

Acheson,	Davenport, S. A.	Kahn,	Prince,
Alexander,	Davidson,	Kerr, Ohio	Ray, N. Y.
Allen, Me.	Davis,	Kitchin,	Reeves,
Babcock,	Dick,	Kleberg,	Ridgely,
Baker,	Dovener,	Lacey,	Robinson, Ind.
Barber,	Driscoll,	Landis,	Rodenberg,
Barham,	Emerson,	Lane,	Russell,
Barney,	Esch,	Lanham,	Shattuc,
Bartholdt,	Fletcher,	Latimer,	Showalter,
Berry,	Fordney,	Lawrence,	Slayden,
Bishop,	Fowler,	Levy,	Smith, Ill.
Bowersock,	Gamble,	Littauer,	Smith, Iowa
Brantley,	Gardner, Mich.	Long,	Smith, H. C.
Breazeale,	Gardner, N. J.	Lorimer,	Smith, Samuel W.
Brick,	Gibson,	Lybrand,	Southard,
Bromwell,	Gill,	Mahon,	Sperry,
Brosius,	Graff,	Mann,	Steele,
Bull,	Greene, Mass.	Marsh,	Stephens, Tex.
Burke, Tex.	Griffith,	Mercer,	Stevens, Minn.
Burkett,	Griggs,	Miller,	Stewart, N. J.
Burleigh,	Grosvenor,	Moody, Mass.	Stewart, N. Y.
Burleson,	Haugen,	Moody, Oreg.	Sulloway,
Burton,	Hawley,	Moon,	Sulzer,
Butler,	Hay,	Morgan,	Tayler, Ohio
Calderhead,	Hedge,	Morris,	Thomas, Iowa
Cannon,	Hemenway,	Naphen,	Tompkins,
Capron,	Henry, Conn.	Needham,	Van Voorhis,
Cochrane, N. Y.	Henry, Miss.	O'Grady,	Vreeland,
Conner,	Hepburn,	Olmsted,	Warner,
Corliss,	Hill,	Packer, Pa.	Waters,
Cousins,	Hopkins,	Parker, N. J.	Weaver,
Cromer,	Howell,	Payne,	Weymouth,
Crumpacker,	Hull,	Pearce, Mo.	Williams, Miss.
Curtis,	Jack,	Phillips,	Wright.
Cushman,	Jones, Wash.	Powers,	

ANSWERED "PRESENT"—11.

Bailey, Kans.	Cooper, Tex.	Meyer, La.	Stewart, Wis.
Bellamy,	Hall,	Norton, S. C.	Williams, J. R.
Benton,	Hamilton,	Scudder,	

NOT VOTING—120.

Adams,	Eddy,	Lewis,	Rucker,
Aldrich,	Faris,	Linney,	Ryan, Pa.
Allen, Ky.	Finley,	Little,	Shelden,
Allen, Miss.	Fitzgerald, Mass.	Littlefield,	Sherman,
Bartlett,	Fitzpatrick,	Livingston,	Sibley,
Bingham,	Foss,	Loud,	Sims.
Boreing,	Fox,	Loudenslager,	Small,
Boutelle, Me.	Freer,	McCall,	Smith, Wm. Alden
Bradley,	Gaston,	McCleary,	Spalding,
Brenner,	Gayle,	McDermott,	Sparkman,
Brewer,	Gilbert,	May,	Sprague,
Brown,	Gillett, Mass.	Meekison,	Stokes,
Brownlow,	Gillet, N. Y.	Mesick,	Talbert,
Burke, S. Dak.	Gordon,	Metcalf,	Tate,
Caldwell,	Graham,	Morrell,	Taylor, Ala.
Campbell,	Grout,	Mudd,	Terry,
Catchings,	Grow,	Muller,	Thropp,
Chanler,	Heatwole,	Neville,	Tongue,
Connell,	Hitt,	Noonan,	Wachter,
Cooney,	Hoffecker,	Norton, Ohio	Wadsworth,
Cooper, Wis.	Howard,	Overstreet,	Watson,
Cox,	Jenkins,	Pearson,	Weeks,
Crump,	Johnston,	Pearre,	Wheeler,
Cummings,	Jones, Va.	Pierce, Tenn.	White,
Cusack,	Joy,	Pugh,	Wilson, Idaho
Dahle,	Kerr, Md.	Reeder,	Wilson, N. Y.
Dayton,	Ketcham,	Rhea, Va.	Wilson, S. C.
De Graffenreid,	Knox,	Roberts,	Woods,
Dinsmore,	Lassiter,	Robertson, La.	Young,
Driggs,	Lester,	Robinson, Nebr.	Ziegler.

So the House refused to order the joint resolution to be engrossed and read a third time.

The following additional pairs were announced:
Until further notice:
Mr. CONNELL with Mr. CALDWELL.
Mr. YOUNG with Mr. BENTON.
Mr. BURKE of South Dakota with Mr. JOHNSTON.
Mr. MORRELL with Mr. GORDON.
Mr. HOWELL with Mr. RYAN of Pennsylvania.
Mr. BAILEY of Kansas with Mr. ALLEN of Kentucky.
Mr. LOUDENSLAGER with Mr. STALLINGS.
Mr. SHERMAN with Mr. DRIGGS.
Mr. FOSS with Mr. LEWIS.
Mr. WEEKS with Mr. RHEA of Virginia.
Mr. GILLETT of Massachusetts with Mr. THAYER.
Mr. JENKINS with Mr. LESTER.
Mr. HITT with Mr. DINSMORE.
Mr. DAHLE with Mr. TERRY.
On this vote:
Mr. PEARRE with Mr. JACK.
Mr. HEATWOLE with Mr. TATE.
Mr. MCCLEARY with Mr. COOPER of Texas.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am paired with the gentleman from New York [Mr. WADSWORTH]; but understanding and believing that the gentleman from New York, if present, would cast the same vote I have cast, I shall allow my vote to stand upon this proposition.

The SPEAKER. The Chair would suggest that such explanations are out of order.

The result of the vote was then announced as above recorded.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MADDOX. Mr. Speaker, a few moments ago I referred to the gentleman from Mississippi [Mr. WILLIAMS], who made some remarks on the committee and what I thought about it, but I find on examination of the RECORD that his attention was called to this fact by the gentleman from Texas [Mr. BAILEY], and the gentleman from Mississippi especially disclaimed, as the RECORD shows, anything of the sort, which I did not understand. I thought that he had reflected upon the committee to which I belonged, and I find, as I get it from the RECORD, that that is not true. Now, I feel it my duty, under the circumstances, to make it known to the House that I apologize to the gentleman for what I have said, because I was mistaken. [Applause.] This is the best I can do.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to say that this merely justifies me in what I said in claiming that of all the men in Washington who have been friends of mine, and who deserve to be friends of anybody as well as mine, my friend from Georgia would always remain in my memory as one of the chief. [Applause.]

Mr. PAYNE. Mr. Speaker, I understand that the two appropriation bills, the sundry civil bill and the river and harbor bill, are not yet agreed upon; that it will be impossible for the engrossing clerk to engross them if we take a recess until morning. I therefore move that the House take a recess until 2 o'clock.

The motion was agreed to, and accordingly (at 1 o'clock and 18 minutes) the House took a recess until 2 o'clock a. m.

The recess having expired, the House at 2 o'clock a. m. resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, and still further insists upon its amendments to the bill disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 5943. An act to establish Lowelltown, Me., a subport of entry.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13609. An act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia;

H. R. 9886. An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows;

H. R. 14228. An act to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city;

H. R. 4204. An act to correct the military record of George A. Winslow;

H. R. 13396. An act to amend section 5546 of the Revised Statutes;

H. R. 9503. An act granting an increase of pension to Samuel Baughman;

H. R. 2617. An act for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 due him for judicial services;

H. R. 13186. An act granting an increase of pension to Francis M. Thompson;

H. R. 12232. An act granting a pension to Hanna Martha Dusenberry; and

H. R. 3003. An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3670. An act authorizing and directing the Secretary of the Interior to issue a patent to the heir or heirs of one Tawamnoha, or Martha Crayon, conveying to them certain lands in the State of North Dakota, confirming certain conveyances thereof, and for other purposes; and

S. 6048. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891.

LOWELLTOWN, ME., A SUBPORT OF ENTRY.

Mr. BURLEIGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 14018.

The SPEAKER. Does not the gentleman refer to the Senate bill 5943?

Mr. BURLEIGH. Yes; I ask that the House consider the Senate bill.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 5943) to establish Lowelltown, Me., a subport of entry.

Be it enacted, etc., That Lowelltown, Me., be, and is hereby, established a subport of entry in the customs district of Bangor, Me.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. GROSVENOR. Where does that bill come from?

Mr. PAYNE. I will say in regard to that bill that it came over here from the Senate Friday or yesterday, I do not know which, and I have made some examination into the circumstances of the bill. Lowelltown is now a subport of delivery, attached to the Bangor district. The Secretary of the Treasury says making it a subport of entry will not add anything to the expense, as they already have two officers there.

Mr. HULL. Will it not make necessary the expense of a surveyor?

Mr. PAYNE. It will not, I am told.

Mr. HAWLEY. Who are the two officers?

Mr. PAYNE. It is a subport. Let me make my statement. This place is on the Canadian Pacific Railroad, and is the nearest town to the border on that road; and what they desire to do is to make it a subport of entry and attach it to the Bangor district. These are the facts. The bill never has been before the Committee on Ways and Means. I understand there was a bill introduced in the House some time, but it has never been considered by the Committee on Ways and Means; and I do not know that our attention has ever been called to it until this bill came from the Senate.

Mr. HAWLEY. What are these officers at this place; what rank have they, and what salary?

Mr. PAYNE. A deputy clerk, I understand. I do not know what his salary is.

Mr. HULL. They have to have a surveyor before they establish a subport, do they not; and if you establish a subport of entry, does it not follow that you would have to appoint a surveyor?

Mr. PAYNE. I do not know that it does.

Mr. GROSVENOR. Oh, yes; it does.

Mr. HULL. I think that is the invariable rule.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Do I understand the gentleman from New York, the chairman of the Committee on Ways and Means, to recommend the passage of this bill?

Mr. PAYNE. If I was in the committee and the bill was before it, with the information I have, I would vote for it.

Mr. RICHARDSON of Tennessee. It has not been considered by the Committee on Ways and Means.

Mr. PAYNE. It has not been considered by the committee;

and I think, after my examination of the statement of the Secretary of the Treasury and the report of the special agent sent there, at the request of the gentleman from Maine—and that examination has been within the last two days—and from the facts that I ascertained, I think the committee would have recommended the passage of the bill if it had had it before it.

Mr. RICHARDSON of Tennessee. Has the Secretary of the Treasury recommended it?

Mr. PAYNE. He has, and says there are two officers there now, and this will not add anything to the expense attaching it to the Bangor district and making it a subport of entry.

Mr. RICHARDSON of Tennessee. Then I understand the gentleman from New York, the chairman of the committee, to recommend it?

Mr. PAYNE. I do, so far as I am concerned.

Mr. RICHARDSON of Tennessee. This is irregular.

Mr. PAYNE. Certainly it is.

Mr. WHEELER. I desire to know if unanimous consent is given to the consideration of this measure now will there be any opportunity given for general debate upon it?

Mr. STEELE. I suggest that the gentleman make a speech.

The SPEAKER. That will be under the control of the House.

Mr. WHEELER. If the gentleman will grant some time, I have no objection to the consideration of the measure.

Mr. STEELE. How much time would the gentleman like?

Mr. WHEELER. Thirty minutes—fifteen to the gentleman from Ohio and fifteen to myself.

Mr. STEELE. We will yield you three minutes; and if we like it we will give you the other twenty-seven minutes. [Laughter.]

Mr. WHEELER. I desire fifteen minutes for myself and fifteen minutes for the gentleman from Ohio, and five minutes for me to reply. [Laughter.]

The SPEAKER. Is there objection to the request? The Chair hears none, and the question is on the third reading.

Mr. WHEELER. A parliamentary inquiry. I thought the Chair was putting my request for time. [Laughter.]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BURLEIGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RICHARDSON of Tennessee. I desire to ask what the call for the regular order will bring up?

The SPEAKER. The Chair thinks it will bring up the revenue-cutter bill. [Laughter.]

Mr. DRIGGS. Mr. Speaker——

Mr. SHACKLEFORD. I demand the regular order.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for half an hour.

The motion was agreed to.

And accordingly (at 2 o'clock and 15 minutes a. m.) the House was declared in recess.

At the expiration of the recess, the House resumed its session.

Mr. PAYNE. Mr. Speaker, word comes from the conference committee on the sundry civil bill for the House to be here in session at 4 o'clock. I therefore move that the House take a recess until 4 o'clock.

Mr. MIERS of Indiana. Will the gentleman withhold that for a moment?

The SPEAKER. Will the gentleman withhold that until the gentleman from Indiana can make a request?

Mr. MIERS of Indiana. I would like to ask for a reprint of the bill H. R. 9886.

The SPEAKER. Is there objection?

Mr. STEELE. What is it?

Mr. MIERS of Indiana. It is the bill for the restoration of widows to the pension roll. I would like to have these bills placed to the credit of members in the folding room.

The SPEAKER. The gentleman modifies his request so that they may be placed to the credit of members in the folding room.

WORK OF FIFTY-SIXTH CONGRESS.

Mr. CORLISS. Mr. Speaker, I desire to ask unanimous consent, in view of the record of the Fifty-sixth Congress, to place in the RECORD a showing of the marvelous work accomplished by this Congress compared with the prior Congresses. It is prepared by the tally clerk of the House, F. H. Wakefield.

The SPEAKER. The gentleman from Michigan asks unanimous consent to print a statement of the work done by the present Congress.

Mr. CARMACK. What is this?

Mr. CORLISS. It shows the number of bills introduced, the number of bills reported to the House, the number of bills acted upon by the House, and the number of acts up to the present time that have passed both Houses, showing that it has been the busiest Congress in the history of our country.

Mr. KING. Why does not the gentleman include a tabulated statement of the appropriations of this Congress compared with other Congresses?

Mr. CORLISS. I would be glad to do so, showing the marvelous development of our country and the necessity for such appropriations.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CORLISS. The statement is as follows:

Using the eight Congresses just preceding as a basis for comparison, it is shown that each Congress has had presented in the House of Representatives an average total of 11,813 bills of various sorts; that the average session lasted 331 days, and in that time about 3,164 reports have been made by its committees, and the passage of a general total of 1,376 bills, composed of 414 public acts and 887 private acts. Viewing this as the average of a Congress, the work of this, "the busy Congress," stands out all the more prominently, for with the House in session but 197 days, 135 less than the average, there have been a total of over 2,100 bills passed, of which about 380, in round numbers, have been public acts.

The session has been marked by an entire absence of those signs of friction and heat ofttimes engendered when earnest men discuss weighty problems in the terms of conviction, backed by party feeling and sway; and under the wonderfully genial influence of our present Speaker our friends on the other side have seldom struck the hot spark of anger from the flint of passion in debate, but all have been drawn together in common appreciation of and affection for the man who has so worthily, impartially, and faithfully presided over our deliberations. I hold it a matter of no inconsiderable moment that in the whole course of the Fifty-sixth Congress there have been but two appeals from the decision of the Chair, and each time some of the opposition have voted to sustain the Speaker and the House has sustained him.

The friction between the two Houses has been slight, as the following table shows. The House of Representatives has given to the Senate bills a more kindly treatment than to its own measures, and it goes out of existence leaving proportionately more of its own bills unacted upon than of Senate acts, while in the passage of measures it has given the other branch of the Congress the marked preference.

Compared with the Fifty-fifth Congress.

Calendar.	Fifty-fifth Congress.			Fifty-sixth Congress.		
	Reported.	Passed.	Undisposed of.	Reported.	Passed.	Undisposed of.
Union	367	174	193	373	180	193
House	358	255	103	365	271	94
Private	1,389	1,044	345	2,048	1,652	396
Total	2,114	1,473	641	2,786	2,103	683

Number of bills of both Houses, not including uncalendared bills.

Passed by the House:	
House bills and resolutions	1,365
Senate bills and resolutions	738
Total	2,103
Left unacted upon:	
House bills and resolutions	586
Senate bills and resolutions	90
Total	676

Comparative statement of the work of eight Congresses, Forty-ninth to Fifty-sixth, inclusive.

Congress.	Number of bills.	Number of reports.	Public acts.	Private acts.	Total acts.	Days in session.	Number of joint resolutions.
Forty-ninth	11,260	4,181	424	1,031	1,455	330	266
Fiftieth	12,664	4,038	570	1,257	1,827	412	239
Fifty-first	14,033	4,056	712	1,579	2,291	397	208
Fifty-second	10,623	2,613	398	324	722	340	214
Fifty-third	8,987	1,982	463	248	711	447	87
Fifty-fourth	10,378	3,080	384	564	948	280	261
Fifty-fifth	12,223	2,364	429	1,044	1,473	242	385
Fifty-sixth	14,336	3,003	*376	*1,264	*1,640	197	306

*Only public laws signed by President to March 1, and printed on that date.

Mr. STEELE. It would be cheaper to have the law printed.

Mr. MIERS of Indiana. I ask that it be the act.

The SPEAKER. The gentleman amends his request to have the act printed, the same number as for a reprint, and placed to the credit of members in the folding room. Is there objection. [After a pause.] The Chair hears none.

The gentleman from New York moves that the House take a recess until 4 o'clock this morning.

The motion was agreed to.

And accordingly (at 2 o'clock and 47 minutes a. m.) the House was declared in recess.

At 4 o'clock a. m. the House resumed its session.

RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, I present another conference report upon the bill 13189, the river and harbor bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 168, 219, 220, and 221 to the bill (H. R. 13189) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference on amendments numbered 168, 219, 220, and 211 have been unable to agree.

THEODORE E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

KNUTE NELSON,
JAMES McMILLAN,
JAMES H. BERRY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The conferees on the part of the House, after full and free conference, report that the Senate conferees insist on their disagreement to amendments numbered 168, 219, 220, and 221. The conferees on the part of the House recommend that the House still further insist upon its disagreement, and ask for further conference.

T. E. BURTON.
WALTER REEVES.
T. C. CATCHINGS.

Mr. BURTON. Mr. Speaker, that is a repetition of the conference report already made. I move that the House still further insist on its disagreement to amendments 168, 219, 220, 221; and on that I ask for the previous question.

Mr. SHAFROTH. Mr. Speaker, I ask that the House recede and concur in Senate amendment 219. And I should like to have two or three minutes on that.

Mr. BURTON. I will yield to the gentleman from Colorado three minutes.

Mr. SHAFROTH. Mr. Speaker, this is the provision that has been placed upon the bill by the Senate, and I want to explain to the House that it involves simply an appropriation of $50,000. The succeeding amendment involves $50,000, and the last one $52,000. I wish to say that I have no interest whatever in these appropriations. They are not in my State or within 200 miles of my State, and yet we in the West feel that inasmuch as the appropriation of millions of dollars are going to the States, and that this great question is receiving no consideration whatever, and that these taxes that are collected from the people to go to Ohio of $5,000,000 and to Michigan of $7,000,000 come also from the arid-land States—we think it is a paltry sum to ask that the House concur in the amendment involving only $177,000.

Mr. Speaker, there are three reservoir sites that have been selected by the Geological Survey. The estimates have been made, they have been found to be feasible propositions, and it seems to me that if this Congress wants to disregard the platforms of both political parties on this question it can do nothing more than to recede from the position we have taken.

The national platform contemplated a great scheme of the reclamation of arid lands, and you are not carrying it out when you attempt simply to vote for three little reservoir sites, two in Wyoming and one in South Dakota. I submit, Mr. Speaker, that this is a small thing to keep this House together upon. It is something that this House ought to concur in immediately, and ought to be glad to do it. The time is going to come, as sure as you live, in twenty years, when not only schemes of this kind, but millions of dollars are going to be appropriated for it.

A MEMBER. That is what we are afraid of.

Mr. SHAFROTH. But you are going to get it back. The Western States are not going to ask you to give money to them. They are going to ask that you permit the construction of these reservoirs, advance the capital, and tax the land and furnish the water for the inhabitants who reside there. The proposition for the reservoirs is not near as good as a perfected scheme would be, but it is the only way we can get it before the House, and the only way we can get any consideration whatever.

The proposition has been before Congress a number of years. I have been trying to get it considered. We first undertook to give the States 1,000,000 acres of land each, but we were denied a hearing.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. BURTON. Mr. Speaker, just a word. This is a proposition to build reservoirs thousands of feet above the level of the sea, hundreds of miles away from any navigation at all, upon a river and harbor bill. It does not belong there. This may seem trivial—something over $200,000—but it is the entering wedge for untold millions, and there is no better time for this House to express its opinion upon the subject than this very night. We ought to vote this down, first, because we will not have this appropriation on a bill where it does not belong, and second, we will not enter upon this stupendous project without our eyes wide open and knowing exactly what we are doing. I ask the previous question.

The SPEAKER. The gentleman from Ohio asks for the previous question on the motion of the gentleman from Colorado.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Colorado, that the House recede and concur in all the amendments but the last.

Mr. SHAFROTH. The last three.

The SPEAKER. The gentleman names amendments 219, 230, and 231, and those will be voted on in gross. Without objection, the House will further insist on its disagreement to amendment No. 168 and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The question now is on the motion of the gentleman from Colorado, that the House recede and concur on the other three amendments.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were—ayes 14, noes 88.

So the motion was lost.

Mr. BURTON. I move now that the House further insist on its disagreement to the other three amendments and agree to the conference asked by the Senate.

Mr. CATCHINGS. I think the message was that the Senate agreed to the conference asked by the House.

The SPEAKER (after a pause). Without objection, the message to the Senate will be that the House agrees to the conference asked, or asks for a conference, as may be necessary. The record of the different conferences has been written over so much that it is difficult to decipher. In the form stated, if there be no objection, the motion of the gentleman from Ohio [Mr. BURTON] will be agreed to.

There was no objection.

The SPEAKER announced the appointment of Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS as conferees on the part of the House.

Mr. DRIGGS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

There was no objection.

Mr. DRIGGS. Mr. Speaker, I merely wish to express my sincere thanks on behalf of the people of the borough of Brooklyn, city of New York, for what the River and Harbor Committee has done for us in this bill. I think it is only just and right to express on this floor the gratitude of the citizens of Brooklyn—business men and others—for the kind appreciation shown by the committee for our interests in this matter, which are also the interests of the country at large.

PRESERVATION OF THE FLAG OF THE HOUSE OF REPRESENTATIVES.

Mr. HENRY C. SMITH. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts upon House resolution No. 383, providing for the preservation of the flag presented to the House of Representatives by the Women's Silk Culture Association of the United States.

The report was read, as follows:

Report to accompany House resolution No. 383, in lieu of House resolutions Nos. 321 and 339.

The Committee on Accounts, to whom was referred House resolution No. 383, providing for the preservation of the flag presented to the House of Representatives by the Women's Silk Culture Association of the United States, by placing the same in the museum of the Department of Agriculture, have had the same under consideration and recommend its adoption.

The preamble of the resolution recites the history of the presentation of the flag by the Women's Silk Culture Association of the United States to the House of Representatives and its acceptance by the House; also, the fact that the flag, after being displayed in the Hall of the House of Representatives for about fifteen years, has been displaced by one representing by its stars, in accordance with law, the present number of States in the Union; and the resolution directs the Clerk of the House to deliver the flag to the Secretary of Agriculture, to be displayed and preserved in the museum of the Department of Agriculture, the expense thereof to be paid out of the contingent fund of the House.

Two other propositions were referred to your committee, in resolutions No. 321 and No. 339, one providing for the donation of the flag to the Long Island Historical Society of the State of New York and the other providing for the return of the flag to the Women's Silk Culture Association of the United States, to be disposed of as said association might determine.

Your committee accorded hearings to the authors of these resolutions, but no good reason, in the opinion of your committee, was presented for the donation of the flag to the Long Island Historical Society, of the State of New York, or its return to the Women's Silk Culture Association, but there seemed to be every reason why the flag should remain in the possession of the United States; and the flag being of silk, an agricultural product, we believe that no better receptacle for it can be found, nor a place where it will be more carefully preserved or more appropriately displayed, than in the museum of the Department of Agriculture. We therefore recommend the adoption of resolution No. 383, providing that such disposition be made of the flag, and that resolutions Nos. 321 and 339 be laid on the table.

The resolution was read, as follows:

Whereas on January 23, 1885, a silk flag of the United States was presented to the House of Representatives in the following communication, to wit:

PHILADELPHIA, *January 23, 1885.*

To the honorable members of the House of Representatives at Washington:

The Women's Silk Culture Association of the United States, established in Philadelphia in 1880, have since that time demonstrated silk culture in the United States to a condition and progress never before attained, and upon the popularity of which numerous stock companies and individuals have established business centers.

"While not deprecating such conditions we do ask that the questions by whom and how was the industry introduced be honestly and properly accredited to its rightful authors, the Women's Silk Culture Association of the United States, who herewith desire to present to the House of Representatives of the United States at Washington a truly American national flag in the sense that the silk produced for this flag was raised in American homes by American women and children; reeled by the Women's Association at Philadelphia, and, through the liberality of Mrs. C. C. Thum, of the association, who generously offered to defray the expenses incurred in producing the flag, the association is enabled to offer it to the national Capitol as a memento of their success in starting silk culture as an industry for their American sisters. We ask for this flag a place in the halls of our National Government that it may bear witness to the faithfulness of our effort and to the quality of our American product, both agricultural and mechanical.

This is not the first fruits of American-grown products. The Garfield brocade, presented to the widow of our lamented President, was manipulated by our own association, and its wonderfully beautiful quality and design displayed to our statesmen at Washington.

A State and national flag have just been presented to the legislature at Harrisburg which were made of native silk grown in the summer of 1883, and passed through all the processes of manufacture in the city of Philadelphia. Besides these national gifts, the association has had American silk worked up into knitting silk, brocade, velvet, grosgrain silk, and chenille, and in every form the quantity and quality have proved a good and profitable result.

For statistics we refer you to our fourth annual report of 1883, and to the files of the Daily Silk Record, published by the association during the late exhibit; and, begging your acceptance and a place of honor for this flag, we also ask that due consideration shall be given this association when the National Government shall see fit to aid this industry.

American women are raising silkworm eggs far superior to foreign breeds. What the industry needs is experimental stations, where the process of culture and reeling shall be established, and where the experience and knowledge of foreign operations shall be united to American talent, industry, and intelligence.

Remember, we are the silk association of the United States; our correspondence, our instructions, and progress belong to nearly every State in the Union. The California association is modeled after our own, but more liberally dealt with by her State.

All the work of our association has been carried on by the most frugal and economical management, but much left undone that could have been done had we the means of accomplishing our aims. Therefore we crave the assurance of future good will and influence in the interests we have stimulated and planted.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON,
Mrs. CORNELIA C. THUM,
Mrs. WM. B. ELTONHEAD,
Miss PHOEBE HORNE,
Mrs. W. T. REYNOLDS,
Vice-Presidents.
Miss E. T. VAN RENSSELAER,
Recording Secretary.
Mrs. V. C. HAVEN,
Corresponding Secretary.
Mrs. H. P. TAYLOR, *Treasurer.*
Mrs. E. V. H. OSBOURN,
P. and S. Committee.
Mrs. G. W. HALL, *Reel Committee.*

And

Whereas the House of Representatives accepted said flag by the adoption of the following resolution, to wit:

"*Resolved*, That the House of Representatives accepts the flag prepared for its use, and presented by the Women's Silk Culture Association of the United States; that the excellence of the fiber and perfection of the colors it displays afford evidence of the remarkably rapid development of the culture and manufacture of silk by the American people, under the auspices of this association of women, and that the House will cause the flag to be displayed within the Hall of the House and preserved as a memorial of the tact and energy of the Women's Silk Culture Association of the United States;" and

Whereas said flag was displayed in the Hall of the House of Representatives from the date of its presentation and acceptance, January 23, 1885, until the beginning of the year 1901, when it was displaced by one representing by its stars, pursuant to the requirement of section 1792 of the Revised Statutes of the United States, the present number of States in the Union. During this period of time—the last fifteen years of the nineteenth century—the nation completed one hundred years of legislative history, the centennial anniversary of the inauguration of the first President of the United States, and of the establishment of the seat of government at Washington, in the District of Columbia, were commemorated in this Hall, the House of Representatives participated in the events preliminary to and in the enactment of legislation for the prosecution of the war with Spain; and many other historic and important acts originated, were perfected or consummated herein within the time aforesaid: Therefore, be it

Resolved by the House of Representatives, That, because of the association of the flag of the United States presented to the House by the Women's Silk Culture Association of the United States with the legislative history of the country during the last fifteen years of the nineteenth century, it is the sense of this House that said flag should remain in the possession of the United States and be "preserved as a memorial of the tact and energy of the Women's Silk Culture Association of the United States," its patriotic donors.

And be it further resolved, That the Clerk of the House of Representatives is hereby authorized and directed to deliver said flag to the Secretary of Agriculture, to be displayed and carefully preserved, in such manner as the Secretary of Agriculture may deem necessary, in the museum of the Department of Agriculture, together with a certified copy of these preambles and resolutions. And such expense as may be necessary to carry out the purpose of these resolutions shall be paid out of the contingent fund of the House, with the approval of the Committee on Accounts.

The SPEAKER. The question is on agreeing to the resolution just read.

Mr. FITZGERALD of New York. Mr. Speaker, as I introduced the original resolution in regard to this flag, I ask the gentleman from Michigan to yield to me for a few moments.

Mr. HENRY C. SMITH. How much time does the gentleman desire?

Mr. FITZGERALD of New York. Three or four minutes.

Mr. HENRY C. SMITH. I yield the gentleman three minutes.

Mr. FITZGERALD of New York. Mr. Speaker, I desire to speak briefly to the resolution. I am impelled to do so on account of some of the statements contained in the committee's report. I regret that it has been deemed necessary to say that there appears to be no good reason for the donation of this flag to the Long Island Historical Society, as provided in the resolution introduced by me, and for which the pending resolution is a substitute.

This resolution provides that the flag that since about 1885 hung until recently behind the Speaker's table be presented to the Department of Agriculture. The resolution introduced by myself provided that it should be given to the Long Island Historical Society.

This flag was presented to the House of Representatives about 1885 by the Women's Silk Culture Association of the United States. The flag was made of silk produced in this country from silkworms hatched here, and the flag was American in every feature. It was presented as an evidence of the advance that had been made in silk culture in this country. During the present session the attention of the Speaker was called to the fact that the flag did not conform to the requirements of the Revised Statutes.

By law early enacted in the history of the country it is provided that there shall be in the union of the flag as many stars as there are States in the Union. The Speaker immediately ordered a new flag to be secured and placed in position in the place of this flag, to which peculiar distinction attaches.

Mr. RYAN of New York. Mr. Speaker, will the gentleman state how many stars were in the union of the flag proposed to be presented to the Department of Agriculture?

Mr. FITZGERALD of New York. Mr. Speaker, I do not recall exactly. Since 1884, if I recollect aright, seven or eight States have been admitted to the Union. This would make about 37 or 38 stars in the union of this historic flag.

I was about to say, however, when interrupted by the gentleman from New York [Mr. RYAN] that the flag when removed from the place it had adorned for so many years was put into a storeroom of this House. It seemed to me that it should be placed where it would be properly preserved.

After waiting a reasonable time for some gentleman from Philadelphia to make some move in the matter, I introduced a resolution directing that the flag be given to the Long Island Historical Society. This is one of the oldest societies of its kind in the country. It is located in the old city of Brooklyn, now a borough of the city of New York. It has a magnificent collection of historical papers, documents, and books, as well as many valuable mementos. Its membership comprises the most distinguished men in Brooklyn. Liberally endowed for its necessities, it is housed in a splendid building.

At the hearing before the Committee on Accounts I urged that it would be proper to place this flag there. It would be gratefully received and carefully preserved and cherished as a valuable souvenir of this House. It would be a constant reminder to the students of Brooklyn of the great men who have served in this body and of the momentous questions considered and decided here, and as well a prized reminder of the advance made in certain industries in this country.

Mr. Speaker, I regret exceedingly that the committee has decided adversely to the proposition to place this flag with the Long Island Historical Society. The flag, however, should be preserved and carefully kept. There are excellent reasons for placing it in the Department of Agriculture. The resolution should be, and I hope will be, adopted without a dissenting vote.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the other two resolutions referred to in the report of the committee, numbered 321 and 339, will be laid on the table, as recommended in the report.

There was no objection.

Mr. STEELE. Mr. Speaker, I move that the House take a recess until 5 o'clock.

The motion was agreed to.

And accordingly (at 4 o'clock and 47 minutes) the House was declared in recess.

At 5 o'clock a. m. the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. PLATT, one of its clerks, announced that the Senate had receded from its amendment to the bill (H. R. 14018) making appropriations for sundry civil expenses

of the Government for the fiscal year ending June 30, 1902, and for other purposes, numbered 151.

A further message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 4120. An act to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (Con. Res. 115) to print 30,000 copies of the hearings before the Senate Committee on Agriculture and Forestry, etc.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had further insisted upon its disagreement to amendments numbered 168, 219, 220, and 221, had asked a further conference with the House on the said amendments, and had appointed Mr. NELSON, Mr. MCMILLAN, and Mr. BERRY as the conferees on the part of the Senate.

Also, that the Senate had agreed to the amendment of the House of Representatives to the amendment of the House of Representatives to the concurrent resolution (S. C. Res. 72) to print 3,500 copies of the report of the committee on awards of the World's Columbian Commission, etc.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report, and ask that the reading of the report be dispensed with and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Illinois submits a conference report on the sundry civil appropriation bill, and asks unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. RICHARDSON of Tennessee. I desire, before consent is given, to ask the gentleman if this is a final agreement?

Mr. CANNON. It is a final agreement. If adopted, it passes the bill.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

Mr. ROBINSON of Indiana. I desire to reserve a point of order, and at this time make the point of order that the conferees have exceeded their authority on amendment numbered 88. I do this out of abundant caution; and if I am in error after I ascertain the real status of the amendant, the point of order can be withdrawn.

Mr. CANNON. I am ready to answer any question about it. I do not think it is subject to the point of order.

Mr. ROBINSON of Indiana. I will make the point of order, that it may be pending until the statement can be read.

Mr. CANNON. I do not think it is subject to the point of order; but, of course, I have no objection to the point of order being pending.

The SPEAKER. The statement will be read with that understanding.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 26, 30, 35, 36, 41, 42, 49, 62, 70, 71, 82, 89, 93, 105, 108, 110, 111, 112, 113, 115, 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 128, 129, 130, 132, 133, 134, 135, 149, and 150.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 20, 28, 81, 91, 99, 101, 102, 127, 131, and 152, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the sum of $332,500 where it occurs in lines 3 and 4 and in lines 19 and 20 of the matter inserted by said amendment, and insert in lieu thereof the sum of "$300,000;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$950,770;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its amendment to the amendment of the Senate numbered 88, and agree to said Senate amendment amended as follows: Strike out all after the word "acre," in line 8 of the matter inserted by said Senate amendment, and insert in lieu therof the following: "And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria, and known as Godding Croft, for 80 acres, more or less, lying immediately adjoining this said 60 acres and south of the present building site of the hospital. In case such exchange is made the Secretary is also authorized in his discretion to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding 90 feet in width. Any of the buildings authorized in the sundry civil appropriation act approved June 6, 1900, for the Government Hospital for the Insane, may be erected on land now owned, or that may be acquired hereunder, by the United States for the Government Hospital for the Insane;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$860,000;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Restore the matter stricken out by said Senate amendment amended as follows: On page 103 of the bill, in line 23, after the word "upon," insert the following: "or exercised by;" and the Senate agree to the same.

On amendment numbered 151 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
THOS. C. MCRAE,
Managers on the part of the House.

The statement was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14018) making appropriations for sundry civil expenses, submit the following written statement in explanation of the accompanying conference report:

Items inserted by the Senate have been eliminated, as follows, namely:

Fort Winfield Scott fog-signal station, California, $7,000;

The proposed increase in the salaries of superintendents of life-saving stations, $7,900;

Revenue cutter for Hawaii, $50,000;

Fish-cultural station in Utah, $25,000;

Fish-cultural station in Idaho, $25,000;

The provision granting rights to graze live stock in forest reserves;

Education in Alaska, $30,000;

The provision granting to the National Society of the Daughters of the American Revolution a site for a memorial building in Rawlins Park, in the District of Columbia;

The memorial bridge across the Potomac River, $100,000;

Payment to the county of Custer, Mont., $4,350;

The increase in the appropriations for the various branches of the National Home for Disabled Volunteer Soldiers, amounting to $11,550;

A Branch of the National Home for Disabled Volunteer Soldiers in South Dakota, $75,000;

Authority to inquire as to the establishment of a Branch of the National Home for Disabled Volunteer Soldiers in Idaho;

Conference for the protection of industrial property, $10,000;

Payment to Mexico, $412,572.70;

Buildings for laboratories, Department of Agriculture, $200,000;

Traveling expenses of judicial officers in Hawaii, $1,000;

The provision authorizing the printing of additional copies of the "Messages and Papers of the Presidents;" and

The provision relating to the appraisers of customs.

The committee of conference have been unable to agree on the amendment of the Senate numbered 151, relating to—

The Pan-American Exposition at Buffalo, $500,000;

The St. Louis Exposition, $5,000,000; and

The Charleston Exposition, $250,000.

The remaining points of disagreement between the two Houses are recommended to be agreed to, in whole or in part, by the House.

J. G. CANNON,
W. H. MOODY,
THOS. C. MCRAE,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, if the Clerk will now turn to amendment numbered 88 and read in the conference report it will give the gentleman from Indiana the information he desires. Read it as set out in the conference report itself.

The Clerk read as follows:

Strike out all after the word "acre," in line 8 of the matter inserted by said Senate amendment, and insert in lieu thereof the following:

"And the Secretary of the Interior is further authorized, if in his judgment advisable, to exchange such portion as he may deem equitable of the agricultural land now owned by the Government, or of the farm opposite Alexandria, and known as Godding Croft, for 80 acres, more or less, lying immediately adjoining this said 60 acres and south of the present building site of the hospital. In case such exchange is made, the Secretary is also authorized, in his discretion, to grant a roadway along the south side of said tract, from Nichols avenue to the river, not exceeding 90 feet in width. Any of the buildings authorized in the sundry civil appropriation act approved June 6, 1900, for the Government Hospital for the Insane may be created on land now owned or that may be acquired hereunder by the United States for the Government Hospital for the Insane."

Mr. BENTON. I would like to ask the gentleman from Illinois how much land it is proposed to exchange?

Mr. CANNON. Fifty-nine or sixty acres.

Mr. BENTON. Is it this land that lies down the river?

Mr. CANNON. The Senate amendment was that 60 acres, in round numbers, should be exchanged for this land, acre for acre. The Senate amendment was considered in the House, and on motion of the gentleman from Indiana, the House agreed to the Senate amendment with an amendment, and this follows that provision in its language.

Mr. RIDGELY. Will the gentleman allow a question?

Mr. ROBINSON of Indiana. I very much doubt the propriety of the erection of the asylum over there at all, but I want to ask the gentleman in reference to this road. Does it affect the location as provided for in the Senate amendment? The Senate amendment provided that it was to be immediately contiguous to the 60 acres of land that were to be exchanged.

Mr. CANNON. We had jurisdiction of the whole matter, both in the Senate amendment and the House amendment, and, having jurisdiction, we were satisfied that if this additional 80 acres was acquired that we did not want to run the road in the middle of the 143 acres, together with what was required, and that the road would go at the side of the land that is acquired.

Mr. ROBINSON of Indiana. The purpose, then, is to erect this asylum, for which the Government has donated something like a million dollars, on this land to be acquired by exchange acre for acre?

Mr. CANNON. Acre for acre; but as to the last 80 acres, if it was 80, according to the gentleman's amendment, not acre for acre. We took the language of the gentleman's amendment, and for this reason: It was proper that we should do so because of the provision that the land at Godding Croft, down near Alexandria, across the river, that the Government owns, for an asylum—that that might be used. Now, then, it is not designed to exchange that land acre for acre. If it is exchanged, no doubt the Secretary will do the best he can with this land at Godding Croft.

Mr. ROBINSON of Indiana. The Secretary of the Interior may use the agricultural land, a part of the 174 acres, for exchange, and take of this that which is the agricultural land.

Mr. CANNON. We just follow the gentleman's amendment.

Mr. ROBINSON of Indiana. Mr. Speaker, my point of order is that the conferees exceeded their authority, as the law passed by Congress last year provided that the building for the insane asylum should be upon land already owned by the Government, "or upon such suitable land as may be donated to the Government." The amendment of the Senate provides nothing, and the language of the act provides nothing upon the subject of constructing the asylum upon land to be acquired by exchange. Therefore, the conferees having provided that the lands secured by the exchange shall be the site of the Government hospital, it is a change of existing law, and is a proposition upon which neither the Senate nor the House have acted. I insist on the point of order.

Mr. CANNON. In reply to the gentleman, I will state the conference committee had jurisdiction of the whole subject-matter—first, the Senate amendment, then the Senate amendment as modified by the gentleman's own amendment; and having jurisdiction of the whole matter, and of the acquisition of this land for the insane asylum, necessarily the greater included the less, and we could provide what should be done with the land in connection with the asylum.

The SPEAKER. The Chair will state that often conferees bring in entirely new provisions, and so long as within the theme discussed it is not subject to the point of order. The Chair thinks in this case the conferees have remained completely within their jurisdiction.

Mr. ROBINSON of Indiana. Just so the Chair understands my proposition.

The SPEAKER. The Chair understands it; remembers the discussion before; and feels he must overrule the point of order.

Mr. CANNON. I now move the adoption of the conference report.

Mr. GROSVENOR. I want to ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. GROSVENOR. What disposition was made of amendment No. 8.

Mr. CANNON. What was it?

Mr. GROSVENOR. Relating to the Corcoran Art Gallery.

Mr. CANNON. The House agrees to the proposition to purchase the Corcoran Art Gallery.

Mr. GROSVENOR. According to the Senate amendment, or with an amendment to the Senate amendment?

Mr. CANNON. The provision of the Senate was to purchase the building at $332,000, and the agreement is to purchase it at $300,000.

Mr. RIDGELY. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. RIDGELY. We are to get about 60 acres more?

Mr. CANNON. There is authority to get it.

Mr. RIDGELY. And who has recommended on the part of the Government this exchange of land?

Mr. CANNON. The superintendent of the asylum. The Senate has approved it; the House has approved it, on the motion of the gentleman from Indiana; and the Secretary and, I think, everybody connected with it.

Mr. RIDGELY. Can the gentleman tell us about the relative value of the land?

Mr. CANNON. Not as to the Godding Croft land.

Mr. BROMWELL. Will the gentleman tell us what is the shape of the amendment including the expositions?

Mr. CANNON. They are eliminated from the bill by the Senate receding from the expositions.

Mr. MERCER. As to amendment No. 97, the Fort MacKenzie military post, was there a change outside of the reduction of the amount?

Mr. McRAE. It is $35,000.

Mr. MERCER. And no other change made?

Mr. CANNON. No.

Mr. McCLELLAN. In connection with the question that the gentleman from Ohio asked, as to the standing of the amendment in reference to the fairs, have all been eliminated, so that they can not be considered by the House in any way?

Mr. CANNON. The conference report agreed upon all the amendments in difference between the House and the Senate except amendment No. 151, 20 pages of it, which covered the three fair propositions. Now, the Senate adopted the conference report, and as it is a Senate amendment the Senate recedes from that amendment, and now the adoption of this conference report passes the bill.

Mr. LENTZ. I desire to ask the question whether it is true that the President's Messages and Papers have gone out?

Mr. CANNON. They have gone out.

Mr. LENTZ. Why?

Mr. CANNON. Simply because it is a great expense, and the House conferees believed that the Government was not justified in providing for the sale of them and entering upon the business of opening a book store, so to speak. We did not believe that it was an expenditure that was justifiable from any standpoint.

Mr. LENTZ. It seems to me, Mr. Speaker, that it is the most justifiable expense, or as much so as any item in this bill. After the Government has prepared these plates and created a market to make a monopoly of it is the most objectionable of all things.

Mr. CANNON. We do not propose to do that. I know of no reason why the Government should publish any more of these exceedingly expensive books. We have published now numbers enough to furnish all the libraries, and perhaps a good deal more than that. My opinion is that the Government is not justified in further publishing this expensive book.

Mr. LENTZ. There was no objection made to it in the House.

Mr. CANNON. Oh, yes; the House twice insisted on its disagreement to the Senate amendments.

Mr. LENTZ. I am almost tempted to raise the point of no quorum.

Mr. CANNON. The gentleman would punish himself.

Mr. LENTZ. It would not punish me.

Mr. CANNON. I think the gentleman feels as sleepy as I feel and look. [Laughter.]

Mr. LENTZ. I am not sleepy, but it seems to me that these Presidents' Papers ought to go in. They are the most valuable documents that the Government ever issued.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. Mr. Speaker, from the information I get I think the House can take a recess until 6 o'clock, and then we may be able to close up business substantially. I move that the House take a recess until 6 o'clock.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes) the House took a recess until 6 o'clock.

At 6 o'clock a. m. the House resumed its session.

LEAVE TO PRINT.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD upon the inland waterway from Boston to Beaufort Inlet.

Mr. PAYNE. If it is done without necessitating an appendix I have no objection.

Mr. SMALL. I think there are always supplements published after the close of the session.

Mr. PAYNE. There have been, but we want to avoid them at this time.

Mr. RICHARDSON of Tennessee. How long a time does the gentleman wish?

Mr. SMALL. For five days.

Mr. RICHARDSON of Tennessee. The gentleman from North Carolina, I will say to the gentleman from New York, has given this subject a great deal of thought, and I trust that the gentleman from New York will not object.

Mr. PAYNE. We have had so many appendixes heretofore that I wish to avoid them.

The SPEAKER. The gentleman from North Carolina modifies

his request and asks that he have the privilege for five days. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I now move the House take a recess for thirty minutes.

Mr. MONDELL. And I move, Mr. Speaker, that the House take a recess until 10 o'clock.

Mr. PAYNE. Of course if that should be adopted it would kill the river and harbor bill.

Mr. WILLIAMS of Mississippi. I would like to ask why the gentleman from New York wants to take the recess for thirty minutes?

Mr. PAYNE. Because at the end of thirty minutes I understand that the river and harbor bill will be ready for consideration.

Mr. WILLIAMS of Mississippi. Oh, well, if there is any possibility of engineering the river and harbor bill through safely, I shall not object to the motion. [Laughter.]

The SPEAKER. Does the gentleman from Wyoming press his motion?

Mr. HEPBURN. I hope the gentleman from Wyoming will press it. We can not finish it until 10 o'clock.

The SPEAKER. The gentleman from New York moves that the House take a recess for thirty minutes, and the gentleman from Wyoming moves to amend that motion by moving that the House take a recess until 10 o'clock. The motion will first be on the amendment.

The question was taken; and on a division (demanded by Mr. TOMPKINS) there were 14 ayes and 63 noes.

Mr. TOMPKINS. I make the point of no quorum, Mr. Speaker. [Cries of "Oh, no!" "No!" "No!"]

Mr. TOMPKINS. I will withdraw the point of order, Mr. Speaker.

The SPEAKER. The gentleman from New York withdraws the point; the noes have it, and the motion is lost. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the House take a recess for thirty minutes.

The motion was agreed to. Accordingly (at 6 o'clock and 5 minutes) the House took a recess until 6 o'clock and 35 minutes.

The recess having expired, the House at 6 o'clock and 35 minutes a. m. resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had receded from its amendment to the bill (H. R. 9829) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri, numbered 2.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 636. An act for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C.

ST. LOUIS EXPOSITION.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. If this request relates to business of the House, the Chair will submit it.

Mr. BARTHOLDT. It does.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for one minute. The Chair hears no objection. The gentleman will proceed.

Mr. BARTHOLDT. Mr. Speaker, in behalf of the Missouri delegation and of the city of St. Louis, I wish to extend to the honorable Speaker of this House and all its members a cordial invitation to attend the St. Louis World's Fair, which we propose to make the grandest international exposition that the world has ever seen.

RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, if I may be allowed to proceed for a moment by unanimous consent——

The SPEAKER. If there be no objection, the gentleman will proceed.

Mr. BURTON. I am exceedingly reluctant to ask members of the House to stay here, awaiting the fate of the river and harbor bill. Its fate is uncertain, but we hope it will yet become a law. I dislike, as I have said, to ask members to tarry here, and not return to their residences for the present; but I think it best that a long recess should not be taken. I move that the House take a recess for one hour.

Mr. WILLIAMS of Mississippi. Before that motion is put, I would like to ask the gentleman a question. Does he not think it would be better and safer to proceed right now to procure a quorum?

Mr. BURTON. Answering the gentleman's question, I will say I do not think a quorum will be necessary—at least not for one hour. We can then tell the situation better than now.

Mr. HEPBURN. I would like to ask the gentleman a question. When he says "we hope" that the bill will be a success, is not that an editorial "we?"

Mr. BURTON. I think it is a good deal more than an editorial "we." I think it includes, perhaps, about nineteen-twentieths of those present.

The SPEAKER. The gentleman from Ohio moves that the House take a recess for one hour.

Mr. STEELE. I suggest a recess until 10 o'clock.

Several MEMBERS. Say half past 9.

Mr. BURTON. If I may be allowed again to address the House by unanimous consent, I will say the probabilities are that no danger would be incurred by a recess until 9 o'clock. But I am so anxious to lose no chances for carrying this bill into law, after it has reached this stage and when the Senate has agreed so nearly with this body, that I have proposed a recess for one hour.

The SPEAKER. The gentleman moves that the House stand in recess until 8 o'clock.

Mr. BROMWELL. I suggest half past 8.

The SPEAKER. Is that agreeable to the gentleman from Ohio?

Mr. BURTON. In accordance with what seems to be the wish of many members, I will modify my motion and move that the House stand in recess until half past 8 o'clock.

The motion was agreed to.

The recess having expired, the House (at 8 o'clock and 30 minutes a. m.) resumed its session.

REFURNISHING OF THE HALL OF THE HOUSE.

The SPEAKER announced the appointment of Mr. CANNON, Mr. DALZELL, and Mr. RICHARDSON of Tennessee as members of the commission appointed in pursuance of the provision of the sundry civil appropriation act to superintend the refurnishing of the Hall of the House.

Mr. BURTON (at 9 o'clock and 7 minutes a. m.). I move that the House take a recess until 10 o'clock.

The motion was agreed to.

The recess having expired, the House resumed its session.

DEVISEES OF CASPER BARBER.

Mr. JENKINS. I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of House bill 11830, with a Senate amendment, and that the amendment be now taken up and concurred in.

The Clerk read the following amendment of the Senate to the bill (H. R. 11830) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the District of Columbia to American citizens:

After the word "Barber," in line 4, insert the words "and George E. King."

The SPEAKER. Is there any objection?

Mr. SULZER. Reserving the right to object, I should like to hear an explanation of this.

Mr. JENKINS. This bill has already passed this House; this amendment simply makes a correction by the insertion of a name.

Mr. SULZER. What does the bill do?

Mr. JENKINS. Its effect is exactly as read by the Clerk. It gives the beneficiaries named in the bill a clear title to certain real estate. The gentleman from New York perhaps was not in the House when the bill was considered.

Mr. SULZER. Is it a bill to allow aliens to hold real estate in the District of Columbia?

Mr. JENKINS. In regard to a certain piece of real estate it was held by one of the title guaranty companies of this District that the Feder l Government held the title rather than the individual who claimed it. The question was submitted to the proper officers of the District and the Attorney-General. They all disclaimed any interest on the part of the United States in the land, and recommended that Congress pass this bill to quiet the title.

Mr. SULZER. How much land is involved?

Mr. JENKINS. It is a small lot. The person whom the bill proposes to relieve is a poor Irishman.

Mr. SHATTUC. That settles it.

Mr. SULZER. That is enough. [Laughter.]

There being no objection, the House proceeded to consider the amendment, which was concurred in.

GENERAL FEDERATION OF WOMEN'S CLUBS.

Mr. RAY of New York. I ask unanimous consent to discharge the Committee on the Judiciary from the further consideration of the Senate bill which I send to the desk and to consider it now.

The bill (S. 5715) granting a charter to the General Federation of Women's Clubs, was read, as follows:

Be it enacted, etc., That Mrs. Rebecca D. Lowe, Atlanta, Ga.; Mrs. Dimies, T. S. Denison, New York, N. Y.; Miss Margaret J. Evans, Northfield, Minn.; Mrs. Emma A. Fox, Detroit, Mich.; Mrs. George W. Kendrick, jr., Philadelphia, Pa.; Mrs. Emma M. Van Vechten, Cedar Rapids, Iowa; Mrs. George H. Noyes, Milwaukee, Wis.; Mrs. Edward L. Buchwalter, Springfield, Ohio; Mrs. William J. Christie, Butte, Mont.; Mrs. William T. Coad, Rapid City, S. Dak.; Mrs. Laura Rockwell Priddy, Wichita, Kans.; Mrs. Frank Sherwin Streeter, Concord, N. H.; Mrs. Anna D. West, Somerville, Mass.; Mrs. Charles W. Fairbanks, Indiana; Mrs. Lucia E. Blount, Washington, D. C.; Mrs. Ralph Trautman, New York; Mrs. John L. McNeil, Colorado; Mrs. Mary S. Lockwood,

Washington, D. C.; Mrs. May Wright Sewall, Indiana; Mrs. J. C. Croly, New York; Miss May V. Temple, Tennessee; Mrs. Phoebe A. Hearst, California; Mrs. Kate Tannett Woods, Massachusetts; Mrs. Julia Plato Harvey, Illinois; Mrs. Jane O. Cooper, Colorado; Mrs. Harriet H. Robinson, Massachusetts; Mrs. Ellen M. Henrotin, Illinois; Mrs. Mary E. Mumford, Pennsylvania; Mrs. C. P. Barnes, Kentucky; Mrs. Philip N. Moore, Missouri; Mrs. Alice Ives Breed, Massachusetts; Mrs. Frank Trumbull, Colorado; Miss Annie Laws, Ohio; Mrs. Sarah S. Platt-Decker, Colorado; Mrs. J. C. Royle, Utah; Josephine Bates, Mary Rogers, Octavia W. Bates, Fanny Purdy Palmer, Julia Ward Howe, Cordelia I. Sterling, Katherine Nobles, Mary D. Steele, and their associates and successors, are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name shall have perpetual succession, for educational, industrial, philanthropic, literary, artistic, and scientific culture, and to bring into communication with one another the various women's clubs throughout the world, with power in said corporation to make and use a common seal, and to alter the same at pleasure.

SEC. 2. That said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey, such real and personal estate as shall or may be required for the purposes of its incorporation, not exceeding $200,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise incumber the real estate which it may hereafter own or acquire, and may give therefor such evidences of indebtedness as such corporation may decide upon.

SEC. 3. That said corporation shall have a constitution and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said constitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

The SPEAKER. Is there objection?

Mr. MADDOX. Reserving the right to object, I should like to hear some explanation of this bill.

Mr. LANHAM. I think there will be no objection to it.

Mr. RAY of New York. All that this bill does is to incorporate these ladies, who come from all the States of the Union, for the purposes mentioned in the act. This is an organization of ladies, having no relation to politics. It includes Democratic ladies and Republican ladies. The only purpose of the bill is to promote mutual culture in scientific, religious, and philanthropic work. The bill proposes simply to incorporate them in the District of Columbia only, giving them power to own real estate, and of course mortgage the same, for purposes connected with their work.

Mr. LANHAM. The operations of this corporation are, as I understand, limited to the District of Columbia?

Mr. RAY of New York. Yes, sir; and its headquarters are to be here. A bill of like character, for other purposes, however, has been passed by the House at this session. This bill has the unanimous approval of the members of the Judiciary Committee whom I have been able to see, and I have consulted the majority of them, Republicans and Democrats alike.

Mr. MADDOX. Is it a private charter?

Mr. RAY of New York. Of course it is a private incorporation.

Mr. MADDOX. Do the Committee on the Judiciary all agree to it?

Mr. RAY of New York. All I have been able to see. Of course I was not able to see them all.

Mr. MADDOX. How many have you been able to see?

Mr. RAY of New York. The gentleman from Missouri [Mr. DE ARMOND], the gentlemen from Texas [Mr. LANHAM], the gentleman from Arkansas [Mr. TERRY], the gentleman from Wisconsin [Mr. JENKINS], the gentleman from Maine [Mr. LITTLEFIELD], the gentleman from New York [Mr. ALEXANDER], and one or two others, and there is no objection to it.

Mr. MADDOX. They all agree to it?

Mr. GAINES. You say they can not operate except in the District of Columbia?

Mr. RAY of New York. Oh, no; we can not incorporate an association outside of the District of Columbia. It is not a business incorporation, but simply for religious, scientific, literary, philanthropic, and social work and purposes.

Mr. GAINES. Do you mean to say that you can only operate in the District of Columbia?

Mr. RAY of New York. They are to have their headquarters in the District of Columbia. We can not incorporate generally for work or business throughout the United States, except it be some constitutional purpose is to be carried on or worked out when the power is confided to Congress.

Mr. GAINES. Can not they operate in Tennessee, or New York, or any of the other States?

Mr. RAY of New York. They would have to be be an incorporation there by the State if they did. This is not for the purpose of carrying on business as an incorporation outside of the District of Columbia. They would have no power to do anything of that kind. Their headquarters are here, and it is an association for literary, social, and philanthropic work.

Mr. COWHERD. Mr. Speaker, it seems to me from the reading of the bill at the Clerk's desk that this company was not limited, as are most of the charters that we grant for associations in the District of Columbia.

Mr. RAY of New York. It is an incorporation of the District of Columbia. I examined it, and consulted the gentleman of the Committee on the Judiciary, including the gentlemen from Texas and from Missouri [Mr. LANHAM and Mr. DE ARMOND].

Mr. COWHERD. If the gentleman is certain that it is limited to the District I would have no objection to it.

Mr. RAY of New York. I am certain of that.

Mr. JENKINS. I will ask my colleague a question: If in section 2, authorizing the corporation, if created, to acquire real estate anywhere makes it a corporation to do business? I agree with the chairman of the committee in his conclusion; but I thought from the reading of the bill that it was intended to be a general charter. Section 2 provides:

That said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate——

Mr. LLOYD. Mr. Speaker, I make the point of order that we can not hear for the disorder.

The SPEAKER. The House will be in order.

Mr. GAINES. I hope the gentleman will finish the reading of that section.

Mr. JENKINS (reading)—

SEC. 2. That said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purposes of its incorporation, not exceeding $200,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire, and may give therefor such evidences of indebtedness as such corporation may decide upon.

I want to ask the chairman of the committee if he does not think that would apply to any part of the country?

Mr. RAY of New York. I think not, because it is an incorporation of the District of Columbia; but still if they had the money and purchased some real estate outside of the District, I do not see what objection there could be to that.

Mr. GAINES. But you said it operated only in the District of Columbia, and did not do any business. Is not buying, owning, and controlling property business?

Mr. RAY of New York. It is not, except as I have stated.

Mr. PAYNE. Why should they not be able to buy property anywhere?

Mr. GAINES. But the gentleman said that it does not operate outside of the District of Columbia, and I say it does, that owning property outside the District of Columbia is business.

Mr. RAY of New York. I still insist that this company, if we incorporate them, can not own real estate outside of the District, because it is limited to the District. I do not say positively that they can not; but I do not think under this bill they can. It is in the same language of all the bills of like character we have passed which are limited to the District of Columbia. What I said was I did not see what possible harm can come to anyone if the corporation purchases and owns real estate in the various States. It is purely a religious, scientific, social, and philanthropic association.

Mr. LANHAM. And a woman's measure, at that.

Mr. RAY of New York. And a woman's measure; and we can not have too many of such associations operated by women devoted to this kind of work.

Mr. CLAYTON of Alabama. And meets entirely the approval of the Committee on the Judiciary.

Mr. RAY of New York. So far as I have been able to see them; I have seen the majority. We have approved and passed similar bills heretofore.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to recousider the vote by which the bill was passed was laid on the table.

HOUR OF FINAL ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I understand, according to the arrangements for the day, the House is to leave this Hall at a quarter before 12 and proceed to the Senate to take part in or witness the ceremonies there. I therefore ask unanimous consent that the House adjourn finally at 11.45 to-day.

The SPEAKER. The gentleman from New York asks unanimous consent that the final adjournment of the House of Representatives take place at 15 minutes before 12. Is there objection? [After a pause.] The Chair hears none, and the order is accordingly made.

Mr. PAYNE. I move that the House take a recess until 11 o'clock.

The motion was agreed to; and accordingly (at 10 o'clock and 15 minutes a. m.) the House was declared in recess.

At 11 o'clock a. m. the House resumed its session.

Mr. PAYNE. Mr. Speaker, I offer the following resolution, for the present consideration of the House.

The Clerk read as follows:

Resolved, That a committee of three members be appointed by the Chair to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.
The resolution was agreed to.
The SPEAKER appointed the following committee, in pursuance of the resolution: Mr. PAYNE, Mr. GROSVENOR, and Mr. RICHARDSON of Tennessee.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13729. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902;
H. R. 4120. An act to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779;
H. R. 13705. An act making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 9829. An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri;
H. R. 14018. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 636. An act for the relief of St. John's Lodge, Ancient, Free, and Accepted Masons, No. 3, of Newbern, N. C.;
H. R. 9835. An act to establish a code of law for the District of Columbia;
H. R. 11830. An act for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the District of Columbia to American citizens;
S. 5715. An act granting a charter to the General Federation of Woman's Clubs; and
S. 5943. An act to establish Lowelltown, Me., a subport of entry.

LEAVE TO PRINT.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to print in the RECORD within ten days a statement of the appropriations made at this session of Congress.
The SPEAKER. The gentleman from Georgia asks leave to print for ten days a statement in respect to the appropriations of this Congress. Is there objection? [After a pause.] The Chair hears none.
Mr. BROMWELL. Mr. Speaker, in the absence of the chairman of the Committee on Appropriations, I ask unanimous consent that if he desires to print any matter on the subject of appropriations of this Congress that he be permitted to do so for ten days.
The SPEAKER. The gentleman from Ohio asks unanimous consent that the chairman of the Committee on Appropriations be accorded the same privilege as that which has just been given to the gentleman from Georgia.
Mr. LIVINGSTON. Mr. Speaker, I want to say that the chairman of the Committee on Appropriations will make that personal request of the House. I was in to confer with him, and he was not in, but I know that he intends to make this a personal request. Therefore I did not make it for him.
The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BROMWELL]? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President of the United States had approved and signed bills of the following titles:

On March 3, 1901:
H. R. 9835. An act to establish a code of law for the District of Columbia;
H. R. 13705. An act making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 13729. An act making appropriations for the Post-Office Department for the fiscal year ending June 30, 1902;
H. R. 14018. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes;
H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes;
H. R. 11350. An act to establish the National Bureau of Standards;
H. R. 9886. An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows;
H. R. 10302. An act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission;
H. R. 9829. An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri;
H. R. 10701. An act to amend section 6, Chapter CXIX, United States Statutes at Large, numbered 24 (Five Civilized Tribes);
H. R. 14138. An act to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and to improve the Pigeon River in said State at what is known as the cascades of said river;
H. R. 14163. An act to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon;
H. R. 13436. An act to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River;
H. R. 14228. An act to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city;
H. R. 14093. An act to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River in the State of Texas;
H. R. 10698. An act to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars;"
H. R. 13195. An act to amend section 5153 of the Revised Statutes of the United States;
H. R. 13396. An act to amend section 5546 of the Revised Statutes;
H. R. 14260. An act to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901;
H. R. 12331. An act to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898;
H. R. 10001. An act for the relief of the heirs of Joseph T. Stout;
H. R. 523. An act for the relief of Arba N. Waterman;
H. R. 573. An act for the relief of Arthur Connell;
H. R. 568. An act for the relief of W. T. Fitzpatrick, Bedford City, Va.;
H. R. 3696. An act for the relief of the administrator of Mary R. Frost, deceased;
H. R. 14028. An act for the relief of Aquilla J. Daugherty;
H. R. 2659. An act for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn.;
H. R. 11830. An act for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;
H. R. 1452. An act to remove the charge of desertion and grant an honorable discharge to John C. Weckler;
H. R. 13530. An act to provide an American register for the foreign-built ship *Balclutha;*
H. R. 3003. An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools;
H. R. 8032. An act to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster;
H. R. 4120. An act to pay Eliza R. Crawford the amount of a United States loan certificate issued in 1779;
H. R. 8946. An act to pay to J. P. Ouzts $209.50 for services as deputy collector internal revenue for district of South Carolina;
H. R. 13609. An act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia;
H. R. 13068. An act to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Cavanagh, or his sons, Charles W. Cavanagh and William Cavanagh, died seized;
H. R. 14269. An act confirming a lease between J. W. Peglow and the Seneca Nation of New York Indians;
H. R. 11900. An act granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation in the State of North Dakota;
H. R. 1215. An act granting a pension to Charles M. Neet;
H. R. 3491. An act granting a pension to Melvina Greenawalt;
H. R. 4193. An act granting a pension to Levi C. Mann;
H. R. 6776. An act granting a pension to Annie Chamberlain;
H. R. 6409. An act granting a pension to Maria E. Hamill;
H. R. 7055. An act granting a pension to John G. Barr;
H. R. 7072. An act granting a pension to Mary Barron;
H. R. 7321. An act granting a pension to Armilda J. Luttrell;
H. R. 7688. An act granting a pension to Katy Kurth;
H. R. 7995. An act granting a pension to Jane Hunter;
H. R. 10758. An act granting a pension to Sallie B. Wilson;
H. R. 11303. An act granting a pension to Elizabeth M. Killen;

H. R. 11453. An act granting a pension to Charles E. Binns;
H. R. 11795. An act granting a pension to Columbus S. Whitaker;
H. R. 12232. An act granting a pension to Hannah Martha Dusenberry;
H. R. 12392. An act granting a pension to Henry Smith;
H. R. 12747. An act granting a pension to Arline E. McNutt;
H. R. 12801. An act granting a pension to Willis Brady;
H. R. 13725. An act granting a pension to Emily S. Knight;
H. R. 13794. An act granting a pension to Hix Patterson;
H. R. 364. An act granting an increase of pension to Lewis Black;
H. R. 1730. An act granting an increase of pension to Alfred H. Jones;
H. R. 1769. An act granting an increase of pension to Isaac H. Duvall;
H. R. 2163. An act granting an increase of pension to Mary L. Cramer;
H. R. 3648. An act granting an increase of pension to Charles W. Little;
H. R. 4132. An act granting an increase of pension to Elijah Baxter;
H. R. 4588. An act granting an increase of pension to Peter M. Hill;
H. R. 5645. An act granting an increase of pension to William H. H. Bonslough;
H. R. 7202. An act granting an increase of pension to Elizabeth Causey;
H. R. 7354. An act granting an increase of pension to Milbre V. Douglass;
H. R. 7544. An act granting an increase of pension to Florence L. Stuart;
H. R. 9503. An act granting an increase of pension to Samuel Baughman;
H. R. 9539. An act granting an increase of pension to Ella V. Coston;
H. R. 9843. An act granting an increase of pension to John A. Hardy;
H. R. 10334. An act granting an increase of pension to Nellie T. P. Koehler;
H. R. 11197. An act granting an increase of pension to Eugene Leahy;
H. R. 11998. An act granting an increase of pension to John W. Horner;
H. R. 12004. An act granting an increase of pension to George B. Smith;
H. R. 12204. An act granting an increase of pension to Mary A. Tunis;
H. R. 12386. An act granting an increase of pension to William N. Hall;
H. R. 12507. An act granting an increase of pension to Ezekiel Dawson;
H. R. 12732. An act granting an increase of pension to Elizabeth Reynolds;
H. R. 12816. An act granting an increase of pension to Samuel A. Needham;
H. R. 12939. An act granting an increase of pension to Thomas J. Kerstetter;
H. R. 13080. An act granting an increase of pension to John F. Carbee;
H. R. 13173. An act granting an increase of pension to Ellen Pratt;
H. R. 13186. An act granting an increase of pension to Francis M. Thompson;
H. R. 13329. An act granting an increase of pension to Grotius N. Udell;
H. R. 13520. An act granting an increase of pension to Cornelia Hays;
H. R. 13563. An act granting an increase of pension to James Hicky;
H. R. 13699. An act granting an increase of pension to Samuel C. F. Seabury; and
H. R. 13998. An act granting an increase of pension to Margaret L. B. Parsons.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communications to make to them; and that in compliance with the foregoing the Chair had appointed as said committee Mr. HOAR and Mr. COCKRELL.

The SPEAKER resigned the chair in favor of Mr. JOY, as Speaker pro tempore, amid general applause.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BAILEY] will please take the chair. [Applause.]

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

The committee to wait upon the President appeared at the bar of the House.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join a like committee on the part of the Senate to wait on the President of the United States to inform him that the two Houses had completed their business and were ready to adjourn unless he had some further communication to make, report that they have performed that duty and the President informs them that he has no further communication to make.

LEAVE TO PRINT.

Mr. JAMES R. WILLIAMS. Mr. Speaker, I ask unanimous consent, on account of sickness in my family, that I may have ten days instead of five to extend my remarks on the Army appropriation bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that he may have ten days within which to extend his remarks on the Army appropriation bill. Is there objection?

Mr. PAYNE. I hope there will be no objection.

The SPEAKER pro tempore. The Chair hears no objection.

RESOLUTION OF THANKS TO SPEAKER.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to offer the following resolution, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the thanks of this House are tendered to the Hon. DAVID B. HENDERSON for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair.

[Applause.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, the resolution just offered by myself, and read at the desk, gives expression, as I believe, to the real feelings of every member of the House. I know from declarations made by members of the minority in this Chamber that without exception such is the opinion they entertain. When this Congress convened in December, 1899, the majority of the House, in party caucus, chose the Speaker and claimed him as their own, but by his generous treatment of those of us of the minority, and by an impartial discharge of the duties of a most responsible and at times perplexing office, he has shown himself to be the Speaker of the whole House, and not simply of the one side to which he owed his selection.

The position of Speaker of the House is both judicial and political. It is judicial in this, that the occupant of the chair is at all times bound by and obedient to a code of rules prescribed for the government and control of the House, and in the execution of which he is but its organ and servant. It is at the same time political. In the very nature of things, he is expected in his position to look carefully to the interests of his party, and while he is to administer the affairs of his great office in a manner to best promote the public weal, it is not expected that he will fail to use all legitimate and proper methods to build up his party and fortify it against attack.

It may be that in moments of excitement and acrimonious debate, such as we frequently witness here, when words are flying fast and hot and when crimination and recrimination are indulged, often too far, between the two sides, some of us are of opinion that unfair means are adopted and injustice done by a display of too much partisanship, yet in cooler moments, when reason is restored and all are satisfied that no intention to do injustice or to be unfair is discovered, these things are forgotten, or are properly attributed to the infirmities of temper and the imperfections of human nature.

After quite a long experience in this body, speaking for myself, I am thoroughly convinced that the House in its membership is honest and sincere, and that each, from the Speaker to the humblest member, earnestly endeavors to see his duty to the country, and then to discharge it to the very best of his ability.

I will not detain the House further, but ask as a proper tribute from us all that the resolution be adopted. [Loud applause.]

The SPEAKER pro tempore (Mr. BAILEY of Texas). The question is on agreeing to the resolution offered by the gentleman from Tennessee [Mr. RICHARDSON]. The Chair will take a rising vote. All who are in favor of the resolution will signify it by rising.

[The members of the House rose in a body; and there was a loud outburst of applause.]

The SPEAKER pro tempore. Those voting in the affirmative will be seated. If there are any opposed to the adoption of this resolution, they will rise. [A pause.] No one rises; and the Chair declares the resolution unanimously adopted. The gentleman from Tennessee, the gentleman from New York [Mr. PAYNE],

and the gentleman from Missouri [Mr. JOY] are appointed a committee to wait upon the Speaker and notify him of the action of the House.

After a pause the Speaker, escorted by the committee just appointed, entered the Hall and ascended to the Speaker's desk, amid loud and prolonged cheering.

The SPEAKER pro tempore. Mr. Speaker, it becomes my very pleasant duty to inform you that the House of Representatives has just adopted, by a rising and unanimous vote, the resolution which I will ask the Clerk to read.

The Clerk read as follows:

Resolved, That the thanks of this House are tendered to Hon. DAVID B. HENDERSON for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair.

The SPEAKER pro tempore. And I may be permitted to add, on behalf of myself and every member of this House, that we all sincerely wish for you a long and prosperous life. [Prolonged applause, during which the Speaker pro tempore handed the gavel to the Speaker and returned to the floor.]

The SPEAKER. Gentlemen of the House of Representatives: On the 4th day of December, 1899, when I assumed the duties of this office, my heart was filled with gratitude because of the generous reception accorded me by this body, and it was filled with apprehension because of the labors and difficulties that I saw before me. I then appealed to you—all of you—for that support without which no presiding officer could be successful. Not for a single day or hour have you forgotten that request. [Applause.] No member of this great body on either side has ever for an hour endeavored to embarrass me in the discharge of my duties, but with untiring kindness and patience, and I feel almost with affection, you remembered my request. The kind greeting you accorded me then gave me intense pleasure. But after serving with you for two years, to have this resolution so generously adopted touches me profoundly, and you have given me the greatest joy of my political life.

This has been a busy, working Congress. No day or hour has been wasted; and the cheerfulness with which you all energetically and earnestly moved up to a discharge of your great duties will be noted by the historian and justly noted. Grave questions you have met earnestly and at times with that heat essential to great conflicts over mighty problems, but, gentlemen, not one disgraceful scene mars the record of the Fifty-sixth Congress. After the conflicts in which each has sought to assert his convictions I know that you part as friends. Take with you my profound gratitude. Wishing you pleasant recollections of these great two years, assuring you that I believe in my heart your country is stronger because you have been members of the Fifty-sixth Congress, I sincerely wish you a safe return to your homes. And I now declare the House of Representatives of the Fifty-sixth Congress adjourned without day. [Loud and long continued applause.]

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting statement in response to the resolution of the House calling for information as to a supplementary report of the Missouri River Commission on improvements at St. Joseph, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII Mr. MCCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 13295) for the erection of an equestrian statue to the memory of Brig. Gen. Casimer Pulaski at Washington, D. C., reported the same without amendment, accompanied by a report (No. 3003); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DRIGGS: A bill (H. R. 14337) to amend an act entitled "An act to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights," approved March 3, 1891—to the Committee on Patents.

By Mr. NEWLANDS: A bill (H. R. 14338) to provide for the disposal of the arid public lands and to authorize the construction of reservoirs for the storage of water and other necessary irrigation works for arid land reclamation, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. RIDGELY: A bill (H. R. 14339) to provide for the acquisition, purchase, construction, and condemnation by the United States of America of railroads lying in the Territories of the United States, the respective States, and the District of Columbia engaged in interstate commerce in carrying the mails, and to provide for the operation of said roads by the United States, and amending the act of Congress of February 4, 1887, entitled "An act to regulate interstate commerce," and for other purposes—to the Committee on Railways and Canals.

By the SPEAKER: A memorial of the legislature of California, against importation of pauper labor—to the Committee on Foreign Affairs.

Also, a memorial of the legislature of Montana, favoring the election of United States Senators by direct vote—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BURTON: A resolution (H. Res. 445) to nonconcur in Senate amendments to the bill of the House No. 13189—to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Fayette County, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Canonsburg, Pa., in behalf of the passage of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Resolutions of the American Paper and Pulp Association, in favor of currency legislation—to the Committee on Banking and Currency.

Also, resolution of the National Board of Trade, in favor of reclamation and settlement of the arid lands in the West—to the Committee on Irrigation of Arid Lands.

By Mr. COWHERD: Petition of the Woman's Christian Temperance Union of Kansas City, Mo., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. STANLEY W. DAVENPORT: Resolutions of the Chicago Federation of Labor in relation to the reclamation and settlement of the arid public lands—to the Committee on Irrigation of Arid Lands.

By Mr. DRISCOLL: Petition of citizens of North Syracuse, N. Y., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Resolutions of Western Packers' Canned Goods Association, praying that tin plate be placed on the free list—to the Committee on Ways and Means.

By Mr. FITZGERALD of Massachusetts: Resolutions of the National Business League in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. GRAHAM: Resolutions of Western Packers' Canned Goods Association, praying for the removal of the duty on tin plate—to the Committee on Ways and Means.

By Mr. HALL: Petitions of citizens of Clearfield and Elk counties, Pa., for the prohibition of the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. LAWRENCE: Petition of citizens of North Adams, Mass., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MANN: Petitions of citizens of Morgan Park and Hill Woman's Christian Temperance Union, of Chicago, Ill., in behalf of the passage of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the National Board of Trade, advocating the holding of the public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, resolution of the board of directors of the Board of Trade of Chicago, in relation to bills of lading—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Western Packers' Canned Goods Association, for the removal of the duty on tin plate—to the Committee on Ways and Means.

Also, resolutions of the American Paper and Pulp Association, in relation to the currency—to the Committee on Banking and Currency.

By Mr. NAPHEN: Petition of Sarah Clay Bennett and Martha

E. Root in behalf of the National American Woman Suffrage Association—to the Committee on the Judiciary.

Also, resolutions of the Chicago Federation of Labor, for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

By Mr. STEWART of Wisconsin: Resolutions of Cigar Makers' Union No. 287, of Marinette, Wis., urging that the public lands be held for the benefit of the people—to the Committee on the Public Lands.

By Mr. SULZER: Petition of the Western Packers' Canned Goods Association, Bloomington, Ill., asking that tin plate be placed on the free list—to the Committee on Ways and Means.

BILLS WHICH FAILED TO RECEIVE THE APPROVAL OF THE PRESIDENT.

H. R. 6146. An act for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers;

H. R. 5553. An act to correct the military record of William T. Pratt;

H. R. 12860. An act for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin;

H. R. 3825. An act to grant an honorable discharge to Frederick A. Noeller;

H. R. 2430. An act for the relief of Jacob L. Hanger, alias William T. Graham;

H. R. 7602. An act to correct the military record of Palmer G. Percy;

H. R. 7243. An act to remove the charge of desertion from the military record of Silas Nicholson;

H. R. 2464. An act to remove the charge of desertion from the military record of Nicholas Swingle;

H. R. 5599. An act granting an honorable discharge to James L. Proctor;

H. R. 1860. An act for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.;

H. R. 1130. An act for the relief of parties for property taken from them by military forces of the United States;

H. R. 636. An act for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C.;

H. R. 6591. An act for the relief of Austin A. Yates;

H. R. 2294. An act for the relief of J. V. Davis, of Alexandria, Va.;

H. R. 8270. An act for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry;

H. R. 2617. An act for the relief of the legal representatives of Edwin De Leon, deceased, for $8,000 claimed by him for judicial services;

H. R. 2619. An act for the relief of Agnes and Maria De Leon;

H. R. 628. An act for the relief of Hamilton M. Sailors;

H. R. 1959. An act for the relief of the heirs of George W. Saulpaw;

H. R. 4853. An act for the relief of the heirs at law of Edward N. Oldmixon;

H. R. 427. An act for the relief of heirs of Mrs. Tellisse W. Wilson;

H. R. 11828. An act to remove charge of desertion from military record of Charles F. Kramer;

H. R. 2472. An act to correct the military record of John H. Finfrock;

H. R. 4204. An act to correct the military record of George A. Winslow; and

H. R. 7603. An act to correct the military record of James A. Somerville.